

Nuneaton & Bedworth Borough Plan Review Examination

Response to Matter 2: Vision, Strategic Objectives and Development Strategy

Consortium Response

Gladman Developments, St Philips & Richborough

17 June 2024

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places
for over 60 years.

lichfields.uk

Contents

1.0	Introduction	1
2.0	Soundness	3
	Issue 1: Have the vision and strategic objectives been positively prepared, are they justified and consistent with national policy, and can all be realistically achieved?	3
	Issue 2: Has the development strategy and the overall distribution of development been positively prepared, is it justified by a robust and credible evidence base, and is it consistent with national policy?	8

Appendices

Appendix 1 Coventry Housing Requirement Rebuttal Note

Appendix 2 Housing Needs Assessment

Appendix 3 Distributing the unmet housing needs of the C&W HMA

Appendix 4 Report on the Examination of the Warwick District Local Plan

Appendix 5 Report on the Examination of the Stratford-on-Avon Core Strategy

Appendix 6 Shropshire Council: Examination of Shropshire Local Plan 2016-2038 –
Inspectors' Interim Findings following stage 1 hearings sessions

1.0 Introduction

- 1.1 This statement to Matter 2 (Vision, Strategic Objectives and Development Strategy) of the examination of the Nuneaton & Bedworth Borough Plan Review (“the BPR”) is submitted by Lichfields on behalf of a consortium of housebuilders and land promoters, comprising Gladman Developments Ltd (“Gladman”), St Philips and Richborough (“Richborough”) (i.e., “the Consortium”). Separate representations have been submitted in respect of the following Matters:
- 1 Matter 1 – Compliance with statutory procedures and legal matters; and
 - 2 Matter 3 – Housing.
- 1.2 It follows their respective representations to the Regulation 19 Publication draft version of the Borough Plan Review (2021-2039) (September-October 2023) in respect of their respective land interests. For reference, the representations comprised those identified under the below Representation IDs (see CD14) by the Council:
- Gladman: #111.2, #111.5, #111.6, #111.8, #111.9, #111.10, #111.11, and #111.12;
 - St Philips: #124.1, #124.2, #124.3, #124.4, and #124.5; and
 - Richborough: #110.10, #110.11, #110.1, #110.2, #110.3, #110.4, #110.5, #110.6, #110.7, #110.8, and #110.9.
- 1.3 The National Planning Policy Framework [NPPF] outlines that during the examination process, a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspector’s questions which set out why the Consortium considers changes to Nuneaton & Bedworth Borough Council’s (“the Council’s”) BPR are necessary to ensure the soundness of the BPR.
- 1.4 Submitted alongside the Plan, the Council has prepared a schedule of proposed modifications that it wishes to make to the BPR. Reference is therefore made to the policies and paragraphs within the BPR version incorporating the schedule of modifications unless otherwise stated.
- 1.5 The Plan was submitted in February 2024 and thus the September 2023 NPPF is wholly applicable for the purposes of assessing this plan, in accordance with paragraph 230 of the revised December 2023 NPPF.¹ Reference is therefore made to the September 2023 NPPF in response to the Inspector’s questions, unless otherwise stated.
- 1.6 This Statement has been prepared in line with the Guidance Note (EX/3) for the Examination. It is accompanied by a series of technical reports that set out the unmet housing needs of the Coventry and Warwickshire Housing Market Area [C&W HMA] and how these should be addressed by the constituent authorities within the C&W HMA. These include:

¹ Paragraph 230 sets out that Plans that reach pre-submission consultation (i.e. Regulation 19) on or before the 19th March 2024 will be examined under the relevant previous version of the Framework, rather than the current December 2023 version of the Framework.

- 1 **Coventry Housing Requirement Rebuttal Note (“the Rebuttal Note”) (Appendix 1)** – submitted by the Consortium to the Coventry Local Plan Review Issues and Options [IO] Consultation in respect of concerns regarding Coventry City Council’s [CCC] proposed approach to omitting the 35% Urban Centre uplift from their housing requirement, which is considered as ‘unjustified’;
- 2 **Housing Needs Assessment [HNA] (Appendix 2)** – Prepared by Lichfields, on behalf of the Consortium, which provides the Consortium’s alternative assessment of CCC’s projected household population and housing need, prepared prior to the Council’s 'Coventry & Warwickshire Housing & Economic Development Needs Assessment (November 2022)' [HEDNA]; and
- 3 **Distributing the unmet housing needs of the C&W HMA (“Functional Relationship Model”) (Appendix 3)** – Prepared by Lichfields, on behalf of the Consortium, considers how the unmet housing needs of the C&W HMA could be sustainably distributed amongst the constituent authorities based upon the functional relationships between the authorities.

2.0 Soundness

Issue 1: Have the vision and strategic objectives been positively prepared, are they justified and consistent with national policy, and can all be realistically achieved?

23. Do the vision and strategic objectives have regard to and provide for the development needs of the area as well as any identified unmet needs in neighbouring areas?

- 2.1 No. The Consortium considers that the Vision and Strategic Objective (4) does not have regard to and provide for identified unmet needs in neighbouring areas.
- 2.2 The NPPF is clear that the Government's objective is to significantly boost the supply of housing (Para 60). It is also clear that local plans should provide a "*positive vision for the future*" for the area (Para 15), should be "*prepared positively, in a way that is aspirational but deliverable*" (Para 16b), and "*prepared with the objective of contributing to the achievement of sustainable development*" (Para 16a). However, it is also clear that development plans "*must include strategic policies to address each local planning authority's priorities for the development and use of land in its area*" (Para 17). It also requires plans to contain strategic policies which should, as a minimum, provide for objectively assessed needs [OAN] for housing and other uses and those that cannot be met within neighbouring areas (Para 11b).
- 2.3 In this regard, the Consortium considers that the Council's current approach to its Vision and Strategic Objectives is unambitious, not positively prepared, and does not provide for the unmet housing needs of the C&W HMA. In particular, Strategic Objective 4: Housing is not ambitious, with it only seeking to provide a 'steady and adequate' level of housing for its own residents, and no reference is given to addressing the unmet housing needs of the C&W HMA.
- 2.4 This is plainly at odds with the NPPF; it is neither positive, aspirational, ambitious, nor seeking to boost the supply of homes. Instead, the Consortium considers that it highlights the Council's cynicism towards housing development in general, its desire to prepare a BPR designed specifically to limit housing growth and the Borough's role in addressing the unmet needs of Coventry. It also fails to recognise the positive benefits of new development to current residents and businesses with the Borough and wider C&W HMA who stand to benefit from getting to live in a new home. It also emphasises the Consortium's view that the Council's approach is fundamentally failing to accommodate, and is in fact explicitly seeking to defer meeting, the unmet needs of neighbouring authorities.
- 2.5 As discussed further in the Consortium's responses to Questions 24 and 27, there will be an acute unmet housing needs up to 2041 within the C&W HMA, arising predominantly from CCC. Indeed, the Consortium has undertaken a significant amount of detailed technical work to quantify the likely level of unmet housing needs arising from Coventry up to 2041 and how this could be distributed across the C&W HMA (See Appendix 1-3). Based on CCC's purported land supply up to 2041, it is likely that there will be an unaccounted-for

shortfall of between c.14,100 and c.39,780 dwellings up to 2041 arising within Coventry that needs to be addressed within the C&W HMA – or c.25,420 under the Consortium’s HNA’s (Appendix 2) alternative projections. This is a substantial amount, and based on a Functional Relationship model, the Council’s share would be between c.5,650 and c.15,910 dwellings (Appendix 3).

- 2.6 The Consortium has made representations to the Council consistently on this matter; however, at every plan-making stage, the Council has continued to ignore this point. Importantly, the Consortium considers that the Council’s proposed inaction in relation to addressing Coventry’s unmet housing need is unacceptable and unjustified and that the Council should make an appropriate contribution to meeting these needs within the BPR, or otherwise fail the tests of soundness in relation to the Duty to Cooperate [DtC] (i.e. Paras 24 and 27 of the NPPF).
- 2.7 In the context of the NPPF’s requirements and given the critical need to address these unmet housing needs, the Consortium considers that the Council’s Vision and Strategic Objective 4 should explicitly refer to the need for new development and growth and meeting the housing needs of the area in full, alongside recognising the wider C&W HMA context and the need to meet unmet housing needs. It should also be a more ambitious plan and set out a positively prepared long-term vision for the area in accordance with the NPPF, one of the fundamental purposes of good plan-making.

24. Does the Plan address/meet any identified unmet needs in neighbouring areas? If not, why not?

- 2.8 No. The Consortium considers that, fundamentally, the BPR does not address the unmet housing needs of the C&W HMA. The NPPF is clear that:
- “Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas” (Para 11b) (Emphasis added)*
- 2.9 It is also clear that Local Plans should be:
- “based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground” (Para 35c) (Emphasis added)*
- 2.10 In this regard, the Consortium has significant concerns with respect to the Council’s lack of acknowledgement within the BPR in respect of the unmet housing needs arising in the C&W HMA. In essence, the BPR is silent on this matter, despite the clear requirements of the NPPF to address these needs rather than defer. Indeed, although not explicitly stated by the Council that it does not consider the C&W HMA needs to be an issue, this is tacitly implied by the distinct absence of any reference to unmet housing needs arising from the C&W HMA within the BPR, and the Council’s Duty to Cooperate Compliance Statement (2024) (CD4) (“the DtC Statement”) deferring this issue to an as yet unsigned C&W HMA Memorandum of Understanding [MoU].
- 2.11 Fundamentally, the Consortium disagrees with deferring meeting these needs now on the assumed premise that they are not yet defined. Whilst CCC hasn’t explicitly confirmed that they cannot meet their needs in full, as set out in CCC’s DtC discussions (Para 5.3, CD4),

this should not preclude the Council from making provision through the BPR now, even though the BPR is at a more advanced stage than CCC's Local Plan Review.

- 2.12 By way of example, the Inspector's findings at the Warwick Examination in Public [EiP] remain relevant. In particular, the Council's tacitly implied approach – of seeking to defer the unmet need issue rather than deal with it – was lambasted by the Inspector for the Warwick District Local Plan (Appendix 4). Similarly, at the Stratford-on-Avon District Council [SOADC] Core Strategy EiP, the Inspector was clear that the fact that Coventry's previous unmet housing needs figure was yet to be refined through EiP, it remained appropriate for the unmet housing needs to be met through SOADC's plan:

“... this figure has yet to be tested at examination. Moreover there might be policy or other constraints that restrict the capacity of the City to accommodate its housing need within its administrative boundary more severely than is currently envisaged. In short, whilst the mechanism is broadly agreed the precise scale of Coventry's unmet need that Stratford might have to accommodate is not known at the present time.” (IR 63, Appendix 5) (Emphasis Added)

“... At the CW HMA level there is a good evidence base but that ‘target’ will be refined over time as a result of future examinations particularly because, as envisaged in Figure 4.1, a proportion of the unmet needs of Birmingham will have to be added to that total. However, applying the pragmatic approach that the Government seeks, this is not a reason to find the Plan unsound because it contains mechanisms to address the unmet need at the point that it is known.” (IR 64, Appendix 5) (Emphasis Added)

- 2.13 More recently, at the Shropshire EiP the Inspectors recognised that Black Country Authorities [BCAs] had previously identified that they could not meet their needs in full, through the preparation of a joint plan. Importantly, whilst the joint plan collapsed, and therefore the Shropshire Local Plan was much more advanced on the emerging separate BCA plans, the Inspectors were clear that:

“14. ...Despite this new plan making context, there is no reason before us to find that the identified unmet needs in the Black Country area will disappear.

15. However, we are mindful that confirmation of the exact quantum requires the examination of these plans which is some time away and other councils will also be assisting in meeting some of the unmet needs since it is not and should not be the sole responsibility of Shropshire Council to meet all of ABCAs unmet needs for housing and employment land... Nonetheless it remains an important strategic cross boundary matter that should not be deferred.” (IF 14-15, Appendix 6) (Emphasis Added)

- 2.14 In essence, even though CCC has not yet defined – via the examination or adoption – the scale of its unmet housing needs, it is plain to see that CCC will invariably confirm this at the next stage of plan-making. As such, it is simply not the case that until this has been confirmed the Council should be able to defer addressing this matter through the BPR.

- 2.15 Notwithstanding the above, whilst Coventry has not declared an unmet need *per se*, the HEDNA would appear to suggest that Coventry's housing needs have markedly reduced when compared to the Standard Methods [SM] local housing needs [LHN] figure (Inc. the 35% Urban Centres Uplift), it is clear to the Consortium that Coventry will again struggle to fully address its housing needs within its boundaries. Indeed, even if the HEDNA's (EB7.1)

identified need for Coventry was accepted (39,280 dwellings between 2021 and 2041) – discussed further below – based on Coventry’s up-to-date land supply (25,158 dwellings up to 2041), there would be an unmet housing need of c.14,000 dwellings.

- 2.16 It is noted that Coventry has recently consulted on an IO, in which CCC has proposed omitting the 35% Urban Centres Uplift – required by the PPG² when using the SM framework – from its housing requirement. The consequence of this approach would suggest that Coventry would not be able to meet its own needs in full but would have a c.4,000 dwelling shortfall. However, the Consortium has strongly objected to this approach on the basis that it would not accord with the NPPF, nor the Government’s ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore ‘unsound’.
- 2.17 Indeed, in support of representation to the IO consultation, the Consortium submitted the Rebuttal Note (Appendix 1), which set out the Consortium’s detailed concerns. This was supported by an HNA (Appendix 2), which provided the Consortium’s alternative assessment of Coventry’s projected household population and housing need, prepared prior to the HEDNA (EB7.1).
- 2.18 In summary, the Rebuttal Note concluded (*inter alia*) that the 35% uplift is a Government-led ‘policy-on’ approach to ensuring that cities are the focus of development and that the Government can meet its 300,000 dwellings per annum [dpa] objective. It is not right, nor appropriate, for Coventry to contest this policy-on approach through their Local Plan Review. Moreover, as one of the largest urban authorities in the country, Coventry must play its part in resolving the housing crisis that exists nationally and contributing towards ensuring that the Government’s target of delivering 300,000 homes per annum by the mid-2020s is met. Indeed, other authorities in the West and East Midlands who are also subject to this uplift have sought to meet these needs.
- 2.19 Crucially, Coventry’s approach is at odds with their own evidence base – namely, the HEDNA (EB7.1) – and the evidence produced by the Consortium. In all likelihood, the Council’s OAN is between the HEDNA’s (EB7.1) 1,964 dpa and the HNA’s 2,529 dpa. In either event, both point to a markedly higher level of need than Coventry was proposing within the IO consultation. There is, therefore, no reasonable justification for Coventry to seek to depart from applying the 35% uplift.
- 2.20 On this basis, and when having regard to Coventry’s purported land supply up to 2041, the Consortium considers that it is highly likely that there will be an unaccounted-for shortfall of between c.14,100 and c.39,780 dwellings up to 2041 arising within Coventry that needs to be addressed within the C&W HMA – or c.25,420 under the Consortium’s HNA’s alternative projections.
- 2.21 Whilst it is acknowledged that the C&W HMA has historically sought to take a collaborative ‘evidence-led’ approach to address the HMA’s housing needs, to date, there has been no commitment from the C&W HMA authorities to address any unmet needs from Coventry in the likely event that they arise from this process – indeed, the C&W HMA MoU has not materialised. Indeed, the Council appears to have elected to defer dealing with this important cross-boundary matter which should be addressed now, per the requirements of

² PPG ID: 2a-004

the NPPF. In addition, neither of the Statements of Common Ground [SoCGs] between the Council and the other C&W HMA authorities to support the Council's tacit position that a review of the BPR would not be required to address any unmet housing needs, as required by the Duty to Cooperate (Paras 24 and 27 of the NPPF).

- 2.22 If the Council fails to address these needs, the implications are that those needs will not simply disappear; they will either result in increasingly negative housing outcomes for people living in the city, or they will mean households will have to look elsewhere to meet their housing needs. The practical implication is that unmet needs in Coventry will mean greater net outward migration than the ambient trends accounted for within the population projections, which will affect those areas in close proximity, particularly Nuneaton and Bedworth.
- 2.23 In this regard, it is noted that the Council considers that the flexibility provided by c.136 dpa uplift included within the Council's 545 dpa housing requirement to align with economic growth ambitions and the inclusion of the requirement is a 'minimum' would provide flexibility to respond to any unmet needs arising from the C&W HMA – although not explicitly stated anywhere within the BPR. However, as the Consortium has set out in response to Question 27 below, this approach is unjustified and does not accord with the requirements of the NPPF and would only make a marginal contribution at best.
- 2.24 Instead, the Consortium considers that there is a strong and cogent need to distribute the C&W HMA's unmet needs based on functional relationships between the authorities. Indeed, this approach would align with the C&W HMA's previous approach, and which was endorsed by Inspectors at the C&W HMA respective Local Plan EiPs. Without this, there is a very real risk that the region's housing needs may not be fully met. To this end, Lichfields, on behalf of the Consortium, has prepared the Functional Relationship Analysis (Appendix 3) to demonstrate how the C&W HMA's needs could sustainably be distributed amongst neighbouring authorities based upon the functional relationships between those authorities.
- 2.25 For Nuneaton and Bedworth, Lichfields' model indicates that to address the unmet housing needs of Coventry, a reasonable distribution would see Nuneaton and Bedworth take 40% of Coventry's unmet needs up to 2041, above the Borough's own housing needs. On the basis of the likely level of unmet housing needs arising in Coventry between 2021 and 2041, this would equate to a contribution between c.5,650 and c.15,910 dwellings. Even if the Council were to adopt the BPR, in advance of the emerging CCC Local Plan Review, the Council is, and should be, acutely aware of the issues that the C&W HMA is facing. This highlights that the Council's current approach set out in the BPR would clearly not fully grapple with this strategic matter now. Indeed, the Council has not even committed to including this matter as a reason for an early review of the plan – as set out in Policy DS8 – which is discussed further in the Consortium's response to Matter 3.
- 2.26 Importantly, the Consortium's Functional Relationship Analysis demonstrates how an evidence-led approach (e.g., functional relationships) would strongly suggest that the Council should be making a significant contribution towards meeting the unmet housing needs of Coventry now (i.e. c.5,650 and c.15,910-dwellings). It also serves to highlight that the Council's proposed inaction in relation to addressing Coventry's unmet housing need is unacceptable and unjustified and that represents a failure in respect of the DtC. In essence, the Consortium strongly contend that the Council has chosen to defer, rather than

meaningfully deal with this strategic cross-boundary issue now. The Council's proposed approach to its housing requirement and unmet housing need is therefore unsound and further growth is required within the District to meet these needs.

Issue 2: Has the development strategy and the overall distribution of development been positively prepared, is it justified by a robust and credible evidence base, and is it consistent with national policy?

27. Does the development strategy in general, and Strategic Policy DS3 incorporate sufficient flexibility within it? Particularly with regard to the potential for unmet housing and employment need arising from neighbouring areas in the future.

- 2.27 No. As alluded to in the Consortium's response to Question 24 and in response to Matters 1 and 3, the Consortium strongly contends that the Council's proposed housing requirement does not incorporate sufficient flexibility to respond to the unmet housing needs of the C&W HMA in the future, which is a fundamental issue and a key reason the Consortium considers that the BPR is unsound.
- 2.28 The Council's DtC Statement (CD4) suggests that the additional housing being proposed in the BPR housing requirement and the inclusion of the requirement being a 'minimum' would provide flexibility. This is reaffirmed in the Council's HEDNA (EB7.1) and Development Needs and Supply Background Paper 2024 ("DNSB Paper") (CD15), in which the Council states that the additional 136 dpa uplift to the housing requirement to align with economic growth ambitions established in the Towards our Housing Requirement (November 2022)' (EB8) report ("THR Report") provides headroom to contribute to unmet needs arising from other areas in a context in which the additional jobs growth envisaged would still be accommodated within the overall housing need identified in the sub-regional HEDNA (Para 2.21, CD15).
- 2.29 However, the Consortium considers that the Council's purported flexibility is unjustified. The Consortium considers that, whilst there may be some logic to the Council's implied proposition, as the purpose of the uplift to align with economic growth is to provide homes for additional workers who may well come from elsewhere in the C&W HMA, the Consortium consider any contribution to the wider unmet housing needs of the C&W HMA from 136 dpa uplift is likely to be very modest. Particularly in the context of there likely being an unaccounted-for shortfall of between c.14,100 and c.39,780 dwellings up to 2041 arising within Coventry that needs to be addressed within the C&W HMA – or c.25,420 under the Consortium's HNA (Appendix 2) alternative projections.
- 2.30 In any event, even if it were accepted that the c.136 dpa uplift for economic growth could be attributed in its entirety to meeting Coventry's needs – which the Consortium strongly contends it can't – this would still only result in the Council making provision for c.2,448 dwellings over the 2021 to 2039 plan period. This is far below the contribution the Consortium contends the Council will need to make provision for through the BPR to ensure the needs of the C&W HMA are met (i.e. c.2,448 compared to c.5,650 as a minimum).

- 2.31 Importantly, SOADC tried to undertake a similar approach through their Core Strategy in the last round of plan-making within the C&W HMA in relation to addressing unmet housing needs arising from Birmingham. In particular, SOADC argued that anything above the basic demographic need is ‘surplus’ to the District’s requirements and available to meet the unmet needs of others – in that case, Birmingham’s. Conversely, representors contested this and argued a similar point to the Consortium’s above. Notably, in considering this matter, the Inspector referred to the Planning Advisory Service [PAS] guidance. Whilst the PAS guidance accepted that there was a lack of guidance on how to deal with this – even then under the 2012 version of the NPPF – it considered that *“the starting point must be that any unmet needs should be in addition to the assessment of the OAN [objectively assessed needs]”* (IR 60, Appendix 5). The Inspector went on to state that:
- “The economic led projection, whilst well above the basic demographic need, is required to meet the level of jobs being created and so meets the needs of the District. Nevertheless it is reasonable to say a: “very modest”¹⁰⁹ component of the OAN would contribute to the unmet needs of others. If it were otherwise there would be no purpose in an assessment being conducted at the HMA level: the District could simply focus on meeting its own needs. However the demand for housing transcends administrative boundaries for a number of reasons, such as those identified in the Guidance¹¹⁰”* (IR 60, Appendix 5) (Emphasis Added)
- “The MoU has identified a figure but this is based on an incorrect assumption that everything over and above the demographic need is ‘surplus’ and available to meet the needs of others. Given that misconception it would not be appropriate to hold the Council to the figure in the MoU.”* (IR 62, Appendix 5) (Emphasis Added)
- 2.32 The corollary of this is that SOADC had engaged with the C&W HMA authorities and sought to distribute their needs via an evidence-based approach (i.e. a Functional Relationship model). A position that the Inspector supported, stating that the *“position in Coventry is the opposite in the sense that the mechanism for distribution within the HMA appears to have a large measure of agreement and the basis for the split, which under the DtC is ultimately a matter for the Councils concerned, appears to be founded on sound principles¹¹³.”* IR 63, Appendix 5).
- 2.33 Notwithstanding the above, the Council has only now, through the additional evidence prepared to support the submission of the BPR and not the preceding public consultations, set out a position wherein it is ‘banking’ the economic growth uplift to its housing requirement to provide flexibility to meet the needs of the C&W HMA. Notably, there is no reference to this approach in the Council’s Sustainability Appraisal (July 2023) (CD7.2) (“the SA”) and it’s testing of reasonable alternative housing requirements. Furthermore, the Council’s approach is not set out within the BPR itself. In this regard, the BPR is not clearly written or unambiguous.
- 2.34 Again, a similar approach to the Council’s implied subsuming of unmet housing needs into the overall housing requirement was challenged by the Inspector in Shropshire. Shropshire Council’s emerging Local Plan seeks to make provision for 30,8000 dwellings over the plan period (Policy SP2), against the identified need for 28,750 dwellings, based on the ‘high growth scenario’. They averred that, following DtC discussions, the emerging Local Plan would make provision for c.1,500 dwellings of the BCA’s unmet housing needs. However,

this is not stated within the draft Policy SP2. In this regard, the Inspector, in their Interim Findings (Appendix 6), stated:

“11. At the hearings, the Council suggested that these 1,500 new homes and 30ha of employment land is accounted for within the aforementioned housing and employment land requirement in policy SP2. We cannot see how. They are not mentioned in the SA and form no part of the growth scenarios considered therein. Consequently, we are concerned that there has been a conflation of housing need and housing requirement and also employment land need and employment land requirement – but these are two distinctly different things.

12. You will appreciate that we need clarity on this point, and the Plan itself must also be equally clear. We therefore ask that the Council provides us with a Topic Paper that unambiguously sets out the need for housing over the plan period and the local plan’s housing requirement and the same for employment land. On the face of it, it seems to us that the latter is likely to be the sum of Shropshire’s housing/employment need plus the 1,500/30ha homes/employment land relating to unmet need in the Black Country – whatever the case may be, these requirement figures should be made clear in the Plan, through a main modification to policy SP2.” (IF 11-12, Appendix x) (Emphasis Added)

- 2.35 Notwithstanding that the Consortium strongly contends that draft Policy DS3 does not incorporate sufficient flexibility to respond to the unmet housing needs of the C&W HMA, in the context of Shropshire EiP, the Council’s purported approach is not clearly set out within the BPR itself, which in itself is a matter of soundness.
- 2.36 On the basis of the above, the Consortium does not consider that Council’s housing requirement makes any contribution, explicitly or implicitly to meeting the C&W HMA’s unmet needs. Whilst it is recognised that the Council is at a more advanced stage of plan-making than Coventry, even if CCC are able to make provision for further land within their administrative area, the extent of the unmet housing needs arising up to 2041 is likely to be acute. This was the case in the last round of plan-making within the C&W HMA and is therefore likely to be the case again.
- 2.37 Again, whilst the figure may change, this was a matter considered by the Inspector in the SOADC EiP. The Inspector was clear that the absence of a defined unmet housing need figure for the C&W HMA would not render the plan unsound (IR 64, Appendix x) (i.e. tacitly supporting addressing unmet housing needs now, despite uncertainty on the final quantum). It is therefore critical that the Council makes an appropriate and separate contribution towards assisting in addressing this unmet housing need now, as these needs are acute and unlikely to be met in full by the C&W HMA authorities without conflicting with the wider policies in the NPPF.

Appendix 1 Coventry Housing Requirement Rebuttal Note

Briefing Note

Our ref 65208/02/JK/MWS
Date 10 August 2023
To Gladman, St Philips Land Ltd and Richborough
From Lichfields

Subject Coventry's Approach to Calculating Housing Needs

1.0 Introduction

- 1.1 This Briefing Note has been prepared by Lichfields, on behalf of a consortium of housebuilders and land promoters, comprising Gladman Developments Ltd ("Gladman"), St Philips Land Ltd ("St Philips") and Richborough ("Richborough") (i.e., "the Consortium"), to demonstrate that Coventry City Council's ("the Council") proposed approach to omitting the 35% Urban Centre uplift from their housing requirement, set out in the Issues and Options [IO] consultation is 'unjustified'.
- 1.2 It has been prepared in support of each member of the Consortium's respective representations to the Council's current IO consultation on the Local Plan Review being held between 18 July and 12 September 2023. This Note is also supported by a Housing Needs Assessment [HNA] (Appendix 1), prepared by Lichfields, which provides the Consortium's alternative assessment of Coventry's projected household population and housing need, which was prepared prior to the Council's 'Coventry & Warwickshire Housing & Economic Development Needs Assessment (November 2022)' [HEDNA].
- 1.3 It is important to note that the Consortium welcomed the Council's commitment to reviewing the Local Plan (December 2017), as the National Planning Policy Framework (2021) [NPPF] is clear that local planning authorities [LPAs] should review their Local Plans every five years (i.e., para 33). The Consortium also accepts, in principle, the derivation of independent population projections and agrees with the HEDNA's approach of utilising the broad Standard Method [SM] framework in calculating an objectively assessed housing need [OAHN].
- 1.4 However, the purpose of this Note is to demonstrate to the Council that the currently proposed approach to calculating the Local Plan Review's housing requirement would not accord with the NPPF, nor the Government's ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore 'unsound'.
- 1.5 The Consortium considers that there is a clear and cogent need for the Council to ensure that the Council's housing requirement has proper regard to the 35% Urban Centres uplift to ensure that the Council's housing needs up to 2041 are met.

2.0 Planning Policy and Guidance

National Planning Policy Framework

- 2.1 The revised NPPF was updated on 20 July 2021 and sets out the government’s planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.
- 2.2 The NPPF is clear that:
- “Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas” (paragraph 11b) (Emphasis added)*
- 2.3 It goes on to state that:
- “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.” (paragraph 31) (Emphasis added)*
- 2.4 It is also clear that Local Plans should provide:
- “a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs21;” (paragraph 35a) (Emphasis added)*
- 2.5 In terms of housing needs, the NPPF is clear that the Government’s objective is to significantly boost the supply of homes (Para 60). It goes on to state that:
- “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.” (paragraph 61) (Emphasis added)*

Planning Practice Guidance

- 2.6 Planning Practice Guidance [PPG] provides further guidance on the SM, which provides an annual number, based on a 10-year baseline, which can be applied to the whole plan period.¹ It states that it uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.²
- 2.7 It goes on to provide guidance on how the minimum annual local housing need [LHN] figure is calculated using the Standard Method, which comprises the baseline 2014 household projections, the application of a median affordability-based adjustment, a cap to

¹ PPG ID: 2a-012

² PPG ID: 2a-002

help ensure that the minimum LHN figure calculated using the standard method is deliverable, and a 35% urban centres uplift (where applicable).³

- 2.8 Importantly, the PPG is clear that for the purposes of calculating the LHN, the 2014-based household projections should be utilised as the baseline household projections, instead of more recent datasets *“to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”*⁴
- 2.9 In respect of the affordability adjustment, the PPG states that this is applied to ensure that the standard method responds to price signals and that the minimum LHN figure starts to address the affordability of homes.⁵ In terms of the cap, the PPG highlights that:
- “The cap reduces the minimum number generated by the standard method but does not reduce housing need itself. Therefore, strategic policies adopted with a cap applied may require an early review and updating to ensure that any housing need above the capped level is planned for as soon as is reasonably possible.*
- Where the minimum annual local housing need figure is subject to a cap, consideration can still be given to whether a higher level of need could realistically be delivered. This may help prevent authorities from having to undertake an early review of the relevant policies.”*⁶
- 2.10 Following the consultations received in relation to the Government’s proposed changes to the standard method, as a part of the ‘Changes to the current planning system’ consultation, in December 2020 the Government revised the standard method. The PPG⁷ was revised to include a further stage within the standard method which applies a 35% uplift for those urban local authorities in the top 20 cities and urban centres list.
- 2.11 Crucially, the PPG is clear that the LHN figure generated by the standard method is a minimum starting point (i.e., actual housing need may be higher than this figure).⁸ Moreover, elsewhere in the guidance, the PPG differentiates between the minimum figure arrived at through the standard method and the ‘actual’ housing need which can be higher. The PPG goes on to state that it would be appropriate for a higher figure to be adopted on the basis of employment, infrastructure, affordable housing or unmet housing needs.⁹
- 2.12 However, the PPG is also clear that an alternative approach to the Standard Method can be taken in ‘exceptional circumstances’, stating that:

³ PPG ID: 2a-004

⁴ PPG ID: 2a-005

⁵ PPG ID: 2a-006

⁶ PPG ID: 2a-007

⁷ PPG ID: 2a-004

⁸ PPG ID: 2a-002

⁹ PPG ID: 2a-010

“If it is felt that circumstances warrant an alternative approach... authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances.”¹⁰ (Emphasis added)

2.13 And goes on to state:

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.

Any method which relies on using household projections more recently published than the 2014-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”¹¹ (Emphasis added)

3.0 The Council’s Proposed Approach

3.1 As noted above, the Council is currently undertaking a consultation on the IO. Although the Local Plan Review is at an early stage, and the IO is a high-level consultation, with the Council generally not defining its chosen approach to various issues, the Council has been clear in its views on its housing requirement for the 2021 to 2041 plan period. The Council’s IO is supported by a suite of initial technical documents, including the HEDNA and Housing Topic Paper (July 2023) (“the Topic Paper”), which it relies on to support its position. A summary of the Council’s position is set out below:

The Issues and Options Consultation

3.2 Chapter 3 of the IO sets out a review of the overall levels of growth and the duty to cooperate. Drawing on the HEDNA, the IO states that the Topic Paper has set out three housing needs options for the 2021-2041 plan period:

- **Scenario 1:** SM for LHN - a total minimum need of 63,760 new homes;
- **Scenario 2:** The HEDNA’s 2021 Census ‘trend-based projections’ which are run through the SM’s framework (Inc. 35% Urban Centres uplift applied) - a total of 39,280 new homes; and
- **Scenario 3:** The HEDNA’s 2021 Census ‘trend-based projections’ which are run through the SM’s framework (Exc. 35% Urban Centres uplift applied) - a total of 29,100 new homes.

3.3 Ultimately, the IO concludes that *“Scenario 3 represents the true need for Coventry, as it is based on the best available evidence. The Council, therefore, considers that this is the*

¹⁰ PPG ID: 2a-003

¹¹ PPG ID: 2a-015

figure that we should deliver and is seeking views on this approach." In particular, the IO states that the Council disagrees with the implementation of the SM's 35% Uplift, stating that *"the figure is not justified and appears entirely arbitrary, having no relevance to addressing local need."* – it is noted that the Topic Paper provides no further justification for this position.

- 3.4 In terms of supply, Chapter 5 provides an updated land supply position for the Council. The Council highlights that, as of 31st March 2023, it has a supply of 25,158 dwellings (including c.3,000 windfall dwellings). So, against the Council's preferred housing need figure, the Local Plan Review would need to make further allocations for only c.3,942 dwellings up to 2041.

The Evidence Base

- 3.5 As noted above, both the IO and Topic Paper refer to the Council's HEDNA. The HEDNA was prepared by Icen Projects,¹² jointly on behalf of the 6 LPAs¹³ forming the Coventry and Warwickshire Housing Market Area [HMA] ("C&WHMA"). Notably, the HEDNA draws on the C&WHMA, which was first established in the joint Coventry and Warwickshire Strategic Housing Market Assessment in 2013.
- 3.6 The purpose of the HEDNA was (*inter alia*) to consider the overall housing need within the C&WHMA between 2021 and 2041 and up to 2050, having regard to the standard method, an interrogation of demographic trends and other relevant considerations including economic growth potential. It should also be noted that the HEDNA has also considered the demographic analysis and modelling of housing needs capturing initial Census data released on 28th June 2022.
- 3.7 Given concerns regarding Coventry's population projections and mid-year population estimates with regards to perceived inaccuracies in respect of the impacts of the student population on the housing need figures – a point which the UK Statistics Authority has acknowledged¹⁴ and ONS have indicated would be reviewed¹⁵ – the HEDNA sought to deviate from the SM's use of the 2014-based household projections; as required by the PPG.¹⁶ In particular, the HEDNA considered that there were two main considerations justifying a departure from the 2014-based projections, which comprised:

¹² Supported by Cambridge Econometrics (in respect of economic forecasts), Holt Commercial (in respect of commercial property market dynamics), MDS Transmodal (in respect of warehousing and logistics needs) and Justin Gardner Consulting (JGC) (on demographics, affordable housing and specialist housing needs).

¹³ Coventry City Council, Nuneaton and Bedworth Borough Council, North Warwickshire Borough Council, Rugby Borough Council, Warwick District Council and Stratford-on-Avon District Council

¹⁴ Review of population estimates, and projections produced by the Office for National Statistics (May 2021), UKSA

¹⁵ Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/futureplansforresearchonpopulationestimatesandprojections/2021-07-29>

¹⁶ PPG ID: 2a-005

“• Firstly that demographic data on which projections are based is demonstrably wrong and cannot realistically be used for trend-based projections on which the Standard Method is based; and

• Secondly that demographic trends have changed so much that it is unrealistic to use a set of projections based on information in a trend period to 2014, which is now over 8-years old.” (Para 5.16).

- 3.8 On the basis of the PPG’s guidance that an alternative approach to the SM can be taken in ‘exceptional circumstances’,¹⁷ the HEDNA deviates away from the main SM’s required use of the 2014-based projections and prepares its own ‘trend-based projections’. In this regard, the HEDNA derives its own sub-national population projections based on several different datasets to reflect a 10-year migration trend. Namely, it has utilised the population/migration trends from the 2018 Sub-National Population Projections [SNPP] and applied adjustments to reflect the Mid-Year Estimates and 2021 Census on births/mortality and migration.
- 3.9 These are then applied to the households as of 2021 recorded in the Census, with the 2014-based Household Representative Rates, to derive a new household projection for each authority. These baseline population projections are then run through the SM framework (i.e., an uplift for the median affordability ratio), and, importantly, the 35% Urban Centres uplift is applied. Consequently, the HEDNA concludes on an objectively assessed need of 1,964 dwellings per annum [dpa] for Coventry – which is 1,224 lower than the 2014-based LHN.

4.0 Coventry’s Housing Needs

- 4.1 Crucially, the Consortium strongly contends that the Council’s proposed approach to identifying its housing requirement for the Local Plan Review is neither positively prepared, nor justified as it is contrary to the Council’s own evidence base.
- 4.2 In addition, in arbitrarily removing the 35% Urban Centres uplift, the Council is likely to need to only focus on limited growth within the city centre, which is unlikely to accommodate the Council’s needs nor reflect the size, type and tenure of housing needed for different groups in the community as required by paragraph 62 of the NPPF. This includes affordable housing, families with children and older people, all of which have to be considered in the context of determining the minimum number of homes needed. In this regard, the Consortium’s fundamental concerns are set out below:

1. The Principle of the Urban Centres Uplift

- 4.3 As the Council will be aware, following the consultations received in relation to the Government’s proposed changes to the SM, as a part of the ‘Changes to the current planning system’ consultation, in December 2020 the Government revised the standard method. The PPG¹⁸ was revised to include a further stage within the SM which applied a

¹⁷ PPG ID: 2a-003

¹⁸ PPG ID: 2a-004

35% uplift for those urban local authorities in the top 20 cities and urban centres list; which includes Coventry.

- 4.4 As set out in more detail within the Consortium’s HNA, prepared by Lichfields, the Consortium accepts that the broad principle of deriving independent population projections is acceptable in this instance (i.e. deviating from the 2014-based household projections). The Consortium also agrees with the HEDNA’s approach of utilising the broad SM framework in calculating an OAHN. This is because there is a cogent and logical argument that the broad principles of the SM framework should still be utilised to calculate Coventry’s housing needs.
- 4.5 Firstly, prior to the introduction of the SM in the NPPF and PPG, housing need was calculated through OAHN. At the time, the PPG was clear that there was no one methodological approach or use of a particular dataset(s) that would provide a definitive assessment of development needs. However, it did outline an overarching methodology for preparing need assessments in a transparent manner, based on the following criteria:
- 1 Be proportionate and not consider purely hypothetical scenarios, only future scenarios that could reasonably be expected to occur;
 - 2 Be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need;
 - 3 Utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need;
 - 4 Consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates; and
 - 5 Take account of employment trends and appropriate market signals including market indicators of the balance between the demand for and supply of dwellings and affordable housing needs.
- 4.6 In essence, at their core, OAHN calculations principally assessed projected household growth over a plan period, based on official projections with sensitivity testing on demographic trends (where necessary) and applied a ‘market signals uplift’ ranging between 10-30%.
- 4.7 In this regard, the use of independent projections in the SM framework would be consistent with the PPG’s SM requirements in so far as it would be based on realistic demographic data, which reflects the UK SA and ONS’ acknowledgement that the 2014-based projections do contain some level of inaccuracy for Coventry. Furthermore, in principle, the application of a ‘market signals uplift’ is not too dissimilar to the SM, which applies an affordability uplift to the baseline household projections. Which, in Coventry’s case would be 14.75% – based on a 2022 median workplace affordability ratio of 6.36 – and therefore well within the 10-30% market signal ranges previously utilised.

- 4.8 Secondly, the PPG¹⁹ was revised to include a further stage within the SM which applies a 35% uplift for those urban local authorities in the top 20 cities and urban centres list – this was to ensure that the Government achieved its 300,000 dpa housing target. Fundamentally, the Government's rationale for the uplift was based on three factors: maximising existing infrastructure; responding to the availability of land arising from structural change in retail and commerce, thereby maximising brownfield rather than greenfield development, and responding to climate change by reducing high-carbon travel.
- 4.9 Housing need is a concept that has long been untouched by policy factors that should promote or constrain the delivery of housing in different areas. Indeed, the *Gallagher Estates Ltd v Solihull MBC* judgment confirmed that OAHN is an objectively assessed need for housing in an area, leaving aside policy considerations, whereas a housing requirement is a figure which reflects, not only the assessed need for housing but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. In essence, local housing need is 'policy off' and a housing requirement is 'policy on'.
- 4.10 However, the SM now incorporates three spatial policy judgements into the assessment of need. As such, at its heart, the introduction of the 35% urban centres uplift is clearly a Government-led 'policy-on' approach to calculating housing needs. Therefore, the Consortium strongly contends that, even if an authority were to defer from the SM, the application of the 35% uplift would still be required to meet the Government's expectations. Although not explicitly stated, it is clear that the Council's own HEDNA aligns with this method of thinking, given that it still utilises the SM framework and applies the 35% uplift in deriving the recommended OAHN for the city.
- 4.11 In this respect, the PPG clearly sets out the stages of the SM framework, of which, for the top 20 largest urban areas, a 35% uplift is included. Whilst the Consortium accepts that the principle of deriving independent population projections that reflect realistic demographic data for Coventry based on the 2021 Census and latest household projections (i.e. the 2018-based projections) is acceptable and that the use of the SM framework is appropriate, the Consortium objects to the Council's arbitrary 'picking and choosing' of stages within the SM framework; contrary to their own evidence base.
- 4.12 The 35% uplift is a Government-led 'policy-on' approach to ensuring that cities are the focus of development and that the Government can meet its 300,000 dpa objective. It is not right, nor appropriate, for the Council to contest this policy-on approach through the Local Plan Review. Ultimately, the Consortium contends that, as one of the largest urban authorities in the country, Coventry must play its part in resolving the housing crisis that exists nationally and contributing towards ensuring that the Government's target of delivering 300,000 homes per annum by the mid-2020s is met. Indeed, other authorities in the West and East Midlands who are also subject to this uplift have sought to meet these needs.
- 4.13 By way of example, Birmingham's recent 'Birmingham's New Local Plan 2020-2042 Issues and Options' highlighted that the Council would not depart from the SM and the 35% uplift.

¹⁹ PPG ID: 2a-004

Similarly, prior to the Black Country Plan Review ceasing production, the Black Country Authorities accepted the 35% uplift to Wolverhampton's LHN and sought to address this within the area and through the Duty to Cooperate. More importantly, Leicester City has also accepted the 35% uplift and worked with the wider Leicester and Leicestershire HMA authorities to address the unmet housing needs arising from the city through the Duty to Cooperate. Notably, in both Birmingham and Leicester, Icení was responsible for the preparation of the housing needs evidence, and in both instances, applied the 35% uplift to the LHN – as such, the Council's own consultant is consistent in their view that the 35% uplift should be applied. There is, therefore, no reasonable justification for the Council to seek to depart from applying the 35% uplift.

2. Meeting Affordable Housing Needs

- 4.14 Both the NPPF²⁰ and PPG²¹ are clear that the LHN figure generated by the SM is a minimum starting point (i.e., actual housing needs may be higher than this figure). Moreover, elsewhere in the guidance, the PPG differentiates between the minimum figure arrived at through the standard method and 'actual' housing need which can be higher.
- 4.15 It is 'actual' housing need that represents the objectively assessed need to which the tests in paragraph 11 of the NPPF apply, and there is also a requirement for the Council to test reasonable alternatives.²² Therefore, an LPA should actively identify whether there are reasons for testing higher figures as estimates of housing needs.
- 4.16 Fundamentally, this is because the standard method does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour, nor considers local factors, policy and aspiration which might legitimately mean the Council should seek to plan for more homes than the minimum. It goes on to state that it would be appropriate for a higher figure to be adopted on the basis of employment, infrastructure, affordable housing or unmet housing needs.²³
- 4.17 Whilst the Council's HEDNA has derived its own baseline population projections for Coventry, crucially, it runs these through the SM framework. In this regard, the HEDNA's recommended OAHN should be considered equally as the minimum starting point (i.e., actual housing needs may be higher than this figure).
- 4.18 In the context of affordable housing, the PPG²⁴ is clear that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Notably, the Council's HEDNA identified a net need of 1,887 dpa of Social/Affordable Rented Housing between 2021 and 2041 and 149 dpa of Affordable Homes for Ownership of the same period. Notably, the HEDNA recognises that *"The affordable housing need is high relative to the overall housing need."* (Para 15.24). Indeed, the need for Social/Affordable Rented Housing in Coventry equates to 96% of the

²⁰ Paragraph 60

²¹ PPG ID: 2a-002

²² PPG ID: 11-017

²³ PPG ID: 2a-010

²⁴ PPG ID: 2a-024

HEDNAs recommended OAHN for Coventry, which includes the 35% Urban Centres Uplift. Furthermore, the overall need for Affordable Rented and Ownership homes would exceed the Council's OAHN, again, this is even when the 35% Urban Centres uplift is included in the OAHN. Of course, if the Council's proposed approach were taken, the affordable housing need would be well in excess of the Council's housing requirement.

- 4.19 Since the adoption of the Council's Local Plan in 2017, against the 2015 Joint SHMA's²⁵ identified affordable housing requirement of 600 affordable homes per annum, the Council has consistently failed to come close to meeting these needs. Whilst neither the NPPF nor PPG requires these identified needs to be met in full, as per the Kings Lynn Judgment,²⁶ against a need for 6,600 affordable homes between 2011 and 2022, the Council has only delivered 2,244 (gross) new affordable dwellings. Even without accounting for Right to Buy losses, the Council has grossly undelivered against these needs, which has likely compounded the need for affordable housing within the existing population and led to the marked increase in needs identified within the HEDNA. The consequence of this is that since 2011, the median quartile workplace-based ratio in Coventry has worsened from 4.62 to 6.36. Although this remains below the national average (8.28), since 2011, the affordability ratio in Coventry has increased by 38%, whilst nationally over the same period it has only increased by 22%.
- 4.20 This low level of delivery is likely to be a result of a significant proportion of the Council's completions arising from Purpose Built Student Accommodation [PBSA]. Indeed, as noted in the 'Authority Monitoring Report 2021/22' ("2022 AMR"), the Council is not able to meet its affordable housing need, as such developments are not required to do so:
- "3.16. Of the 3,818 completions in 2021/22, 2,918 were on sites that did not meet the affordable housing threshold (these were largely PBSA sites but also included 297 completions on sites that fell below the threshold)."*
- 4.21 Moreover, as recognised in the previous 2021 AMR, in which only 74 (gross) affordable homes were delivered, *"applicable sites provided a total of 15% Affordable Housing on site, substantially lower than the policy requirement. This shortfall is due to the fact that viability arguments had been accepted for sites contributing 259 dwellings completions this year"* (Para 3.17).
- 4.22 The Consortium recognises that the HEDNA's identified affordable housing need would be part of the overall housing need for the city, and not in addition to the LHN figure. It also understands that neither the NPPF nor PPG requires the Council to meet these needs in full. Indeed, the precise provision of affordable housing will need to be tested through a viability study to ensure that any proposed affordable housing contribution would not undermine the deliverability of the Local Plan – as required by Paragraph 34 of the NPPF.
- 4.23 However, the above highlights that, by removing the 35% Urban Centres uplift from the Council's OAHN calculation, the Council will be unlikely to come close to addressing much of this need. By way of example, over the last ten years, the Council has only delivered an

²⁵ Updated Assessment of Housing Need: Coventry-Warwickshire HMA (September 2015)

²⁶ Borough Council of Kings Lynn and West Norfolk v Secretary of State for Communities and Local Government, ELM Park Holdings Ltd ([2015] EWHC 2464)

average of 224 affordable homes (gross) per annum. Even if losses to stock through the Right to Buy were ignored and the Council's delivery of affordable homes continued at this rate, the Council would only be able to address c.11% of the identified need. If further growth is directed to the city centre, where viability arguments can be made to reduce the provision of affordable housing delivered, or given that most of the Council's purported 25,158 dwelling supply already benefits from outline planning permission permitted with a lower level of affordable housing provision than needed, this would further worsen.

- 4.24 As such, it is clear from the Council's own evidence base that there is an acute and substantial level of demand for affordable housing within the city, far greater than identified in the 2015 SHMA. Therefore, the Consortium strongly contends that the inclusion of the 35% uplift to the OAHN would significantly assist in helping deliver affordable housing, and crucially, necessary to addressing worsening affordability. In the absence of this, the Consortium considers that the Council's proposed approach is not positively prepared nor justified because it would not meet the number, type and size of dwellings required in the city, and is therefore unsound.

3. An Appropriate Mix of Dwellings

- 4.25 The NPPF is clear that "a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay." (Paragraph 60). It also states that:

"...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)." (Para 62)

- 4.26 The HEDNA identified the below mix of market and affordable housing, which clearly identifies a large need for larger family homes. Indeed, 50% of the market needs is for dwellings with 3+ bedrooms.

Table 4.1 Suggested Market and Affordable Housing Mix - Coventry

	1-bed	2-bed	3-bed	4+ bed
Market	10%	40%	40%	10%
Affordable Rent	30%	35%	25%	10%
Affordable Ownership	20%	45%	25%	10%

Source: Tables 15.6 and 15.7, 2022 HEDNA

- 4.27 However, with the Council's proposed approach and based on their available supply set out in the Council's 'Housing and Economic Land Availability Assessment 2023' – 25,158 dwellings (including c.3,000 windfall dwellings) – the Council would only need to make provision for a further c.3,942 dwellings up to 2041. However, whilst a large proportion of the supply is already permitted, a large majority of this existing permitted land supply relates to flatted PBSA or flatted schemes on previously developed land. These types of

development tend to lend themselves more to, naturally, students and not families, and smaller 1-2 bedroom properties. The reliance on such a supply, largely consisting of PBSA and high-density residential accommodation, would not reflect the current demand for new housing in Coventry as identified above.

- 4.28 This details that there is currently a high demand for larger-family dwellings and a significantly low demand for one-bedroom dwellings. In any event, as recognised in the HEDNA, even with the demand for 2-bed properties, analysis of demand in the city suggests that a majority of 2-bedroom homes in the future should be houses (Para 12.54). The evidence, therefore, shows that the proposed removal of the 35% uplift is likely to limit future growth within the city to the current supply, which is unlikely to meet the number, type and size of dwellings required in city, and is therefore unsound. Again, the Consortium contends that the inclusion of the 35% uplift and therefore the need for an additional supply of housing, is required to ensure that these needs can be met.

4. The HEDNA

- 4.29 As noted above, in general, the Consortium considers that the principle of deviating from the 2014-based household projections and utilising the SM framework is acceptable in principle. To this end, the Consortium are broadly supportive of the Council's HEDNA and its general approach to calculating the OAHN for the city. That being said, the Consortium has some concerns regarding the HEDNA's approach. In particular, it is noted that the HEDNA applied age-banded migration rates within its baseline population projections. However, it is fundamentally unclear as to how/if these have been applied, as this is not explicitly stated or shown in the HEDNA.
- 4.30 Notwithstanding this, prior to the Council's HEDNA being published, the Consortium commissioned the HNA to provide the Consortium's alternative assessment of Coventry's projected household population to be used as a basis for calculating the level of housing need arising from the city in the future.
- 4.31 These alternative projections have regard to the 2021 Census population and household data, published on 28 June 2022, and made adjustments to the official 2018-based projections to take account of the differences in migration over the 10-year intercensal period. Notably, Lichfields' 2011-21 implied migration trend projections equated to 1,669 per annum (as opposed to the 1,735, which is households converted into dwellings). On the basis that it is entirely appropriate to utilise the SM framework, the HNA then ran these projections through the SM framework.
- 1.1 As such, when adjusted for the 5.96 2021 median workplace-based affordability ratios (the latest at that time), this resulted in a 12.25% uplift. At the time of the HNA, the SM framework would have applied a 40% cap, as the Local Plan was still considered up-to-date. In addition, as set out above, Lichfields considered that the 35% uplift is required. As a result, the HNA considered that Coventry's minimum OAHN figure would be 2,325 dpa. Notably, this was the same as the then 2014-based LHN for Coventry, by virtue of the application of the 40% cap on the Local Plan figure. However, given that the 40% cap was removed in December 2022, the HNA also assessed the OAHN with the 40% cap included, which resulted in Coventry's minimum OAHN figure increasing to 2,529 dpa.

Table 4.2 Coventry's Housing Need

	With 40% Cap	Without 40% Cap
Per annum household change	1,669	1,669
Affordability ratio (2021)	5.96	5.96
Uplift to household growth	12.25%	12.25%
Initial Local Housing Need	1,873	1,873
Cap	Yes (40% - Local Plan Housing Requirement)	N/A
	1,722	
Urban Uplift	Yes – 35%	Yes – 35%
Total Local Housing Need (per annum)	2,325	2,529

Source: Lichfields analysis

- 4.32 The Consortium strongly contends that the Council fundamentally lacks any justification for proposing a housing requirement of 1,455 dpa. Fundamentally, this is at odds with the Council's own evidence base – namely, the HEDNA – and the evidence produced by the Consortium. In all likelihood, the Council's OAHN is between the HEDNA's 1,964 dpa and the HNA's 2,529 dpa. In either event, both point to a markedly higher level of need than the Council is proposing within the IO.

5.0 Summary and Conclusion

- 5.1 This Briefing Note has been prepared by Lichfields, on behalf of the Consortium to demonstrate that the Council's proposed approach to omitting the 35% Urban Centre uplift from their housing requirement, set out in the IO consultation is 'unjustified'.
- 5.2 It is important to note that the Consortium welcomed the Council's commitment to reviewing the Local Plan, which aligns with the requirements of the NPPF. Furthermore, importantly, in general, the Consortium also accepts, in principle, the derivation of independent population projections and agrees with the HEDNA's approach of utilising the broad SM framework in calculating an OAHN.
- 5.3 However, the Council's currently proposed approach to calculating the Local Plan Review's housing requirement would not accord with the NPPF, nor the Government's ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore 'unsound'.
- 5.4 Ultimately, the 35% uplift is a Government-led 'policy-on' approach to ensuring that cities are the focus of development and that the Government can meet its 300,000 dpa objective. It is not right, nor appropriate, for the Council to contest this policy-on approach through the Local Plan Review. On this basis, the Council, as one of the largest urban authorities in the country, must play its part in resolving the housing crisis that exists nationally and contributing towards ensuring that the Government's target of delivering 300,000 homes per annum by the mid-2020s is met. Indeed, other authorities in the West and East Midlands who are also subject to this uplift have sought to meet these needs. There is, therefore, no reasonable justification for the Council to seek to depart from applying the 35% uplift.

- 5.5 In addition to the above, there is an acute and substantial level of demand for affordable housing within the city, and the inclusion of the 35% uplift to the OAHN would significantly assist in helping deliver affordable housing, and crucially, necessary to addressing worsening affordability. Moreover, given the high demand for larger-family dwellings and a significantly low demand for one-bedroom dwellings and that a majority of 2-bedroom homes in the future should be houses the proposed removal of the 35% uplift is likely to limit future growth within the city to the current supply, which is unlikely to meet the number, type and size of dwellings required in city, and is therefore unsound. When taken together, the inclusion of the 35% uplift and therefore the need for an additional supply of housing, is required to ensure that number, type and size of dwellings required in the city, can be addressed.
- 5.6 Finally, the Consortium strongly contends that the Council fundamentally lacks any justification for proposing a housing requirement of 1,455 dpa. Fundamentally, this is at odds with the Council's own evidence base – namely, the HEDNA – and the evidence produced by the Consortium. In all likelihood, the Council's OAHN is between the HEDNA's 1,964 dpa and the HNA's 2,529 dpa. In either event, both point to a markedly higher level of need than the Council is proposing within the IO.
- 5.7 In conclusion, the Consortium strongly considers that there is a clear and cogent need for the Council to ensure that the Local Plan Review housing requirement has proper regard to the 35% Urban Centres uplift to ensure that the Council's housing needs up to 2041 are met. As such, the Council's Local Plan Review should, as a minimum, seek to plan for Option 2. In the absence of this, the Council's Local Plan Review would not accord with the NPPF, nor the Government's ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore 'unsound'.

Appendix 2 Housing Needs Assessment

Celebrating
60
years

Housing Needs Assessment Calculating Coventry's Housing Needs (2021-2041)

On behalf of Gladman, St Philips Land Ltd, Richborough Estates,
and Ainscough Strategic Land

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

**Celebrating 60 years
of innovation in planning.**

lichfields.uk

Contents

1.0	Introduction	1
	Structure	1
2.0	Context	3
	Official Population Measures	3
	Coventry's Population	5
	Office for Statistics Regulation findings	12
	Summary	12
3.0	Planning Policy and Guidance	14
	National Planning Policy Framework	14
	Planning Practice Guidance	14
4.0	Coventry's Market Signals	17
	1. House Sales	17
	2. Rental Prices	18
	3. Median Affordability Ratios	19
	4. Completions	20
	5. Overcrowding	22
	Summary	22
5.0	Lichfields' Assessment of Coventry's Future Housing Growth	24
	Methodology	24
	Scenarios assessed	25
	Outputs	26
	Summary	28
6.0	Lichfields' Assessment of Coventry's Housing Need	29
	Coventry's Housing Needs 2021-2041	31
	Removal of the Cap	32
	Summary	33
7.0	Conclusions	34

1.0 Introduction

- 1.1 This Housing Needs Assessment [HNA] has been prepared by Lichfields, on behalf of a consortium of housebuilders and land promoters, comprising Gladman, St Philips Land Ltd (“St Philips”) Richborough Estates (“Richborough”) and Ainscough Strategic Land (“Ainscough”) (i.e., “the Consortium”).
- 1.2 This HNA considers the concerns raised by MPs and CPRE – acknowledged by the UK Statistics Authority¹ and Office for National Statistics [ONS]² – with regards to inaccuracies with Coventry city’s population projections and mid-year population estimates and the impacts this has on the housing needs being planned for within the city and wider Coventry & Warwickshire Housing Market Area [HMA] (“C&W HMA”) and the potential level of housing needs arising in Coventry between 2021 and 2041 that Coventry needs to plan for as a part of the emerging Local Plan Review.
- 1.3 Although the National Planning Policy Framework (2021) [NPPF] requires local planning authorities [LPAs] to use the Standard Method (Para 61), the Planning Practice Guidance [PPG] enables LPAs to use an alternative method for calculating housing needs in ‘exceptional circumstances.’³ In this context, the Consortium is acutely aware that a joint C&W HMA HEDNA (“Joint HEDNA”) is being prepared to provide an up-to-date assessment of the housing and employment needs of the HMA and each authority, which will likely depart from the Standard Method and have regard to the 2021 Census.
- 1.4 However, the purpose of this HNA is to provide the Consortium’s alternative assessment of Coventry’s projected household population to be used as a basis for calculating the level of housing need arising from the city in the future. These alternative projections have regard to the 2021 Census population and household data, published on 28 June 2022, and make adjustments to the official 2018-based projections to take account of the differences in migration over the intercensal period.
- 1.5 The purpose of this HNA is also to inform the Consortium's wider work on establishing the extent of Coventry’s emerging unmet housing need and how the unmet housing needs of the C&W HMA could sustainably be distributed amongst the constituent authorities of the HMA based upon the functional relationships between the authorities. It has been prepared in support of each member of the Consortium's respective representations to Nuneaton and Bedworth Borough Council’s (“the Council”) forthcoming Pre-Submission (“the PS”) consultation on the Borough Plan Review.

Structure

- 1.6 The structure of this as follows:
- Section 2 sets out the context of the concerns raised in relation to the household projections for Coventry;

¹ Review of population estimates, and projections produced by the Office for National Statistics (May 2021), UKSA

² Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/futureplansforresearchonpopulationestimatesandprojections/2021-07-29>

³ PPG ID: 2a-003

- Section 3 sets out the relevant national planning policy and guidance;
- Section 4 sets out the various market signals within Coventry including affordability ratios, property prices, completions, and rental costs;
- Section 5 sets out Lichfields' methodology for calculating Coventry's household projections for the 2021-2041 period;
- Section 6 assesses the housing need for Coventry based on Lichfields' household projections and the Standard Method; and
- Section 7 provides a summary and set of conclusions arising from this HNA.

2.0 Context

Official Population Measures

- 2.1 The ONS is responsible for collecting, analysing and publishing a range of demographic, housing, labour market and economic data for England. This includes censuses (taken once every decade, most recently undertaken in 2021) and a wide range of surveys and other official data and estimates prepared on a monthly, quarterly, and yearly basis.
- 2.2 In terms of measuring population (and population change – births, deaths and migration) ONS relies on two main sources:
- 1 **Censuses** – these provide a ‘snapshot’ of the population usually resident in an area on Census day (most recently 21st March 2021) by sex and age (and other characteristics). It is typically regarded as the most accurate measure of the population available (in part due to the legal requirement for households to complete it); the 2011 Census had an estimated confidence interval (95%) of 0.15% across England and Wales – down from 0.21% in 2001; and
 - 2 **Mid-Year Estimates [MYEs]**– these provide estimates of the population on an annual basis (in June of each year), based on data on the number of births, deaths and migration. Recording of births and deaths is based on official records (which are considered to be near-perfect in the UK), whilst migration estimates are based on several sources including the International Passenger Survey [IPS], school census data, patient register data, state pension data and higher education data. ONS notes that a limitation of the migration estimates is that they involve combining multiple administrative sources managed by other organisations whose primary purpose is delivering services (such as healthcare, higher education and benefits) rather than collecting data for population statistics. Difficulties also arise, for example, with those who do not ‘interact’ with any of those data sources but who may be recorded in the census, where people move multiple times within a year, or areas which experience relatively high proportions of non-usual resident populations and/or international migration (e.g. areas with high student populations).
- 2.3 ONS applies a consistent methodology nationally for its MYEs and does not adopt bespoke methodologies for different local authorities where there may be errors in the data sources used. This is partly for consistency in approach nationally (since, for example, over-recording of migration in one area may be accounted for by under-recording in the neighbouring area, and therefore on balance the impact is net zero) and to repeat this even for a small proportion (let alone all) of the 300+ local authorities would unlikely be feasible on an annual basis. Therefore, if there are genuine ‘errors’ in the population estimates for one area, these will unlikely lead to manual amendments to the MYEs by ONS, until the next Census.

Unattributable Population Change [UPC]

- 2.4 Following each census MYEs are revised; this is because it is rare that MYEs have perfectly recorded population change in an area over the previous 10 years and therefore some revisions are necessary to ‘recalibrate’ the population. These adjustments are termed ‘Unattributable Population Change – UPC’, i.e. the amount of population change (between

each census – e.g. between 2001 and 2011) which cannot be accounted for by births, deaths or migration recorded by the MYEs in the intervening years. This is done at a national level and a local authority level. There are three causes of UPC:

- 1 Errors in the census estimates (either at the start year, end year, or both);
- 2 International migration estimates; and
- 3 Internal migration estimates (at the sub-national level only).

- 2.5 It is difficult to attribute this change to any one factor, although ONS has prepared an analysis which suggests which factors are more likely than others in each local authority. If UPC nationally or in a given local authority is due to errors in the census estimates then population estimates are unaffected, because the change can be accounted for in errors in the start/end population, rather than the components of change (births, deaths, migration). If the UPC is due to migration errors this implies the data sources either over-estimated migration (if the UPC is negative, because a negative component is needed to calibrate the estimate) or under-estimated migration (if the UPC is positive, for the opposite reason). If there is reason to believe the census estimates are broadly correct and an area has a substantial amount of UPC (relative to its size) this could suggest a systematic mis-recording of migration.
- 2.6 Once recalibrated after each census, subsequent MYEs are based on this revised population, and the process repeats until the next census. Because errors compound over time (because the population estimate in a given year is the basis for the estimate of the subsequent year) this also means estimates produced immediately after census years are typically more accurate than estimates produced in later years. For example, a population estimate for 2012 will likely be more accurate than an estimate for 2019, because the 2012 estimate is only one year on from the 2011 Census, compared with eight years on in 2019.
- 2.7 It is important to note that for the 2001-11 period ONS does not make a formal adjustment for UPC at the national level because the amount of UPC is within the margins of error of the censuses. In other words, looking nationally, the amount of UPC in MYEs between 2001 and 2011 could – in theory – be fully accounted by the margin of error in the censuses, in which case there would be implied errors within the estimates of births, deaths and migration at the national level. It is unknown whether ONS will draw the same conclusions for the 2011-21 period at the national level.

Use of Mid-Year Estimates in Projections

- 2.8 It is important that MYEs represent a reasonably accurate picture of population change – notably migration – within a local authority because MYEs are the basis of ONS's population projections. ONS produces Sub-National Population Projections [SNPPs] typically every two years, most recently the 2018-based SNPPs which were published in 2020. SNPPs were not published in 2022 (these would have been 2020-based); these will be delayed allowing for the analysis of the 2021 Census results.
- 2.9 In its SNPPs, ONS trends forward recent trends of migration (in and out, internal and international) in an area, as recorded in the MYEs. Therefore, if there are any systemic errors within migration estimates of MYEs in a certain area, they will feed into future population projections. These population projections form the basis of household

projections⁴ which are used within the standard method for assessing local housing needs as set out in the NPPF (2021) and PPG. Prior to the introduction of the standard method, these population and household projections still formed the basis of housing need assessments for local plans, as they are the only official set of centrally produced projections.

- 2.10 As noted in Section 1.0 above, the NPPF expects that local authorities will use the standard method to assess their local housing need, except in 'exceptional circumstances' which should be tested through local plan examination. As the standard method has only been in place for a few years there are currently no examples of authorities which have successfully adopted 'exceptional circumstances' to suggest their local housing need is lower than that suggested by the standard method. However, purported errors within the underlying population projections and estimates might constitute such circumstances; this is the position being advanced by Coventry City Council.

Coventry's Population

The Censuses

- 2.11 The censuses provide a reliable basis for Coventry's population (it is understood that the issues raised locally do not suggest the censuses are inaccurate) and there is no reason to believe that any census figures are over- or under-estimates⁵ of Coventry's population. The 2021 Census recorded Coventry's population as 345,300, an increase of 50,321 (17.1%) since 1991, as shown in Table 2.1. Coventry's population has grown faster over time, increasing by just 2.0% in the 1991-2001 period, 5.4% in the 2001-11 period and 8.9% in the 2011-21 period.

Table 2.1 Coventry Population Change – 1991, 2001, 2011 and 2021 Censuses

	1991	2001	2011	2021
Census	294,979	300,848	316,960	345,300
10-year change up to...	~	5,869	16,112	28,340
	~	2.0%	5.4%	8.9%
20-year change up to...	~	~	21,981	44,452
	~	~	7.5%	14.8%
30-year change up to...	~	~	~	50,321
	~	~	~	17.1%

Source: ONS

- 2.12 Faster growth in Coventry's population in the most recent decade is not in and of itself unusual, particularly in the context of international migration trends⁶ which have been steadily rising in the long-term nationally and Coventry's relatively high proportion of non-UK born residents, and in the context of housebuilding trends in Coventry specifically. In the 2001-11 period Coventry saw 644 homes per year (net) built; indeed in 2003/04, there were -8 net additions to the dwelling stock. By the next decade (2011-21) this had doubled,

⁴ The 2018-based and 2016-based iterations of the household projections were published by ONS; prior to this (i.e. 2014-based and earlier) these were published by DLUHC (formerly MHCLG/DCLG).

⁵ Statistically significant

⁶ For example see p.6 [here](#) which shows long-term net migration trends to the UK

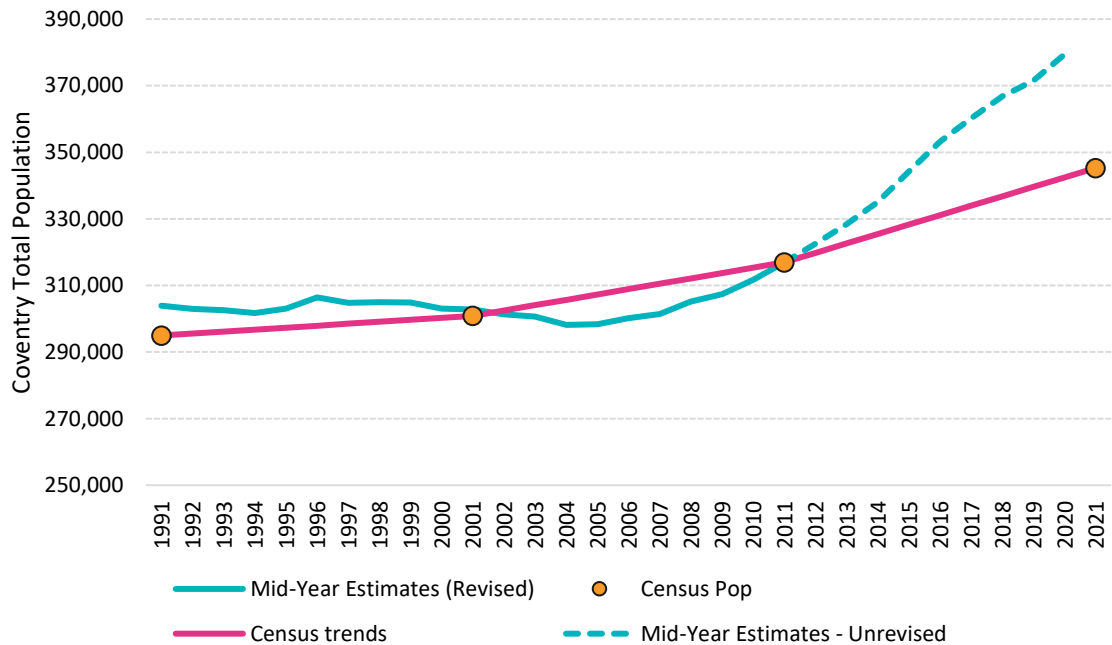
with Coventry seeing 1,205 homes per year (net) built, including a peak of over 2,200 built in 2019/20⁷. Therefore, we would expect Coventry's population to have grown quicker in the 2011-21 period than in the 2001-11 period, all things being equal. Other factors, such as the expansion of higher education institutions in Coventry and economic growth, could also have contributed.

Mid-Year Estimates

- 2.13 Figure 2.1 shows the MYEs for the 1991-2021 period, along with the censuses. Estimates prior to 2011 are revised to account for all census results (in 1991 there does however remain a small margin of error), hence up to 2011, the MYEs align with the censuses in the relevant years. For the 2001-11 period, this process has already occurred; after the results of the 2011 Census became available, ONS revised its 2001-11 MYEs so that the population of Coventry aligned with the Census. This means the MYEs appear to align with the censuses, however, the chart below does not show the significant amount of UPC which was required to be added to the estimates (in this case, a negative UPC).
- 2.14 For the most recent decade (2011-21) however the MYEs are yet to be revised because the 2021 Census results have only been available for a few months. In time ONS will revise its 2011-21 MYEs and will add in an element of UPC (in this case, negative) so that the MYEs produce a population in 2021 which aligns with the 2021 Census. Figure 2.1 shows that the MYEs suggested Coventry's population was growing far quicker than the 2021 Census has shown to be the case. Whilst ONS will unlikely attribute this to a specific cause/s (such as errors in one or both censuses, internal or international migration), absent any indication that the censuses are inaccurate, the Council's view is that this is a result of over-recording of migration (either a result of recording too many people entering Coventry, too few leaving or both). As noted above, these estimates feed into the population and household projections which inform the standard method; the implication being that – in the Council's view - if historic population growth is being systemically over-recorded due to inaccurate recording of migration, this will over-estimate future population/household growth and housing need.

⁷ Source: DLUHC Live Table 122 Net additional dwellings by local authority

Figure 2.1 Coventry Population - 1991-2021

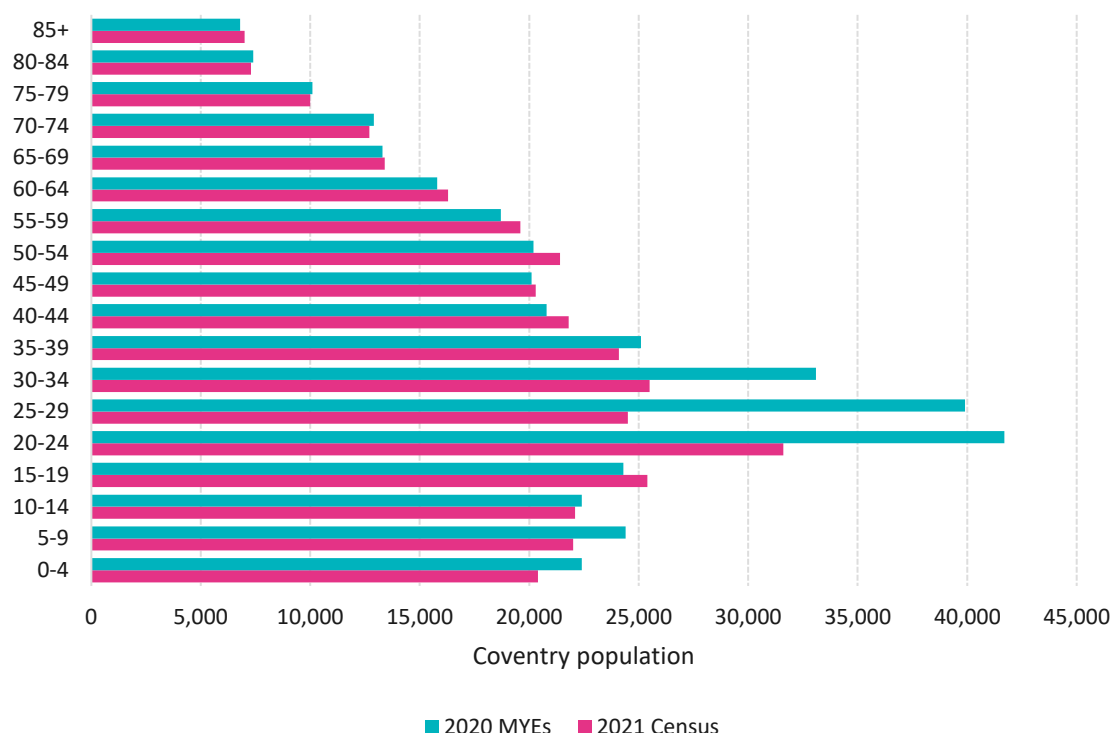


Source: ONS Censuses and Mid-Year Estimates. Note: 1991-2001 estimates were not revised, hence 1991 population does not match the 1991 Census.

2.15

Figure 2.2 shows the difference in Coventry's population between the 2020 mid-year estimates (the latest available) and the 2021 Census. Whilst we would expect minor differences because they refer to slightly different points in time (June 2020 vs March 2021) the differences are significant, especially amongst younger adults. The 2020 estimates anticipated almost 35,000 more residents in Coventry in the 20-34 age groups than the 2021 Census showed were actually resident in the City. This is important because these are the age groups which will form a significant number of Coventry's households in the near future. By way of illustration, at the national level, 38% of males aged 25-29 form a household (as of 2021); for those age 45-49 this rises to 75%. Aged on 20 years, a cohort of 100 males aged 25-29 today would form 38 households but would form almost double this number of households by the time they are aged 45-49.

Figure 2.2 Coventry population - 2020 Mid-Year Estimates and 2021 Census by 5-year age group



Source: Lichfields analysis of ONS MYEs and Census 2021

Unattributable Population Change in Coventry – 2001-11

2.16 To understand what could happen to the 2011-21 MYEs following the results of the 2021 Census, we can assess what was recorded to have happened in the 2001-11 period. As noted above, the 2001 Census recorded a population for Coventry of 300,848; the 2011 Census showed that in 10 years this increase by 16,112 (5.4%) to 316,960. MYEs show that Coventry's population grew as a result of natural change (i.e. more births than deaths), reflecting its relatively young population. As shown in Table 2.2 Coventry's population grew by an average of around 1,300 per year (13,400 total) as a result of natural change. The MYEs also suggested that Coventry saw net out-migration to the rest of the UK (i.e. more people left Coventry for the rest of the UK than moved into Coventry, around -19,000 in total or -1,900 per year) but saw net immigration from overseas (i.e. more people arrived in Coventry from overseas than emigrated, around +16,000 in total or +1,600 per year). Overall, this suggested Coventry's population should have grown to nearly 332,000 by 2011.

2.17 However, the 2011 Census shows that the actual resident population in 2011 was closer to 317,000; some 15,000 less than suggested by the original MYEs as a result of births, deaths and migration in the prior decade. As a result, the revised MYEs contain a component of UPC which totals around -15,000; approximately 1,500 each year, as shown in Table 2.2. Working on the assumption that this error is not attributable to errors in either of the censuses, this could suggest that the level of overall net migration to Coventry between 2001 and 2011 was over-estimated by around 15,000. As shown in Table 2.2 the total amount of net migration (internal and international) seen in the 2001-11 period amounted to an estimated +15,694, therefore a UPC component of -15,017 accounts for almost all of

the level of net migration seen in Coventry. If these levels of migration are trended forward (e.g. for the purposes of population and household projections) without any account taken of UPC, the result could be that future population and household growth is over-estimated.

Table 2.2 Components of Population Change for Coventry - 2001 to 2011

Year ending	Natural Change			Internal Migration			International Migration			Total mig.	Other Change*	Population
	Births	Deaths	Nat. Change	In	Out	Net	In	Out	Net			
2002	3,601	2,894	707	11,718	14,284	-2,566	4,750	2,863	1,887	-679	-1,537	301,295
2003	3,676	3,004	672	13,036	14,935	-1,899	5,066	2,957	2,109	210	-1,512	300,665
2004	3,920	3,073	847	12,621	15,482	-2,861	4,821	3,816	1,005	-1,856	-1,482	298,174
2005	3,941	3,031	910	12,840	15,120	-2,280	5,657	2,564	3,093	813	-1,511	298,386
2006	4,071	2,918	1,153	13,747	15,479	-1,732	7,179	3,354	3,825	2,093	-1,503	300,129
2007	4,241	2,853	1,388	13,180	15,955	-2,775	7,293	3,087	4,206	1,431	-1,519	301,429
2008	4,550	2,815	1,735	13,575	15,062	-1,487	6,921	1,927	4,994	3,507	-1,485	305,186
2009	4,540	2,849	1,691	13,974	15,329	-1,355	6,548	3,172	3,376	2,021	-1,505	307,393
2010	4,746	2,667	2,079	14,700	15,646	-946	7,455	2,787	4,668	3,722	-1,520	311,674
2011	4,843	2,591	2,252	14,802	15,576	-774	9,043	3,837	5,206	4,432	-1,443	316,915 **
Total	42,129	28,695	13,434	134,193	152,868	-18,675	64,733	30,364	34,369	15,694	-15,017	~
Average	4,213	2,870	1,343	13,419	15,287	-1,868	6,473	3,036	3,437	1,569	-1,502	~

Source: ONS MYEs. *Most of this 'Other Change' is UPC, however, it includes other adjustments to 'special populations' including armed forces and prison populations. **Population does not match the Census figure because the Census refers to March and MYEs refer to June.

2.18

An alternative way of looking at the 2001-11 change is to assess what the level of overall implied net migration was. Starting from the 2001 Census population and adding births/subtracting deaths in each year leaves an amount of change which is assumed to be attributable to migration. It is not possible to disaggregate this into in/out flows and UK/overseas flows, however, it provides a simplified method of understanding the likely level of population change in Coventry which was attributable to migration. This is shown in Table 2.3; between 2001 and 2011 Coventry's population increased by 16,112. There were 42,129 births and 28,695 deaths, meaning natural change accounted for 13,434 of Coventry's growth and implying that 2,678 (the remainder – 16,112 – 13,434) is attributable to migration. This is substantially lower than the 15,694 total net migration recorded in the MYEs.

Table 2.3 Implied Net Migration for Coventry - 2001 to 2011

	2001	2011	2001-11
Census Population	300,848	316,960	+16,112
Population Change	~		16,112
Births			42,129
Deaths			28,695
Natural Change			13,434
Implied Total Migration			2,678
Recorded* Migration (MYEs 2001-11)			15,694

Source: Lichfields analysis of Census and MYEs. *Note MYEs refer to the year to June whereas Censuses are taken in March, therefore figures are not precisely comparable to each other.

2.19

Looking at the most recent decade of MYEs (2011-21) shows where the greatest differences are between change recorded in the 2001-11 decade and the 2011-21 decade. Table 2.4 below shows the components of population change recorded for Coventry in ONS's mid-year estimates for 2011 to 2021 (figures for 2020/21 have been estimated using trends for the purpose of this analysis). These figures suggest Coventry's population has grown significantly from natural change (+16,000 over the decade) and international migration (+71,000 over the decade) but has declined from internal migration (-16,000). The latest population estimate for Coventry (for mid-2020) suggested Coventry's population had grown to nearly 380,000 by 2020; the 2021 Census showed this was not the case. It is possible that ONS will need to add an element of UPC to the mid-year estimates for 2011-21, totalling somewhere in the region of 40,000⁸, to reconcile the mid-year estimates with the 2021 Census.

Table 2.4 Components of Population Change for Coventry - 2011 to 2021

Year ending	Natural Change			Internal Migration			International Migration			Total mig.	Other Change*	Population
	Births	Deaths	Nat. Change	In	Out	Net	In	Out	Net			
2012	4,728	2,650	2,078	16,392	17,384	-992	7,050	2,576	4,474	3,482	29	322,504
2013	4,599	2,727	1,872	15,671	16,267	-596	7,330	2,737	4,593	3,997	50	328,423
2014	4,513	2,584	1,929	16,912	17,176	-264	8,043	3,105	4,938	4,674	-8	335,018
2015	4,565	2,828	1,737	16,774	17,153	-379	10,757	2,845	7,912	7,533	0	344,288
2016	4,555	2,755	1,800	17,042	17,543	-501	10,416	2,764	7,652	7,151	-24	353,215
2017	4,453	2,786	1,667	20,125	21,139	-1,014	8,674	2,368	6,306	5,292	-25	360,149
2018	4,365	2,895	1,470	21,097	23,370	-2,273	10,999	3,369	7,630	5,357	-191	366,785
2019	4,266	2,815	1,451	21,341	25,582	-4,241	11,126	3,549	7,577	3,336	-51	371,521
2020	4,118	3,105	1,013	20,689	23,725	-3,036	12,782	3,002	9,780	6,744	109	379,387
2021**	4,118	3,105	1,013	20,689	23,725	-3,036	12,782	3,002	9,780	6,744	109	~ ***
Total	44,280	28,250	16,030	186,732	203,064	-16,332	99,959	29,317	70,642	54,310	0	~
Average	4,428	2,825	1,603	18,673	20,306	-1,633	9,996	2,932	7,064	5,431	0	~

Source: ONS MYEs. *Other change here does not relate to UPC, rather it relates to adjustments for 'special populations' such as armed forces and prison populations. **Note: ONS has not published estimates for the components of change for the 2020/21 year; for the purposes of obtaining a 10-year average for this research the 2019/20 figures have been trended. ***ONS has not published a population estimate for mid-2021; this will follow the results of the 2021 Census.

2.20

Table 2.5 shows the total change from each component for Coventry in the 2011-21 decade compared to the 2001-11 decade. It shows that:

- Births have increased slightly while deaths have remained broadly similar. In a growing and relatively young population, we would expect to see these trends. Given recording of births and deaths is considered to be near-perfect, there is no reason to question this increase;
- Internal migration flows (both in and out) have increased, from around 13,000 to 19,000 inflows and 15,000 to 20,000 outflows. The result is that net internal migration has increased only slightly, by 234 (from -1,800 to -1,600). This is small in the context of the overall gross flows seen (almost 40,000 flows in the 10 years to 2021). However, it is unknown whether the increase in inflows and outflows is being caused by a statistical issue (i.e. both in and outflows are being inflated, despite this only increase

⁸ This is estimated based on ONS's mid-2020 population estimate of 379,387 with components of change trended from 2019/20 added (+1,013 natural change, -3,306 internal migration, +9,780 international migration) giving an estimated mid-2021 population of 387,253. Compared to the 2021 Census (345,300) this is 41,953 more.

net flows by a small margin) or whether these flows are accurately representative of trends in Coventry, and appear to suggest that population ‘churn’ from the rest of the UK is increasing; and

- International inflows in have increased substantially (by around 50%, from around 6,5000 to nearly 10,000) while outflows have remained broadly stable, resulting in net international migration doubling from around 3,500 to 7,000. Again, it is unknown whether the increase in inflows is a result of statistical errors or whether these flows are accurately representative of trends in Coventry. Some increase in overseas migration during this period would be expected, given this trend was occurring at the national level, however, it is not possible to determine the accuracy of the migration estimates.

Table 2.5 Difference between components of change recorded for Coventry - decade to 2011 and 2021

Decade ending	Natural Change			Internal Migration			International Migration			Total migration
	Births	Deaths	Nat. Change	In	Out	Net	In	Out	Net	
2011	4,213	2,870	1,343	13,419	15,287	-1,868	6,473	3,036	3,437	1,569
2021*	4,428	2,825	1,603	18,673	20,306	-1,633	9,996	2,932	7,064	5,431
Difference	+215	-45	+260	+5,254	+5,020	+234	+3,523	-105	+3,627	3,862

Source: Lichfields analysis of ONS MYEs. *Note: Components of change for the 2020/21 year have been trended using 2019/20 figures for the purposes of this analysis.

2.21

In summary:

- 1 The result of the 2001, 2011 and 2021 Censuses show that Coventry saw higher population growth in the 2011-21 period compared with the 2001-11 period. There is no reason to question the accuracy of the Census estimates in Coventry (at least, to a statistically significant degree) and indeed we would expect faster growth for a variety of reasons including higher rates of housing growth, more international migration nationally, growth in higher education and economic growth;
- 2 The degree of UPC which was added to the MYEs for Coventry between 2001 and 2011 (following the results of the 2011 Census) suggested that overall net migration could have been over-estimated. It is not possible to determine which flows (in/out/internal/international) may have been inaccurately recorded, however, the inclusion of UPC clearly has a significant impact on Coventry's population estimates (and therefore potentially its future projections) given that it equated to c.5% of Coventry's population⁹; and
- 3 Information from the 2011-21 MYEs suggests overall natural change and internal migration net flows have been fairly consistent with those seen between 2001 and 2011, however, net international migration flows have doubled. UPC will not be added into the mid-year estimates until the results of the 2021 have been fully analysed, but based on current population figures ONS could be required to add in an element of UPC in the region of c.-40,000 for the 2011-21 period to reconcile the mid-year estimates with the Census.

2.22

This analysis sets the context for our alternative projections for Coventry, set out in Section 5.0.

⁹ Other change accounted for c.15,000 of overall growth between 2001 and 2011, compared with a 2001 population of c.300,000, i.e. 5%.

Office for Statistics Regulation findings

- 2.23 In May 2021 the Office for Statistics Regulation [OSR] published a review¹⁰ of population estimates and projections used by the ONS. This review was initiated in response to concerns raised in 2020 by Coventry City Council regarding population estimates and projections for Coventry. In short, this review found that ONS's approach was "*generally seen as fit for purpose and is highly regarded internationally*" but that "*one area of challenge has been migration, where there are limitations in the data available... more needs to be done to investigate the root and scale of the issue associated with students and outward migration*". OSR also stated that it would "*like to see ONS be more open and responsive to issues when they first arise and view challenge as an opportunity to improve outputs and not a criticism of its approach*". OSR went on to make several recommendations for improving methods, enhancing communication and embracing challenges.
- 2.24 Following the OSR review, ONS has not specifically revised, or re-issued population estimates or projections, for Coventry or any other authority which raised similar concerns. This leaves authorities such as Coventry in a difficult position regarding its population estimates and projections; there appears to be an acceptance from the OSR that population estimates in areas with high levels of international migration and/or large student populations may have more limited accuracy due to data limitations. However, improving such estimates will be an ongoing and long-term process, and no revised estimates or projections have yet been produced. In the absence of alternative data or revised figures, is unclear what the migration figures for Coventry *should* be. However, the 2021 Census does provide some assistance in terms of assessing the overall scale of population growth seen in Coventry – of which migration is a key factor.
- 2.25 As such, although not explicitly stated by any of the C&W HMA authorities, the Consortium understands that the C&W HMA authorities have concerns with using the Standard Method to calculate Coventry's housing needs, on the basis that the PPG requires authorities to utilise the 2014-based projections. Indeed, in this regard, it is noted that Joint HEDNA is being prepared to provide an up-to-date assessment of the housing and employment needs of the HMA and each authority. It is also noted that this Joint HEDNA will look to take account of the updated 2021 Census population and household data which has recently been published.

Summary

- 2.26 Population estimates published by ONS are important for planning (and a variety of other) purposes as they provide an annual picture of the population in a given area and how it has changed. The census is an inherently more accurate measure of the population, but lacks in frequency, only being undertaken every decade. An element of 'unattributable population change' is required to some degree in every local authority, however, ONS does not consider it significant enough at the national level to warrant adjusting the estimates or projections. In most authorities, UPC will also not have a significant enough effect to warrant departing from the official projections.

¹⁰ Available [here](#)

- 2.27 However, the OSR has acknowledged that there can be much larger margins of error in the estimates (i.e., much more significant levels of UPC) in areas where international migration flows make up a significant portion of population change, including where there are significant student populations. In the case of Coventry, it is suggested that flows associated with students, particularly international students, are not being accurately recorded and are inflating the number of young adults in the city. When trended forward in projections, if – hypothetically – residents are not recorded as out-migrating when they in fact are, this will over-inflate the population and therefore household growth and housing need in Coventry.
- 2.28 Our analysis shows that, following the 2011 Census, ONS added a UPC element into the mid-year estimates of over -15,000 - in other words, there were over 15,000 fewer people in Coventry in 2011 than the estimates expected. Assuming this difference is not accounted for by errors in either the 2001 and/or 2011 censuses, this would imply the difference is a result of the mis-recording of migration. Based on the population in the 2021 Census, it would be reasonable to assume that, once again, ONS will be required to add a significant element of [negative] UPC to Coventry's mid-year estimates once again, potentially in the region of -40,000. However, until ONS publishes these revised estimates and/or makes any changes to the way it projects population growth in Coventry or similar areas, we must estimate future change based on scenarios which might be reasonably expected to occur. This is set out in Section 5.0.

3.0 Planning Policy and Guidance

National Planning Policy Framework

3.1 The revised NPPF was updated on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

3.2 The NPPF is clear that:

"Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas" (paragraph 11b) (Emphasis added)

3.3 It goes on to state that:

"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals." (paragraph 31) (Emphasis added)

3.4 It is also clear that Local Plans should provide:

"a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;" (paragraph 35a) (Emphasis added)

3.5 In terms of housing needs, the NPPF is clear that the Government's objective is to significantly boost the supply of homes (Para 60). It goes on to state that:

"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals." (paragraph 61) (Emphasis added)

Planning Practice Guidance

3.6 The PPG provides further guidance on the Standard Method, which provides an annual number, based on a 10-year baseline, which can be applied to the whole plan period.¹¹ It states that it uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.¹²

3.7 It goes on to provide guidance on how the minimum annual local housing need [LHN] figure is calculated using the Standard Method, which comprises the baseline 2014 household projections, the application of a median affordability-based adjustment, a cap to help ensure that the minimum LHN figure calculated using the standard method is deliverable, and a 35% urban centres uplift (where applicable).¹³

¹¹ PPG ID: 2a-012

¹² PPG ID: 2a-002

¹³ PPG ID: 2a-004

- 3.8 Importantly, the PPG is clear that for the purposes of calculating the LHN, the 2014-based household projections should be utilised as the baseline household projections, instead of more recent datasets *“to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”*¹⁴
- 3.9 In respect of the affordability adjustment, the PPG states that this is applied to ensure that the standard method responds to price signals and that the minimum LHN figure starts to address the affordability of homes.¹⁵ In terms of the cap, the PPG highlights that:
- “The cap reduces the minimum number generated by the standard method, but does not reduce housing need itself. Therefore strategic policies adopted with a cap applied may require an early review and updating to ensure that any housing need above the capped level is planned for as soon as is reasonably possible.*
- Where the minimum annual local housing need figure is subject to a cap, consideration can still be given to whether a higher level of need could realistically be delivered. This may help prevent authorities from having to undertake an early review of the relevant policies.”*¹⁶
- 3.10 Following the consultations received in relation to the Government’s proposed changes to the standard method, as a part of the ‘Changes to the current planning system’ consultation, in December 2020 the Government revised the standard method. The PPG¹⁷ was revised to include a further stage within the standard method which applies a 35% uplift for those urban local authorities in the top 20 cities and urban centres list.
- 3.11 Crucially, the PPG is clear that the LHN figure generated by the standard method is a minimum starting point (i.e. actual housing need may be higher than this figure).¹⁸ Moreover, elsewhere in the guidance, the PPG differentiates between the minimum figure arrived at through the standard method and the ‘actual’ housing need which can be higher. The PPG goes on to state that it would be appropriate for a higher figure to be adopted on the basis of employment, infrastructure, affordable housing or unmet housing needs.¹⁹
- 3.12 However, the PPG is also clear that an alternative approach to the Standard Method can be taken in ‘exceptional circumstances’, stating that:
- “If it is felt that circumstances warrant an alternative approach... authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances.”*²⁰ (Emphasis added)
- 3.13 And goes on to state:

¹⁴ PPG ID: 2a-005

¹⁵ PPG ID: 2a-006

¹⁶ PPG ID: 2a-007

¹⁷ PPG ID: 2a-004

¹⁸ PPG ID: 2a-002

¹⁹ PPG ID: 2a-010

²⁰ PPG ID: 2a-003

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.

Any method which relies on using household projections more recently published than the 2014-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”²¹ (Emphasis added)

²¹ PPG ID: 2a-015

4.0 Coventry's Market Signals

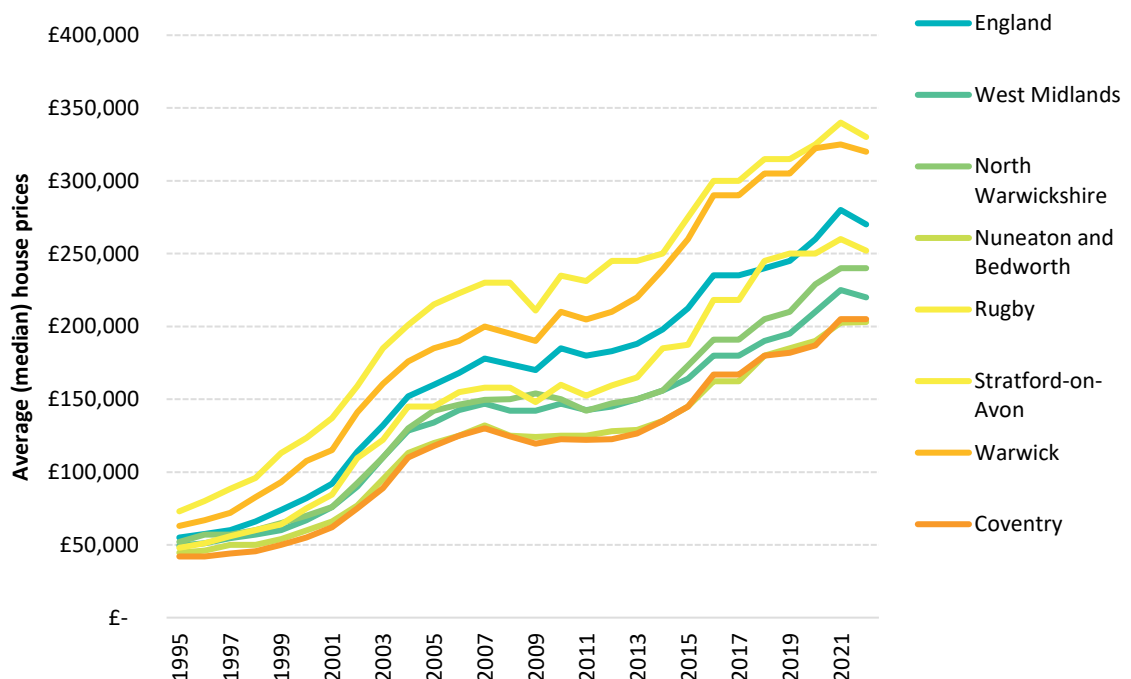
4.1 Market signals can act as an indicator of the balance between the demand and supply of housing within an area. Prior to the introduction of the Standard Method, the PPG provided guidance which set out six market key signals; land prices, house prices, rents, affordability, rate of development and overcrowding/homelessness (albeit the latter is typically addressed in an assessment of affordable housing needs separately).

4.2 To this end, this section reviews the housing market signals and the extent to which they indicate a supply and demand imbalance in Coventry (and the other authorities in the C&W HMA) and therefore indicates whether demographic-led needs would be sufficient to address housing needs, or whether uplifts would be required.

1. House Sales

4.3 Average (median) house prices in Coventry as of 2022 are £205,000, which is significantly under the National average (£270,000) and below the West Midlands average (£220,000). Compared to the other authorities who form part of the C&W HMA, Coventry is the second least expensive, at only £2,000 more than Nuneaton and Bedworth. Conversely, areas such as Stratford-on-Avon and Warwick are markedly higher, at £330,000 and £320,000 respectively. The city is therefore one of the least expensive areas to live within the HMA and wider West Midlands region.

Figure 4.1 Average (median) house prices - 1996-2022



Source: ONS

4.4 Since 1996, house prices in Coventry have typically followed the regional and national trends, increasing steadily up to 2007, falling sharply in 2008-09 and rising since. Indeed, even with the effects of the 2008-09 recession, between 2001 and 2011, house prices

increased by 97% in Coventry – a marginally higher rate than the national average (96%) and much higher than the other C&W HMA authorities, which range between 69-89% increases over this same 10-year period. However, between 2011 and 2021, house prices only rose by 68%, with other areas rising more instead; such as North Warwickshire (69%) and Rugby (70%). Notably, the more rural areas of Stratford-on-Avon and Warwick saw increases of between 47% and 59% instead, suggesting that over the last 10 years there has been a market shift towards the urban areas within the C&W HMA.

- 4.5 Although the city is one the most affordable places for housing within the C&W HMA, well below the regional and national average house prices, it is clear that house prices clearly represent a ‘worsening trend’ in Coventry, having increased 231% over the 2001-2021 period, which is the highest increase in average property prices within the C&W HMA over this same period (ranging from 141-216%).

2. Rental Prices

- 4.6 As of September 2021, the average (median) monthly rent for all dwellings in Coventry was £695. Rents in Coventry are higher than the West Midlands regional average (£675 per calendar month [pcm]), but c.£60 pcm lower than the national average. Similar to house prices, rents in Coventry are some of the cheapest within the C&W HMA, with the highest pcm rental costs being in Stratford-on-Avon (£795 pcm) and Warwick (£820 pcm). However, both North Warwickshire and Nuneaton and Bedworth are cheaper areas to rent than Coventry.
- 4.7 Rents in Coventry have risen by £200 (40%) since 2011, which in relative terms is in excess of the regional (which saw a £175 – 35% – increase) and national averages (which saw a £180 – 31% – increase). Of the C&W HMA authorities, despite recent increases in rental costs, Coventry’s rental costs remain relatively low within the HMA, alongside North Warwickshire, Nuneaton and Bedworth and Rugby, and are still some ways below the national average.
- 4.8 However, although house prices are relatively low in Coventry, the increase in prices above the national rate over the last 20 years is likely to be having a knock-on impact on private rents; as fewer people are able to buy, more people move into the privately rented sector. Without sufficient supply to meet demands, the cost of renting increases. Overall, the cost of rents is a further indicator that the housing supply in Coventry should be increased to help address housing demand.

Figure 4.2 Average monthly rents (all dwellings) - 2011-21



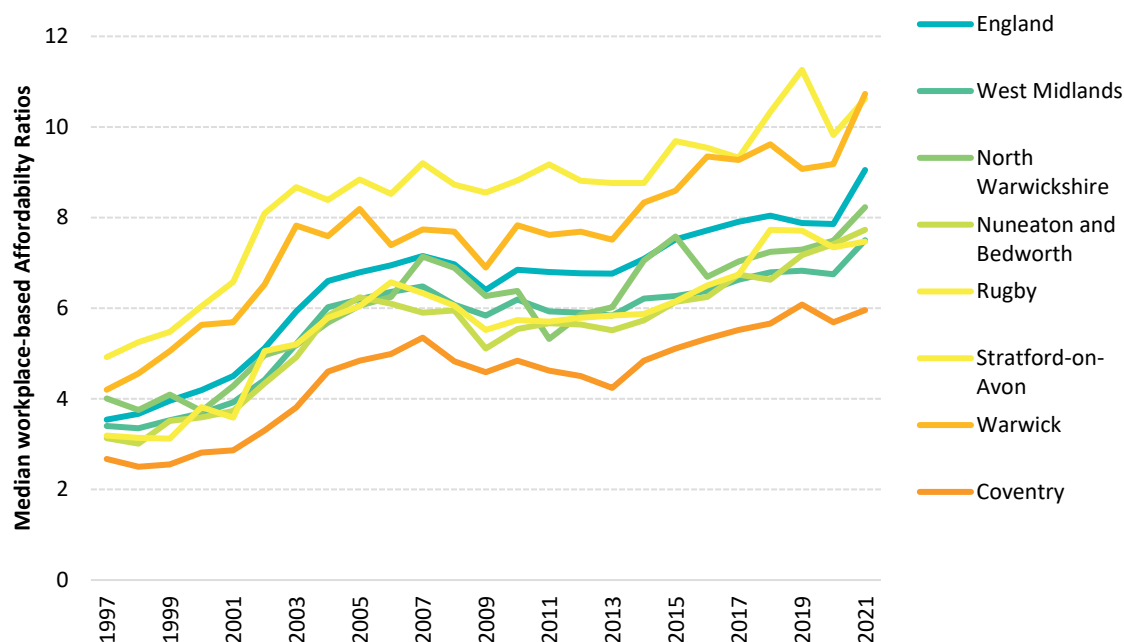
Source: VOA Private Rental Market Statistics

3. Median Affordability Ratios

- 4.9 Measuring affordability involves comparing house prices to earnings; this is known as the affordability ratio. This indicator, therefore, provides information not only on house prices but how these prices compare to earnings. These earnings can be resident-based (the earnings of those living in the District) or workplace-based (the earnings of those who work in the District, i.e. of jobs).
- 4.10 As of 2021, the median quartile (median house prices to median earnings) resident-based affordability ratio in Coventry was 5.33 (i.e. median quartile house prices were just over 5 times median quartile earnings). The workplace-based affordability ratio was 5.96 which suggests those who commute out of the city for work have marginally better earnings and purchasing power than those who work in the city.
- 4.11 Figure 4.3 shows the median quartile workplace-based ratio between 1997 and 2021. Affordability in Coventry and the C&W HMA has followed a similar pattern, rising steadily up to 2008, before falling. In recent years, affordability in most areas, including Coventry has exceeded the 2008 peak. Whilst national affordability historically remained relatively stable at around 7.0 since the onset of the recession, as of 2021 it too has increased to 9.05. Notably, between 2001 and 2011, Coventry saw the sharpest increase in the median workplace-based affordability ratios, increasing by 62% in this 10-year period – the highest in the C&W HMA and far higher than the national average increase (51%). However, in the following 2011 to 2021 10-year period, Coventry's affordability ratio previous rapid increase abated, increasing by only 29%, whereas other areas such as North Warwickshire and Warwick saw increases in excess of 41%.

- 4.12 This suggests that over the last 10 years, the increase in development within the city – discussed further below – has slowed the rate of increase in the median quartile workplace-based ratio. Nevertheless, the above also highlights that wider issues around affordability that exist in the region which has worsened in recent years, although is still indicative of affordability pressures in Coventry.

Figure 4.3 Workplace-based Median Quartile Affordability

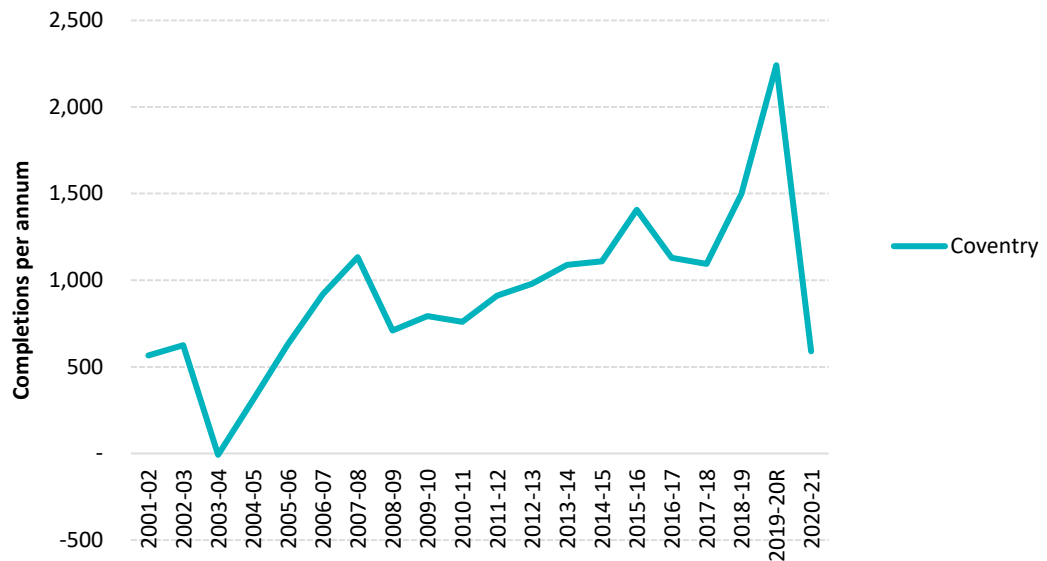


Source: ONS

4. Completions

- 4.13 As shown in Figure 4.4 below, dwelling completions since 2001 have been on a steady increase; albeit, with a noticeable decline in 2003. Again, similar to house prices, rent and affordability, completions in Coventry have typically followed the HMA, regional and national trends, increasing steadily up to 2007, falling sharply in 2008-09 and rising since. However, in Coventry, there is a slight reduction in annual nett completions in 2015, followed by a rapid jump in completions post-2017. This is likely linked to the adoption of the Coventry Local Plan and its housing allocations, meaning that it has taken a few years for the Local Plan's proposals to be translated into completions – hence completions in 2018 returned to a similar level to 2015 and continued up to a peak of 2,241 in 2019. Over the 2001-2011 period, Coventry was averaging 644 completions per annum. However, from 2011 to 2021, this nearly doubled to 1,205 completions per annum. It is likely that the lower 10-year period of delivery prior to 2011 is likely to be largely reflected in the other market signals (e.g. house prices and affordability) which deteriorated over that same period.

Figure 4.4 Completions in Coventry 2001-2021

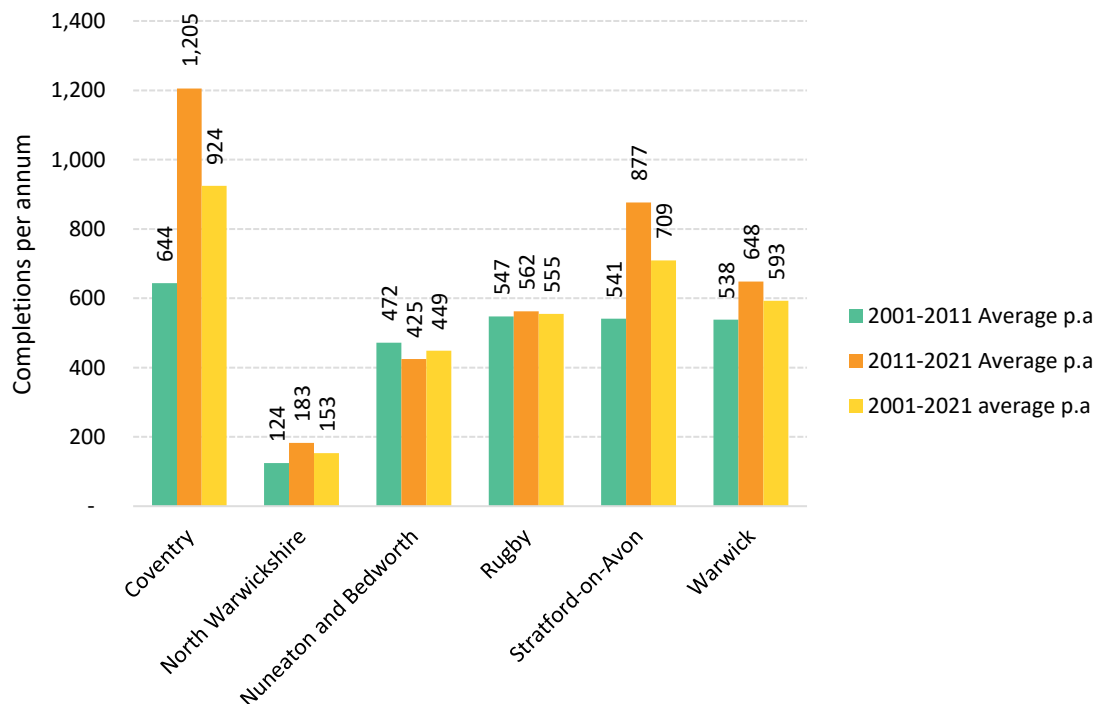


Source: Table 122, DHLUC

4.14

Although not directly comparable, particularly given that Coventry as a city can achieve higher densities than other C&W HMA areas, Coventry has consistently been delivering a larger number of dwellings per annum than the other C&W HMA authorities over the 20 years up to 2021.

Figure 4.5 10 and 20 year average completions between 2001-2021



Source: Lichfields analysis based on Table 122, DHLUC

5. Overcrowding

Overcrowding

- 4.15 In 2011, 9.5% of households in Coventry were overcrowded, which is higher than both the regional (6.8%) and national (8.7%) averages. It is also markedly higher than the other authorities within the C&W HMA, which ranged from 3.4% to 6.5%. It is therefore clearly that, as of 2011, overcrowding in Coventry was quite acute. Indeed, the number of overcrowded households in the city increased by 2,314 between 2001 and 2011, increasing the number of overcrowded households from 8.5% to 9.5%. Coventry's overcrowding rate is the highest in the C&W HMA, with the other C&W HMA authorities well below the national average.

Concealed Families

- 4.16 As of 2011, there were c.1,973 concealed families in Coventry which represented 2.4% of all the families in the city. Between 2001 and 2011, the number of concealed families increased by c.745, a rate more severe than other C&W HMA authorities. Similar to overcrowding, the rate of concealed families in Coventry is the highest across the C&W HMA and exceeds regional (2.2%) and national (1.9%) averages.

Summary

- 4.17 Market signals provide a helpful indicator of the balance between the demand and supply of housing within an area. For Coventry, over the 2001 to 2011 period, the city was building an average of 664 dwellings per annum. In that same period, Coventry saw its rates of overcrowding and concealed families markedly increase, resulting in rates higher than the other C&W HMA authorities, and both the regional and national averages. This period of lower housing growth also correlated with a period in which both workplace-based and resident-based median affordability ratios rose sharply, at some of the highest growth rates in the C&W HMA and in the case of the workplace-based ratio, well above the national average. Again this period also saw average house prices increase by 97%. Whilst, on the face of it, Coventry appears affordable by comparison to many of the other C&W HMA authorities, the 2001-2011 period shows a deterioration in affordability for residents of the city.
- 4.18 However, largely linked to the adoption of the Local Plan, average completions have nearly doubled for the 2011 to 2021 period. As a result, the rate of increase in both average house prices and both workplace-based and resident-based median affordability ratios dropped to below other C&W HMA authorities and the national level. Albeit average monthly rents have increased in excess of other C&W HMA authorities and the regional and national averages between 2011 and 2021. This trend is broadly similar to the national trend in so far as since Covid-19 there has been reported a big disparity between supply and demand in rental properties. In any event, as of 2022, average property prices are £205,000 in Coventry, the second lowest in the C&W HMA and far lower than the national average (£270,000). Similarly, both affordability ratios are the lowest across the C&W HMA and well below regional and national levels. In essence, it could be argued that higher levels of growth have positively impacted on the affordability of the city over the last 10 years.

However, with rents increasing, an uplift in housing needs could be warranted to alleviate these pressures.

5.0 Lichfields' Assessment of Coventry's Future Housing Growth

Methodology

- 5.1 The assessment of future population and housing for Coventry uses the industry-standard toolkit PopGroup. PopGroup is a family of demographic models (developed by the University of Manchester and owned by the Local Government Association) to develop population, household and labour force forecasts. PopGroup incorporates a cohort component methodology for its population projection model and a headship rate model for its household projection model.
- 5.2 PopGroup is used by a large number of local authorities in the UK and has been subject to extensive enhancement and development over the last ten years. It is widely adopted by those preparing the evidence base for local plans to help establish estimates of housing needs.
- 5.3 Scenarios run through PopGroup for the purposes of this report are 'demographic-led'; in demographic-led scenarios, the change in population between each year is calculated and based on this population – including its size and age structure - the number of homes is calculated (using inputs on the number living in communal establishments, household formation rates by sex and age, and dwelling vacancy rates). Therefore, the number of homes is an output, driven by demographic change. The number of households and dwellings is not only a function of the overall population change, but the age structure of the population (given that scenarios will produce different age structures, and household formation varies by sex and age). A growing population which is relatively young (including with high populations of children) will experience lower household growth relative to overall population growth compared with a growing population which is relatively old because the average household size in younger populations is larger (i.e. household formation is lower).
- 5.4 Demographic scenarios can be driven by:
- 1 An assumed level of overall population growth (**population-led**). In these scenarios, a 'target' level of the overall population is input into the model, which then adjusts (i.e. inflates or constrains) levels of births, deaths and migration (taking into account any birth/death rates and migration profiles entered into the model) so that the overall population matches the target level. From this population, estimates of households and housing growth are calculated; or
 - 2 Assumed levels of specific components of change (**component-led**), in this case, by levels of migration. Birth and death rates are fixed (based on official projections), and the levels of migration are flexed based on different assumptions. These components drive population growth, which in turn dictates household growth and housing need.
- 5.5 Scenarios are modelled over the 2021-41 period, i.e. using the 2021 Census as the base population and modelling population growth and housing need over 20 years. All scenarios use the 2021 Census (by sex and age) as the base population and apply fertility rates, mortality rates (by sex and age) and migration profiles (by sex and age) set out in the ONS 2018-based SNPPs for Coventry. The projection of housing needs based on population

growth includes an allowance for the communal population (e.g. those living in halls of residence, care homes, medical institutions, etc). For those under age 75 this is held constant (this means that no consideration is given to any growth in the student population, which could affect housing needs²²); for those age over 75, this is applied as a rate to ensure the care home population increases proportionally in line with the number of elderly people in the city.

Scenarios assessed

5.6 Section 2.0 set out the detailed context for Coventry's historic population growth, including that from mid-year estimates and the Censuses. These form the basis of future population modelling for Coventry, as follows:

- 1 **'Population-led'** scenarios, based on trending forward historic levels of overall population growth seen in Coventry, based on Census data;
 - a 10-year rate of growth – between the 2011 and 2021 Censuses Coventry's population grew by an average of 0.9% per year. If Coventry's population continued to grow at this rate, it would imply the population increasing from 345,300 in 2021 to **417,000 by 2041**;
 - b 20-year rate of growth – as above, but using the 2001-21 rate of growth (0.7%) which would imply the population increasing to **402,000** by 2041; and
 - c 30-year rate of growth – as above, using the 1991-2021 rate of growth (0.5%) which would imply the population increasing to **388,000** by 2041.
- 2 **'Component-led'** scenarios, based on adjusting inputted levels of migration;
 - d International migration 2001-11 trend – in this scenario, international migration flows (total, in and out) are based on levels seen between 2001 and 2011;
 - e 2001-11 migration trends and UPC – in this scenario, migration flows recorded in the 2001-11 period are adjusted to take into account UPC (applied pro-rata across in/out/internal/international flows) and are trended forward;
 - f 2001-11 implied migration – in this scenario, the level of migration which is implied between 2001-11 (based on the 2001 and 2011 Censuses, accounting for natural change and assuming any remaining change is attributable to migration) is trended forward;
 - g 2011-21 implied migration – as above, but using implied levels of migration based on the change between the 2011 and 2021 Censuses; and
 - h 2001-21 implied migration – as above, but using implied levels of migration based on the change between the 2001 and 2021 Censuses.

²² If, for example, the universities planned on providing additional halls of residence without increasing the overall number of spaces at university, this would move some of the younger adult population who currently live in households into communal accommodation, reducing housing need below that indicated in this analysis. If the universities planned to expand but did not plan on delivering halls of residence, the housing need would likely be higher. The outcome will depend on whether any student growth is 'additional' to the projections and how these people are expected to be accommodated (communal or in households).

Outputs

- 5.7 Figure 5.1 overleaf shows the output of the scenarios, alongside historic trends and official projections for context.

Historic Context

- 5.8 Historically, Coventry has seen its fastest growth in the most recent decade (2011-21) with a population growth of 2,834 per year (based on the 2011 and 2021 censuses) and housing growth of 1,205 per year. In the decade prior, population growth was 1,611 per year with housing growth of 644 per year. Over the 20 years, this has an average of 2,233 population growth and 924 housing growth per year.

Official Projections

- 5.9 The 2018-based SNPP – when not re-based to the 2021 Census – suggests Coventry's population will grow by 3,386 per year up to 2041 and there will be a need for 1,707 dwellings per year²³. This is lower than the 2014-based household projections, which suggested a need for approximately 2,169 dwellings²⁴ over the same period. When re-based to the 2021 Census, the official projections suggest even higher population growth at 4,471 per year, but slightly lower dwelling growth of 1,521 per year. This is because of the difference in age profiles in the base year (2021) between the projections, and the impact this has on future population size and age profile, and subsequently household and dwelling growth.

Lichfields Scenarios

- 5.10 Looking at Lichfields scenarios for future growth, the highest of the population-led scenario is the 10-year rate of growth (2011-21) because these trends forward the growth of 0.9% per annum seen in this decade. It suggests Coventry's population will grow by 3,210 per year over the next 10 years, with a need for 1,304 dwellings per year. This exceeds the historic trends in housebuilding seen in the decade (1,205 per year, according to DLUHC) however when applying a constant rate of growth the population will grow faster – in absolute terms – than it has historically, and furthermore as Coventry's population begins to age the rate of household growth will begin to accelerate faster than population growth as household size falls. The 20-year rate of growth scenario is slightly lower, at 1,016 dwellings per year and the 30-year rate of growth is the lowest at 744 per year.
- 5.11 Across the component-led scenarios, the lowest growth is seen under the scenario which trends forward 2001-11 migration trends and fully accounts for UPC. However, this relies upon absolute levels of growth which occurred 10-20 years ago and may not be reflective of trends seen in the most recent decade, which we know have been faster for a number of reasons (housebuilding, higher education expansion, higher international migration seen nationally, etc). For this reason, it would be sensible to focus on scenarios which trend

²³ Note that this does not correspond with the 2018-based Sub-National Household Projections for Coventry – 1,644 households per annum 2021-41 – because the model has converted these into dwellings, which takes into account an allowance for vacancy.

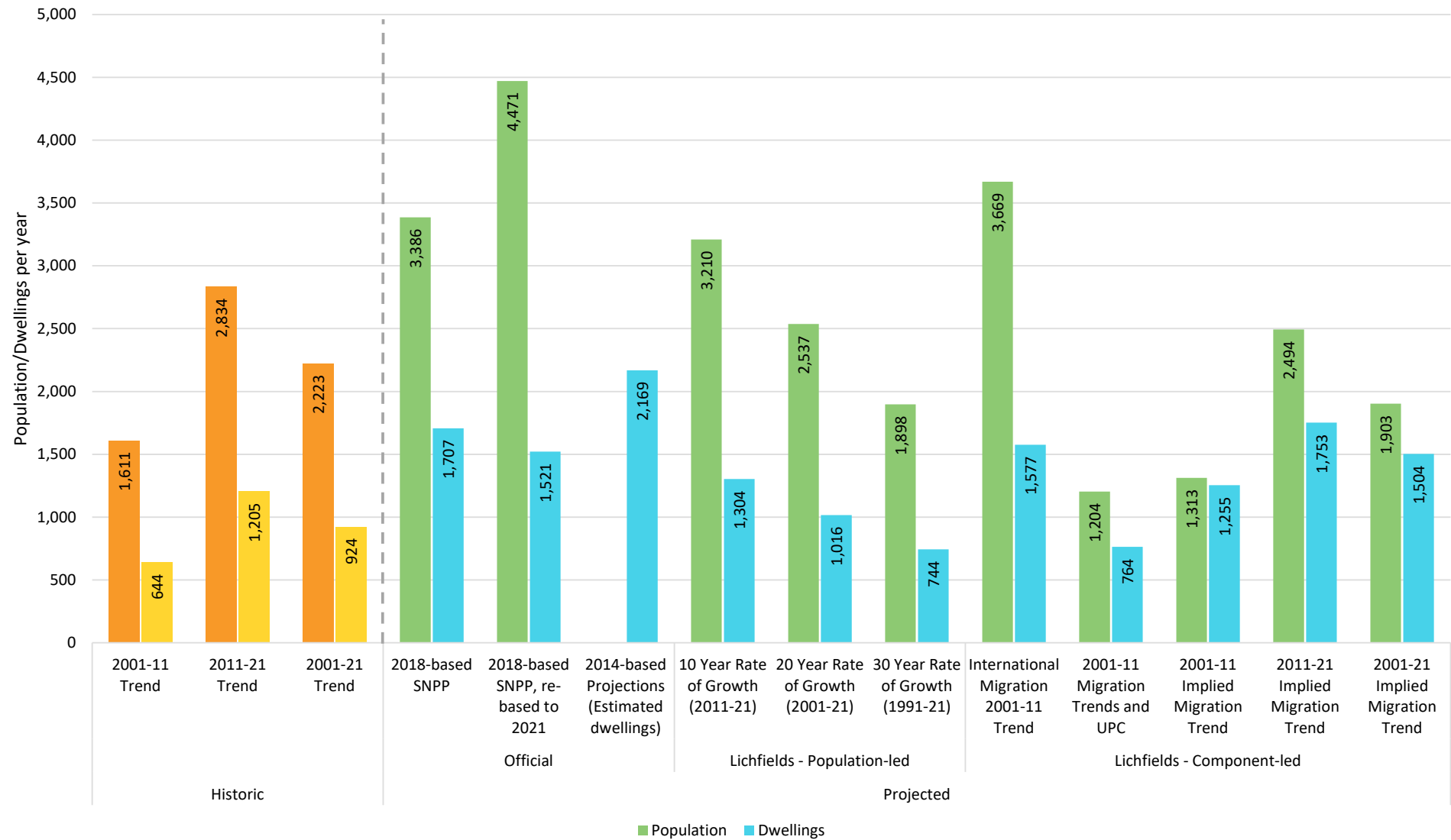
²⁴ ONS 2014-based population projections and associated DLUHC 2014-based household projections only run to 2039 and therefore have been trended thereafter to obtain an estimate for 2041. Dwelling estimate based on household growth plus a vacancy rate of 3% based on Coventry's vacancy rate at the time of the 2011 Census. This scenario has not been modelled through PopGroup.

forward levels of migration seen either in the most recent decade (2011-21), or a longer period, such as 20 years, which includes 2011-21 as well as 2001-11.

Comparison with official projections

- 5.12 Notably, the scenario which applies the 2011-21 implied levels of migration (i.e. migration implied based on the population recorded in the 2011 and 2021 Censuses, less natural change) yields a level of housing – 1,753 per year – which is broadly comparable to the latest official projections – the 2018-based SNPP – before they are re-based to 2021, i.e. 1,707 per year. This is despite the fact that the scenarios have significantly different levels of overall population growth – 2,494 per year compared to 3,386 per year respectively. This highlights the significant impact that the population age structure (as driven by the base population and the profile of migrants moving into and out of Coventry) has on household growth and housing need.

Figure 5.1 Population/Dwellings per year for Coventry - Historic, Official Projections and Lichfields scenarios



Source: ONS/DLUHC/Lichfields using PopGroup

Summary

- 5.13 In our view, it would be sensible to adopt a scenario for Coventry that:
- 1 Uses the 2021 Census as its base population, to reflect that recent mid-year estimates for the city are likely to significantly over-estimate the number of young adults in the City. This rules out official projections (2014-based, 2018-based) which are not re-based to 2021; and
 - 2 Uses trends which include the period 2011-21 (as a minimum), because there are legitimate reasons why Coventry's population growth in the 2011-21 period has been higher than in earlier decades and trending forward trends seen in the 2001-11 period may be under-representative of likely future growth. Scenarios based on longer-term trends (i.e. those based on the 20 years 2001-21, suggesting 1,016-1,504 dwellings per year, or 30-year trends at 744 per year) are based on periods far longer than those adopted in official projections (typically 5 years) and do not pick up on recent trends which will be important in informing future need in Coventry. A 10-year base period (2011-21) is sufficient to capture a full economic cycle (e.g. in terms of housebuilding) in the case of Coventry.
- 5.14 This would point towards the 10-year rate of growth scenario (**1,304 dwellings per year**) or the 2011-21 implied migration trend (**1,753 dwellings per year**) – a mid-point of which would be c.1,500 dwellings per year. The top end of this range would be broadly in line with the latest official projections, albeit with lower levels of population growth (as a result of differences in the projected age profile). Both scenarios are lower than the growth suggested in the 2014-based projections (estimated at 2,169 dwellings per year for Coventry), which form the basis of the standard method for assessing LHN.
- 5.15 It is noted that in the last 10 years Coventry has seen population growth of 2,800 per year (based on the censuses) and housing growth of 1,205 per year, therefore future population growth in the region of 2,500-3,200 and housing growth in the region of 1,300-1,700 per year is not unreasonable in this context (particularly in the context of wider trends of ageing, which will accelerate household growth nationally even as population growth may slow).
- 5.16 This analysis also illustrates how sensitive population and household projections can be to the population age profile of an area, which in turn is largely informed by the profile of migrants moving to and from the area (and, subsequently, the fertility and mortality rates of those people). This analysis has been based on the migration profiles (for in/out/internal/international flows) set out in the SNPP, absent any alternative data sources. Therefore, even though the overall flows have been manually adjusted, these flows will still be subject to the age profile set out in the SNPP, which will influence the overall population age profile, household growth and housing need. Should ONS revise its data in the future, such that the profile of migrants moving to/from Coventry is significantly different to that set out in the 2018-based SNPP, this might result in a different population projection and housing need than the analysis set out in this report, even if overall population growth or migration flows remained the same.

6.0 Lichfields' Assessment of Coventry's Housing Need

- 6.1 As set out above in Section 3.0, the PPG requires that the Standard Method utilises the 2014-based projections and does not allow for later population/household projections to be utilised – this is to ensure a notional need and demand of 300,000 homes is reflected as on output of the Standard Method across the Country. However, it does also highlight that:
- “Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method”²⁵ (Emphasis added)*
- 6.2 On the basis of Lichfields' analysis in Section 5.0, it is considered that the most recent demographic trends in migration and the implications of the 2021 Census may provide a potential ‘exceptional circumstance’ to deviate from the Standard Method, noting the overestimated migration trends feeding into the 2014-based projections. However, the PPG does not specify what an alternative approach should comprise.
- 6.3 Whilst it is understood that the C&W HMA has reservations regarding the accuracy of the 2014-based projections, none of the HMA authorities has expressed any concerns regarding the use of the Standard Method. Indeed, in the Nuneaton & Bedworth Housing & Economic Development Needs Assessment (May 2022), prepared by Icení, the Council's own housing need assessment considered that the recent population growth is higher for Nuneaton and Bedworth than reflected in the 2014-based household projections, but still utilised the Standard Method framework.
- 6.4 In this regard, Lichfields considers that, although deferring from the 2014-based would not align with the PPG's Standard Method framework and Lichfields' 2018-based projections would be lower than the 2014-based projections, there is a cogent and logical argument that the broad principles of the Standard Method framework should still be utilised to calculate Coventry's housing need.
- 6.5 Firstly, prior to the introduction of the Standard Method in the NPPF and PPG, housing need was calculated through Objectively Assessed Housing Needs [OAHN]. At the time, the PPG was clear that there was no one methodological approach or use of a particular dataset(s) that would provide a definitive assessment of development need. However, it did outline an overarching methodology for preparing need assessments in a transparent manner, based on the following criteria:
- 1 Be proportionate and not consider purely hypothetical scenarios, only future scenarios that could reasonably be expected to occur;
 - 2 Be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need;
 - 3 Utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need;

²⁵ PPG ID: 2a-015

- 4 Consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates; and
 - 5 Take account of employment trends and appropriate market signals including market indicators of the balance between the demand for and supply of dwellings and affordable housing needs.
- 6.6 In essence, at their core, OAHN calculations principally assessed projected household growth over a plan period, based on official projections with sensitivity testing on demographic trends (where necessary) and applied a 'market signals uplift' ranging between 10-30%.
- 6.7 In this regard, the use of Lichfields' projections in the Standard Method framework would be consistent with the PPG's Standard Method requirements in so far as it would be being based on realistic demographic data, which reflects the UK SA and ONS' acknowledgement that the 2014-based projections do contain some level of inaccuracy for Coventry. Furthermore, in principle, the application of a 'market signals uplift' is not too dissimilar to the Standard Method, which applies an affordability uplift to the baseline household projections. Which, in Coventry's case would be 12.5% – discussed further below – and therefore well within the 10-30% market signal ranges previously utilised.
- 6.8 Secondly, as noted above in Section 3.0, the PPG²⁶ was revised to include a further stage within the Standard Method which applies a 35% uplift for those urban local authorities in the top 20 cities and urban centres list – this was to ensure that the Government achieved its 300,000 dwellings per annum housing target. Fundamentally, the Government's rationale for the uplift was based on three factors: maximising existing infrastructure; responding to the availability of land arising from structural change in retail and commerce, thereby maximising brownfield rather than greenfield development; and responding to climate change by reducing high-carbon travel.
- 6.9 Housing need is a concept that has long been untouched by policy factors that should promote or constrain the delivery of housing in different areas. Indeed, the *Gallagher Estates Ltd v Solihull MBC* judgment confirmed that OAHN is an objectively assessed need for housing in an area, leaving aside policy considerations, whereas a housing requirement is a figure which reflects, not only the assessed need for housing but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. In essence, local housing need is 'policy off' and a housing requirement is 'policy on'.
- 6.10 However, the Standard Method now incorporates three spatial policy judgements into the assessment of need. As such, at its heart, the introduction of the 35% urban centres uplift is clearly a Government-led 'policy-on' approach to calculating housing needs. Therefore, Lichfields' considers that, even if an authority were to defer from the Standard Method, the application of the 35% uplift would still be required to meet the Government's expectations.
- 6.11 When taken together, even if Coventry were to defer to the previous OAHN-based calculations, they would still need to factor in a market signals uplift and apply the 35% urban centres uplift. To this end, such an approach would in essence be materially similar

26 PPG ID: 2a-004

in approach to the current Standard Method framework. Therefore, Lichfields considers that it would be entirely sensible and reasonable to continue to work within the framework of the Standard Method but have regard to the realistic demographic data for Coventry which reflects the 2021 Census and latest household projections (i.e. the 2018-based projections).

Coventry's Housing Needs 2021-2041

6.12 On the basis of the top-end of the above alternative household projections (i.e. the 2011-21 implied migration trend projections), and when using the Standard Method calculation as set out in the PPG (with the exception of deferring from the 2014-based household projections), the four-step analysis below considers the level of LHN for Coventry over the 2021 to 2041 period:

- 1 **Step One: Setting the Baseline** – As noted above, Lichfields have derived an alternative set of household projections for Coventry, based on the 2018-based household projections and adjusted to reflect the trends shown in the intercensal period between 2011 and 2021 to reflect more accurately the level of migration into and out of the city. The baseline household growth of Lichfields' 2011-21 implied migration trend projections equates to 1,669 per annum (as opposed to the 1,735, which is households converted into dwellings, shown above). As set out above in Section 3.0, the PPG is clear that the LHN, although based on a 10-year period, can “*be applied to the whole plan period*” in calculating housing needs;²⁷
- 2 **Step Two: Affordability Adjustment** – The affordability adjustment has regard to the most recent median workplace-based affordability ratios, published by the ONS, which provide a barometer for the area's market signals (i.e. relative affordability of housing in the area). As such, this adjustment increases the housing need where house prices are high relative to workplace incomes. For Coventry, the latest 2021-based median house price to median earnings ratio, published in March 2022, is 5.96, resulting in a 12.25% uplift;
- 3 **Step 3: The Cap** – As set out in the PPG, there are two scenarios in which the cap is applied; the first, which applies to Coventry for now, is capping the need at 40% above the Local Plan housing requirement of a Local Plan adopted in the last five years, and second is capping the need at 40% above the household projections in the absence of an up-to-date Local Plan. On the basis that Coventry benefits from an up-to-date adopted Local Plan, the cap is applied to Coventry's Local Plan housing requirement. As the adopted Local Plan requirement is 1,230 dpa, and the projected household growth and affordability uplift is 1,878, this would exceed the 40% cap. As such, the initial LHN figure is limited to 1,722 dpa; and
- 4 **Step Four: Urban Uplift** – The final step of the Standard Method calculation is the application of the urban centres 35% uplift, which requires the 20 largest urban areas in England to apply within the Standard Method calculation. Fundamentally, the purpose of this uplift is to ensure that the Government's housing target of 300,000 dpa is met (i.e. a policy-on approach). As Coventry is listed within the top 20 urban areas in the country it is therefore subject to this additional uplift.

²⁷ PPG ID: 2a-012

Standard Method Calculation

- 6.13 A summary of the above Standard Method calculation is set out below in Table 6.1, which demonstrates that, based on Lichfields' household projections and the Standard Method calculation, Coventry's minimum LHN figure would be 2,325 dpa. Notably, this is the same as the 2014-based LHN for Coventry, by virtue of the application of the 40% cap on the Local Plan figure.

Table 6.1 Coventry's Housing Need – Local Plan Cap Applied

	Lichfields' Household Projections
Per annum household change	1,669
Affordability ratio (2021)	5.96
Uplift to household growth	12.25%
Initial Local Housing Need	1,873
Cap	Yes (40% - Local Plan Housing Requirement)
	1,722
Urban Uplift	Yes – 35%
Total Local Housing Need (per annum)	2,325

Source: Lichfields analysis

Removal of the Cap

- 6.14 A key component of the Standard Method calculation is the application of a cap to the LHN figure, which applies a 40% cap above the projections or plan requirement, depending on the age of the plan (i.e. if adopted within the last five years).
- 6.15 The consequence of this is that, in many instances, particularly in LPAs which have recently adopted plans where they were unable to fully meet their housing needs in the adopted Local Plan, the cap results in an artificially lowered housing need for the LPA. Indeed, by way of example, as a part of the adoption of Coventry's Local Plan, Policy 1 (Housing Land Requirements) confirmed that the Council could only meet 24,600 dwellings of its 42,400 dwelling OAN over the 2011 to 2031 period. As such, as Coventry's Local Plan was adopted within the last five years, the Standard Method cap applies to the lower plan requirement, and not the Council's OAN.
- 6.16 Although the PPG recognises this and is clear that the cap "*does not reduce housing need*" and LPAs can exceed the minimum LHN if 'deliverable',²⁸ given the timescales of Coventry's emerging Local Plan Review, it is likely that the cap would not be applied to the Local Plan. This is because, in December 2022, the Coventry Local Plan will become more than five years old, and as such, the 40% cap would be applied to the household projections. As a result of this change, from December 2022, when following the abovementioned calculation but omitting the Local Plan-based cap, Coventry's minimum LHN figure would increase to 2,529 dpa – see Table 6.2 below for a summary of the Standard Method calculation.

²⁸ PPG ID: 2a-007

Table 6.2 Coventry's Housing Need – Cap Removed

	Lichfields' Household Projections
Per annum household change	1,669
Affordability ratio (2021)	5.96
Uplift to household growth	12.25%
Initial Local Housing Need	1,873
Cap	N/A
Urban Uplift	Yes – 35%
Total Local Housing Need (per annum)	2,529

Source: Lichfields analysis

Summary

- 6.17 In summary, when calculating an authority's LHN figure using the Standard Method the PPG requires the use of the 2014-based household projections. However, it is clear that an *'alternative approach'* based on *'realistic assumptions of demographic growth'* can be used in *'exceptional circumstances'*. It, however, does not specify how this might be demonstrated (i.e. a methodology for calculating OAHN).
- 6.18 As acknowledged by the UK SA and ONS and shown in Section 5.0, there are clearly some overestimations in Coventry's population and household growth forecasts on the basis of inaccurate migration trends. Lichfields has undertaken an analysis of a series of demographic-led scenarios through PopGroup, which clearly shows that the 2011-21 implied migration trend would be broadly in line with the latest official projections, albeit with lower levels of population growth (as a result of differences in the projected age profile) but would result in a lower level of growth than suggested in the 2014-based projections. In essence, on the face of it, this may provide a potential *'exceptional circumstance'* to deviate from the Standard Method.
- 6.19 However, Lichfields considers that, although deferring from the 2014-based would not align with the PPG's Standard Method framework and Lichfields' 2018-based projections would be lower than the 2014-based projections, there is a cogent and logical argument that the broad principles of the Standard Method framework should still be utilised to calculate Coventry's housing need.
- 6.20 In this regard, based on a household growth rate of 1,669 per annum, the Standard Method framework would generate a minimum LHN figure of 2,325 dpa. Notably, this is the same outcome of the Standard Method when utilising the 2014-based projections. This is fundamentally due to the application of the 40% cap on the Local Plan requirement, which caps growth to 1,722 dpa. As both the 2014-based projections and Lichfields' projections exceed this cap, when a 12.5% affordability uplift is applied, they are both capped at 1,722 dpa. However, when the Local Plan-based cap is removed in December 2022, the Standard Method Framework would generate a minimum LHN figure of 2,529 dpa, which is much lower than the minimum uncapped 3,188 dpa figure generated by the 2014-based projections.

7.0 Conclusions

- 7.1 This HNA has been prepared by Lichfields, on behalf of a consortium of housebuilders and land promoters. The purpose of this HNA was to consider the concerns raised with regard to inaccuracies in Coventry city's population projections and mid-year population estimates and the impacts this has on the housing needs calculations.
- 7.2 As authorities within the C&W HMA begin to prepare Local Plan Review, these will need to be undertaken in the context of the revised NPPF, which now requires authorities to use the Standard Method (Para 61), which requires the use of the 2014-based projections – per the PPG. However, the PPG enables LPAs to use an alternative method for calculating housing needs in 'exceptional circumstances.' It is understood that the forthcoming C&W HMA Joint HEDNA will look at providing an alternative assessment for Coventry to reflect the above 2014-based projection concerns. As such, this HNA provides the Consortium with an alternative assessment of Coventry's projected household population to be used as a basis for calculating the level of housing need arising from the city in the future.
- 7.3 Population estimates published by ONS are important for planning (and a variety of other) purposes as they provide an annual picture of the population in a given area and how it has changed. Whilst an element of 'unattributable population change' is required to some degree in every local authority, ONS does not consider it significant enough at the national level to warrant adjusting the estimates or projections. However, the OSR has acknowledged that there can be much larger margins of error in the estimates in areas where international migration flows make up a significant portion of population change, including where there are significant student populations, such as in Coventry. This could – hypothetically – over-inflate the population and therefore household growth and housing need in Coventry.
- 7.4 Our analysis shows that, following the 2011 Census, ONS added a UPC element into the mid-year estimates of over -15,000 people. Based on the population in the 2021 Census, it would be reasonable to assume that, once again, ONS will be required to add a significant element of [negative] UPC to Coventry's mid-year estimates once again, potentially in the region of -40,000. However, until ONS publishes these revised estimates and/or makes any changes to the way it projects population growth in Coventry or similar areas, we must estimate future change based on scenarios which might be reasonably expected to occur.
- 7.5 Lichfields' analysis has also shown that over the last 20 years, Coventry has seen a dramatic change in its completions and housing market trends. Over the 2001 to 2011 period, with lower average levels of completions than currently, the city saw worsening trends in affordability – increased housing costs and affordability ratios and worsening of overcrowding and concealed families. Most of these negative housing trends were in excess of the C&W HMA, regional and national trends. However, since 2011, completions have nearly doubled, and the rate of worsening in these market signals has decreased. As of 2022, the city remains one of the most affordable areas within the HMA and region. Notably, completions have markedly increased since the adoption of the Local Plan, which was underpinned by the earlier 2012-based projections.
- 7.6 Notwithstanding this, as set out in the PPG, an alternative assessment of housing needs should be based on 'robust evidence' and 'realistic assumptions of demographic growth'.

Given the concerns around the accuracy of the 2014-based projections, it is likely that the 'exceptional circumstances' necessary to deviate from the Standard Method in Coventry could be justified. To this end, Lichfields have assessed the future population and housing for Coventry using the industry-standard toolkit PopGroup. This analysis comprises two scenarios – population-led and component-led – modelled over the 2021-41 period and utilising the 2021 Census as a base population and wider trends from the ONS 2018-based SNPPs for Coventry.

- 7.7 For Coventry, Lichfields' alternative assessment of the population includes the period 2011-21 (as a minimum), because there are legitimate reasons why Coventry's population growth in the 2011-21 period has been higher than in earlier decades, and trending forward trends seen in the 2001-11 period may be under-representative of likely future growth. As such, a 10-year base period (2011-21) is sufficient to capture a full economic cycle (e.g. in terms of housebuilding) in the case of Coventry. This would point towards the 10-year rate of growth scenario **(1,304 dwellings per year)** or the 2011-21 implied migration trend **(1,753 dwellings per year)**.
- 7.8 Working on the basis of the top-end of the 10-year implied migration trend, this HNA has utilised the Standard Method framework to calculate Coventry's housing needs over a 2021 to 2041 plan period. This is because the PPG does not specify the methodology for an 'alternative assessment'. Although deferring from the 2014-based would not align with the PPG's Standard Method framework and Lichfields' 2018-based projections would be lower than the 2014-based projections, there is a cogent and logical argument that the broad principles of the Standard Method framework should still be utilised to calculate Coventry's housing need – particularly the 'policy-on' urban centres 35% uplift.
- 7.9 In this regard, based on a household growth rate of 1,669 per annum, the Standard Method framework would generate a minimum LHN figure of 2,325 dpa. Notably, this is the same outcome of the Standard Method when utilising the 2014-based projections. This is fundamentally due to the application of the 40% cap on the Local Plan requirement, which caps growth to 1,722 dpa. As both the 2014-based projections and Lichfields' projections exceed this cap, when a 12.5% affordability uplift is applied, they are both capped at 1,722 dpa. However, when the Local Plan-based cap is removed in December 2022, the Standard Method Framework would generate a minimum LHN figure of 2,529 dpa, which is much lower than the minimum uncapped 3,188 dpa figure generated by the 2014-based projections.
- 7.10 In conclusion, there are legitimate concerns regarding the population estimates informing the 2014-based projections for Coventry. These have been acknowledged by the UKSA and ONS. In addition, Lichfields analysis suggests a level of population growth below the official figures. However, on the basis of Lichfields analysis, Coventry's minimum OAHN figure would be 2,325 dpa. Notably, this is the same as the 2014-based LHN for Coventry, by virtue of the application of the 40% cap on the Local Plan figure. However, given that the 40% cap will be removed in December 2022, the HNA also assessed the OAHN with the 40% cap included, which resulted in Coventry's minimum OAHN figure increasing to 2,529 dpa.

Celebrating
60
years

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk



lichfields.uk

Appendix 3 Distributing the unmet housing needs of the C&W HMA

Distributing the unmet housing needs of the C&W HMA

Functional Housing Market Analysis

On behalf of Gladman Developments Ltd, St Philips Land Ltd, and
Richborough

25 August 2023

Lichfields is the pre-eminent planning and development consultancy in the UK

**We've been helping create great places
for over 60 years.**

lichfields.uk

© 2023 Nathaniel Lichfield & Partners Limited (trading as "Lichfields"), All Rights Reserved, is registered in England, no. 2778116.
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

Formatted for double sided printing.

Plans based upon Ordnance Survey mapping with the permission of His Majesty's Stationery Office.

© Crown Copyright reserved. Licence number 10007707

65208/02/JK/MWS

26935785v1

Contents

1.0	Introduction	1
	Structure	2
2.0	The Council's Current Approach	3
3.0	The Housing Market Area	5
4.0	The Origins and Scale of Unmet Housing Needs	7
	1. The Standard Method	7
	2. The HEDNA's Approach	8
	3. The Consortium's Alternative Approach	9
	4. Coventry's Approach	10
	Available Land Supply	11
	Coventry's likely level of Unmet Housing Need	13
5.0	Distributing Unmet Housing Needs	14
	The Need for an Evidence-led and Functional Housing Market Relationship Approach	14
6.0	Lichfields Methodology	17
7.0	Nuneaton and Bedworth's Functional Relationship	19
	Stage 1: A baseline degree of Linkage	19
	Stage 2: Uplift and Restraint Factors	22
	Stage 3: Environmental, Policy and Physical Constraints	28
	Rebasing	33
	Outcomes	33
8.0	Conclusions	35

Appendices

Appendix 1 Nuneaton and Bedworth's Functional Relationship Analysis

Appendix 2 Housing Needs Assessment: Calculation Coventry's Housing Needs (2021-2041)

1.0 Introduction

- 1.1 This Report has been prepared by Lichfields, on behalf of a consortium of housebuilders and land promoters, comprising Gladman Developments Ltd (“Gladman”), St Philips Land Ltd (“St Philips”) and Richborough (i.e., “the Consortium”), to consider how the unmet housing needs of the Coventry and Warwickshire Housing Market Area [HMA] (“C&W HMA”) could be sustainably distributed amongst the constituent authorities based upon the functional relationships between the authorities.
- 1.2 The purpose of this Report is to consider the levels of unmet housing need arising in Coventry in light of the Council’s objectively assessed housing needs [OAHN], set out in the ‘Coventry & Warwickshire Housing & Economic Development Needs Assessment (November 2022)’ [HEDNA] and the Consortium’s alternative assessment of Coventry’s projected household population and housing need, set out in their Housing Needs Assessment [HNA] (Appendix 2). This Report is not an ‘OAHN’ report. It has been prepared in support of each member of the Consortium’s respective representations to Nuneaton and Bedworth Borough Council’s (“the Council”) forthcoming Publication Draft Plan (“the PDP”) consultation on the Borough Plan Review.
- 1.3 It is important to note that the Consortium welcomed the Council’s previous commitment to assisting in addressing the unmet housing needs of the C&W HMA through the Borough Plan 2011-2031 (adopted June 2019) (“the Borough Plan”), as agreed through the 2017 C&W HMA Memorandum of Understanding [MoU]. However, the purpose of this Report is to demonstrate to the Council that the currently proposed withdrawal from the MoU is inappropriate and would not accord with the National Planning Policy Framework’s (2021) [NPPF] clear instructions that local planning authorities [LPAs] should work together to identify and meet (where it is sustainable to do so) housing needs across neighbouring areas, underpinned by adequate, relevant and up-to-date evidence now, rather than deferring these matters (Paras 11b, 31, 35a and 35c) – and is, therefore ‘unsound’.
- 1.4 As such, the Consortium considers that there is a clear and cogent need for the Council to work alongside the other C&W HMA authorities to ensure that the HMA’s existing unmet housing needs up to 2031 are addressed alongside the likely emerging unmet needs up to 2041 and beyond.
- 1.5 It should be noted that in Consortium’s representations to the Council’s Preferred Options [PO] consultation on the Borough Plan Review held between 13 June and 22 July 2022, the Consortium recommended that the Council considered undertaking analysis that considered the functional housing market relationship between the various local authority areas, taking account of: the degree of migration and commuting linkages within the C&W HMA, opportunities to capitalise on sustainable transport links and improve affordability, and the degree of environmental and physical constraints which might impede on an authority’s ability to accommodate unmet housing needs.
- 1.6 In this regard, this Report seeks to further justify this approach and demonstrates how this analysis would, ultimately, illustrate the functional linkages between the authorities within the C&W HMA, the origins of the unmet housing need, and how Coventry’s unmet housing needs could be sustainably distributed across the C&W HMA and within Nuneaton and Bedworth.

Structure

1.7

This Report Update is structured as follows:

- Section 2.0 – Sets out the Council’s proposed approach to addressing the unmet housing needs of the C&W HMA through the emerging Borough Plan Review;
- Section 3.0 – Defines the extent of the C&W HMA;
- Section 4.0 – Sets out the current unmet housing need position across the C&W HMA, explores the genesis of, and the quantum of the need, and defines the potential scale of unmet housing needs within Coventry to be met up to 2041;
- Section 5.0 – Sets out the approaches taken by other authorities to distributing unmet housing needs, the need for an evidence-led approach, and Lichfields’ approach to modelling the location of where Coventry’s unmet housing needs should be addressed;
- Section 6.0 – Sets out Lichfields’ step-by-step analysis of key indicators to conclude on how much of Coventry’s unmet housing needs should be addressed within Nuneaton and Bedworth; and
- Section 7.0 – Provides Lichfields’ conclusions on the quantum of unmet housing needs that the Council should be testing and planning to meet through its Borough Plan Review.

2.0 The Council's Current Approach

- 2.1 As the Council will be aware, as a part of the preparation of currently adopted Local Plans across the C&W HMA a series of Joint Strategic Housing Market Assessments [SHMAs] were produced between 2013 and 2015 for the C&W HMA, which assessed the housing needs of the C&W HMA over the 2011 – 2031 period.
- 2.2 Importantly, the 2015 Joint SHMA¹ underpinned the Coventry Local Plan and was endorsed by the Inspector at the Coventry City Local Plan Examination in Public [EiP]. For Coventry, the 2015 Joint SHMA identified an OAN for the 2011-2031 Local Plan period of 42,400 dwellings or 2,120 dwellings per annum [dpa]. However, Coventry's Strategic Housing Land Availability Assessment [SHLAA] only identified capacity for c.25,000 dwellings.
- 2.3 Consequently, Policy H1 (Housing Land Requirements) of Coventry City Council's 'Local Plan 2011-2031' ("the Local Plan") set out that provisions would be made for a minimum of 24,600 additional dwellings over the plan period (2011-2031) within the Council's administrative boundary, with the 17,800 dwellings shortfall to be met elsewhere within the C&W HMA.
- 2.4 To distribute Coventry's unmet housing needs up to 2031 and demonstrate the Duty to Cooperate [DtC], the C&W HMA authorities prepared and signed the 2017 MoU, which required each LPA to prepare a Local Plan that reflected the agreed distribution (Para 6) – the Council subsequently signed the 2017 MoU on 23 January 2018. For Nuneaton and Bedworth, the 2017 MoU identified that the Council should make provision for 4,020 dwellings up to 2031. To this end, consequently, the Council made provision for these needs within the 2019 Borough Local Plan.
- 2.5 However, the Council has expressed its concerns regarding the adopted existing level of unmet needs arising from Coventry, owing to inaccuracies in Coventry's population projections and mid-year population estimates and the consequences this has on Coventry's unmet housing needs up to 2031. As such, the Council has expressly stated that it intends to withdraw from the MoU and re-negotiate its contribution because of this.²
- 2.6 Notwithstanding this, although the Coventry Local Plan Review Issues and Options [IO] consultation indicates that the Council's OAHN is markedly lower than the Standard Method [SM] figure – discussed further below – it is considered that it is extremely likely that there will still be an acute level of unmet housing needs arising in Coventry in the future as the current round of plan-making extends plan periods beyond 2031 and up to 2050 in some instances.
- 2.7 Indeed, the Council's own 'Nuneaton & Bedworth Housing & Economic Development Needs Assessment (2022)' ("the Nuneaton HEDNA") clearly stated that there "*is a reasonable prospect that an unmet need will again arise*" in Coventry, which "*given the strong functional relationship between Nuneaton and Bedworth and Coventry*" may be "*an important consideration in considering overall housing provision within the Borough Plan Review*" (Para 10.7). Moreover, the HEDNA, although not explicitly stated, suggested

¹ Updated Assessment of Housing Need: Coventry-Warwickshire HMA (September 2015)

² <https://edemocracy.coventry.gov.uk/mgAi.aspx?ID=34061>

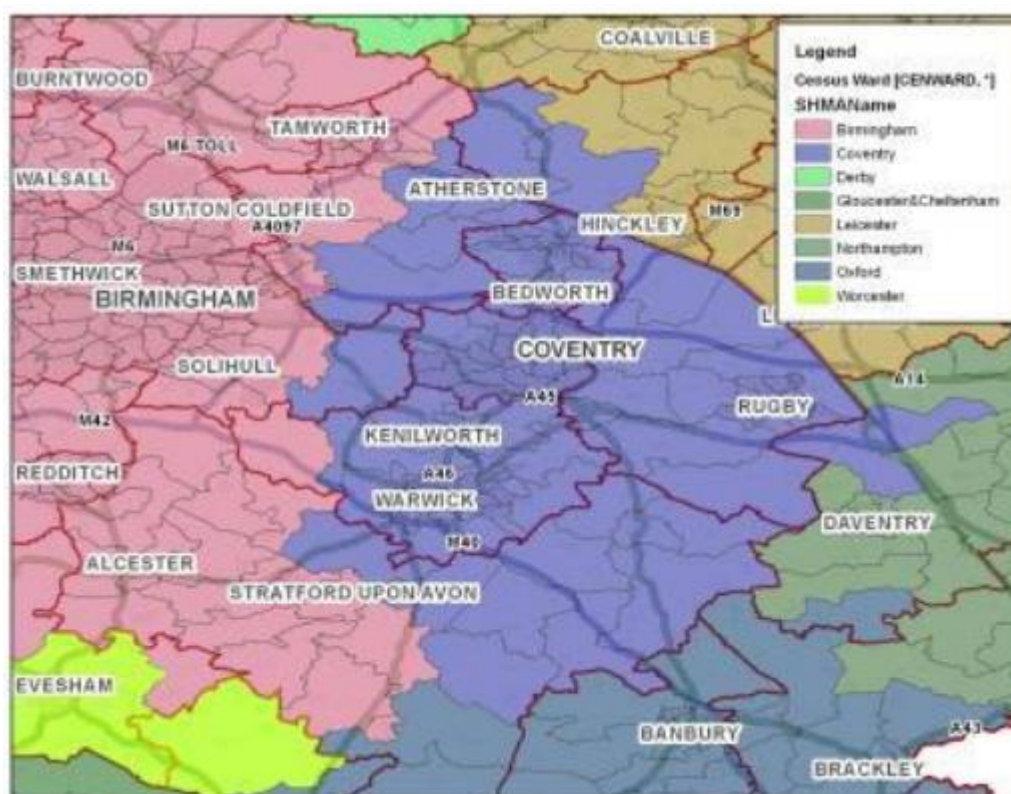
that some of the C&W HMA authorities would need to consider unmet needs arising from the C&W HMA (Para 15.8).

- 2.8 Despite this, the Council's previous PO consultation and PDP consultation make no commitment to a contribution towards the unmet needs of Coventry. Whilst the PDP is silent on the matter, the PO stated that this was on the basis of uncertainties surrounding Coventry's housing need with regards to ongoing doubts regarding the 2014-based household projections for the city (Para 7.25). As such, the Council's emerging Borough Plan Review is not seeking to make provisions for the unmet housing needs of Coventry beyond 2031 – quantified and discussed further below.

3.0 The Housing Market Area

- 3.1 As indicated above, the Council falls within the C&W HMA. The extent of the HMA was first established in the joint Coventry and Warwickshire Strategic Housing Market Assessment in 2013 (“the 2013 Joint SHMA”), prepared by GL Hearn and Justin Gardner Consulting, which was commissioned jointly by the authorities for the functional housing market area. The purpose of the Joint SHMA was to (inter alia) bring together the evidence base necessary to make policy decisions on overall housing requirements within the HMA.
- 3.2 In defining the HMA, the 2013 Joint SHMA utilised a ‘best fit’ approach, which uses LPA boundaries, and concluded that the C&W HMA comprised 6 LPAs.³ Notably, the C&W HMA is also contiguous with the Coventry and Warwickshire Local Enterprise Partnership [CWLEP].

Figure 3.1 CLG Strategic Housing Market Areas



Source: 2013 Joint SHMA (GL Hearn)

- 3.3 The 2013 Joint SHMA was subsequently updated in 2014 and again in 2015 to reflect the publication of new population and household projections since the publication of previous versions of the Joint SHMA. Nevertheless, the spatial extent of the C&W HMA remained unchanged throughout these subsequent updates. Although not explicitly, as set out in the Coventry’s Local Plan and Stratford-on-Avon ‘Core Strategy 2011-2031’ (“the Core Strategy”) Inspectors Reports, the Inspectors accepted the scope and extent of the C&W

³ Coventry City Council, Nuneaton and Bedworth Borough Council, North Warwickshire Borough Council, Rugby Borough Council, Warwick District Council and Stratford-on-Avon District Council

⁴ 2012-based Sub-National Population Projections & Economic Forecasts: Implications for Housing Need in Coventry & Warwickshire (September 2014)

HMA (IR 21 and IR13 respectively). In essence, the C&W HMA has been endorsed by Inspectors through the examinations and adoption of the currently adopted Local Plans across the HMA and therefore represents a long-established functional strategic HMA. Indeed, the HMA was adopted as the framework, and starting point, in the 2017 MoU for distributing Coventry's unmet housing needs and it is settled that the area comprises the geographic extent of 'neighbouring areas' from which the NPPF requires unmet needs be addressed. Moreover, it is considered that the C&W HMA remains an appropriate HMA geography, with the HEDNA reviewing the HMA and concluding that:

"Whilst functional geographies do not in reality precisely fit onto local authority boundaries, Coventry and Warwickshire remains an appropriate 'best fit' Housing Market Area (HMA) and Functional Economic Market Area (FEMA)." (Para 1.9)

4.0 The Origins and Scale of Unmet Housing Needs

- 4.1 As set out above, the Coventry's Local Plan confirmed an unmet housing need of 17,800 dwellings up to 2031. These needs were met within respective adopted Local Plans throughout the C&W HMA, as agreed through the 2017 MoU; albeit there are legitimate questions as to whether this need was fully addressed.
- 4.2 Indeed, the 2017 MoU agreed distribution of growth implied that c.3,800 dwellings of the shortfall had not been accounted for within the distribution, Warwick adopted a shorter plan period (2011-2029) resulting in a 664 dwelling lower contribution and Stratford-on-Avon deferred addressing these needs to a future Site Allocations Plan [SAP] which now does not propose to make any provision for the unmet housing needs of the C&W HMA. As such, on the face of it, there remains an unaccounted shortfall of 4,464 dwellings up to 2031.
- 4.3 Notwithstanding this, it is important to note that as authorities within the C&W HMA begin to review their Local Plans, these reviews will need to be undertaken in accordance with the revised NPPF and Planning Practice Guidance [PPG].
- 4.4 As the Council will be aware, Coventry's Local Plan Review should have regard to policy requirements set out in the revised NPPF, including calculating its local housing need [LHN] figure using the SM. Indeed, the NPPF is clear that LPAs should, as a minimum, provide for the OAHN of the area (Para 11b), which should be informed by the SM for calculating LHN (Para 61). However, Coventry has sought to demonstrate that 'exceptional circumstances' exist that would justify an alternative approach to the SM (i.e., Para 61 of the NPPF), which are set out in the HEDNA and Coventry IO.
- 4.5 Whilst this may be Coventry's position, the Consortium contends that Coventry's approach to calculating its OAHN would not accord with the NPPF, nor the Government's ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore 'unsound' – which is discussed further below. When taking the correct approach, and when coupled with the underbounded nature of Coventry, it is considered highly likely that Coventry will continue to face further significant land capacity and availability pressures (i.e., more unmet housing needs up to 2041), which the Council and other C&W HMA authorities will need to assist in meeting. In this regard, there are several housing need scenarios arising in Coventry which need to be considered when determining the likely level of unmet housing needs arising in Coventry:

1. The Standard Method

- 4.6 As the Council will be aware, on 24 July 2018, the Government published the revised NPPF, which amongst other things, introduced the new standardised methodology to assess LHN, which took immediate effect. As such, for the purposes of plan-making in the C&W HMA, the SM applies for the C&W HMA authorities, unless 'exceptional circumstances' justify an alternative approach.
- 4.7 Notably, and as the Council will be aware, the SM is calculated – for the vast majority of local authorities – based on the 2014-based household projections, uplifted where

appropriate to address the latest median workplace-based affordability ratios, and in certain instances, capped at a level 40% above the annual average housing requirement figure set out in existing up-to-date policies.⁵

- 4.8 However, following the consultations received in relation to the Government's proposed changes to the SM, as a part of the 'Changes to the current planning system' consultation, in December 2020 the Government revised the SM. The PPG⁶ was revised to include a further stage within the SM which applied a 35% uplift for those urban local authorities in the top 20 cities and urban centres list; which includes Coventry.
- 4.9 As a consequence of the new SM, as of August 2023, Coventry's minimum annual housing requirement is 3,247 dpa ("**Scenario 1**"). This is markedly higher than the OAHN of 2,120 set out in the 2015 Joint SHMA Update, and previous LHN figures for Coventry. Ultimately, this is because in December 2022, the Coventry Local Plan became more than five years old, and as such, the 40% cap no longer applies to the Local Plan requirement. Instead, it applies to the household projections. This is important, as the 40% cap on the Local Plan requirement artificially lowered housing needs within Coventry by virtue of the Local Plan being unable to meet its housing needs. This is tacitly accepted in the PPG⁷, which states that the "*cap reduces the minimum number generated by the standard method, but does not reduce housing need itself*".
- 4.10 Moreover, the current SM figure for Coventry includes the 35% uplift for those urban local authorities in the top 20 cities and urban centres list. Nevertheless, the above represents the NPPF's and PPG's starting position for Coventry's minimum housing requirement for the 2021-2041 Local Plan Review period.

2. The HEDNA's Approach

- 4.11 Given concerns regarding Coventry's population projections and mid-year population estimates with regards to perceived inaccuracies in respect of the impacts of the student population on the housing need figures – a point which the UK Statistics Authority has acknowledged⁸ and ONS have indicated would be reviewed⁹ – the HEDNA sought to deviate from the SM's use of the 2014-based household projections; as required by the PPG.¹⁰ In particular, the HEDNA considered that there were two main considerations justifying a departure from the 2014-based projections, which comprised:

“• Firstly that demographic data on which projections are based is demonstrably wrong and cannot realistically be used for trend-based projections on which the Standard Method is based; and

⁵ PPG ID: 2a-004: “Where the relevant strategic policies for housing were adopted more than 5 years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of: a. the projected household growth for the area over the 10 year period identified in step 1; or

1. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).”

⁶ PPG ID: 2a-004

⁷ PPG ID-2a-007

⁸ Review of population estimates, and projections produced by the Office for National Statistics (May 2021), UKSA

⁹ Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/futureplansforresearchonpopulationestimatesandprojections/2021-07-29>

¹⁰ PPG ID: 2a-005

• *Secondly that demographic trends have changed so much that it is unrealistic to use a set of projections based on information in a trend period to 2014, which is now over 8-years old.*" (Para 5.16).

- 4.12 On this basis, the purpose of the HEDNA was (*inter alia*) to consider the overall housing need within the C&W HMA between 2021 and 2041 and up to 2050, having regard to the SM, an interrogation of demographic trends and other relevant considerations including economic growth potential. It should also be noted that the HEDNA has also considered the demographic analysis and modelling of housing needs capturing initial Census data released on 28th June 2022.
- 4.13 When having regard to the PPG's guidance that an alternative approach to the SM can be taken in 'exceptional circumstances',¹¹ the HEDNA deviates away from the main SM's required use of the 2014-based projections and prepares its own 'trend-based projections'. In this regard, the HEDNA derives its own sub-national population projections based on several different datasets to reflect a 10-year migration trend. Namely, it has utilised the population/migration trends from the 2018 Sub-National Population Projections [SNPP] and applied adjustments to reflect the Mid-Year Estimates and 2021 Census on births/mortality and migration.
- 4.14 These projections are then applied to the households as of 2021 recorded in the Census, with the 2014-based Household Representative Rates, to derive a new household projection for each authority. The HEDNA then runs these baseline population projections through the SM framework (i.e., an uplift for the median affordability ratio), and, importantly, the 35% Urban Centres uplift is applied. Consequently, the HEDNA concludes on an OAHN of 1,964 dpa for Coventry ("**Scenario 2**") – which was 1,224 lower than the then 2014-based LHN (utilising the then 2021 Median Affordability Ratio) and is 1,283 lower than the current SM for Coventry.

3. The Consortium's Alternative Approach

- 4.15 The PPG states that an alternative approach to the SM can be taken in 'exceptional circumstances', stating that:
- "If it is felt that circumstances warrant an alternative approach... authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances."*¹² (Emphasis added)
- 4.16 And goes on to state:
- "Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination."*

¹¹ PPG ID: 2a-003

¹² PPG ID: 2a-003

Any method which relies on using household projections more recently published than the 2014-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework. As explained above, it is not considered that these projections provide an appropriate basis for use in the standard method.”¹³ (Emphasis added)

- 4.17 It is therefore clear that the SM should be used for the purposes of calculating housing needs, unless ‘exceptional circumstances’ justify an alternative approach. In this regard, prior to the HEDNA being published, the Consortium commissioned the HNA (Appendix 2), prepared by Lichfields, to provide the Consortium’s alternative assessment of Coventry’s projected household population to be used as a basis for calculating the level of housing need arising from the city in the future.
- 4.18 As required by the PPG,¹⁴ the SM still utilises the 2014-based household projections. However, the Consortium was acutely aware of the concerns expressed by the Council in respect of the challenges to Coventry’s population projections and mid-year population estimates with regards to perceived inaccuracies. Therefore, as a part of the HNA, it was concluded that the principle of deviating from the 2014-based household projections, but utilising the SM framework was acceptable in principle – an approach the HEDNA subsequently took. As such, the Consortium accepts, in principle, the derivation of independent population projections and agrees with the HEDNA’s approach of utilising the broad SM framework in calculating an OAHN for Coventry.
- 4.19 In this context, the HNA prepared its own alternative projections for Coventry, which had regard to the 2021 Census population and household data, published on 28 June 2022, and made adjustments to the official 2018-based projections to take account of the differences in migration over the 10-year intercensal period. As such, when the HNA’s alternative population and household projections were run through the SM framework, including the 35% uplift, this resulted in a minimum LHN figure of 2,529 dpa (“**Scenario 3**”).

4. Coventry’s Approach

- 4.20 Coventry is currently consulting on the IO, which sets out Coventry’s views on its housing requirement for the 2021 to 2041 plan period. Drawing on the HEDNA, the IO states that the Topic Paper has set out three housing needs options for the 2021-2041 plan period:
- 1 Scenario 1: SM for LHN - a total minimum need of 63,760 new homes – or 3,188 dpa;
 - 2 Scenario 2: The HEDNA’s 2021 Census ‘trend-based projections’ which are run through the SM’s framework (Inc. 35% Urban Centres uplift applied) - a total of 39,280 new homes – or 1,964 dpa; and
 - 3 Scenario 3: The HEDNA’s 2021 Census ‘trend-based projections’ which are run through the SM’s framework (Exc. 35% Urban Centres uplift applied) – a total of 29,100 new homes – or 1,455 dpa.
- 4.21 Ultimately, the IO concludes that “Scenario 3 represents the true need for Coventry, as it is based on the best available evidence. The Council, therefore, considers that this is the figure that we should deliver and is seeking views on this approach.” In particular, the IO

¹³ PPG ID: 2a-015

¹⁴ PPG ID: 2a-005

states that the Council disagrees with the implementation of the SM's 35% Uplift, stating that *"the figure is not justified and appears entirely arbitrary, having no relevance to addressing local need."* Fundamentally, whilst the Consortium accepts that it is appropriate to deviate from the 2014-based household projections in this instance, the Consortium considers that Coventry's proposed approach would not accord with the NPPF, nor the Government's ambitions to significantly boost the supply of housing and focus development in the top 20 major urban areas of the country – and is, therefore 'unsound'. To this end, the Consortium has made representations to the IO which set out the Consortium's concerns with this approach. As such, the Council's IO approach should be disregarded at this time.

Available Land Supply

- 4.22 As a part of the Coventry Local Plan Review, Coventry has now updated its evidence base, and prepared a 'Housing and Economic Land Availability Assessment' (2023) [HELAA]. It is understood that the HELAA was prepared within the context of the jointly prepared Housing and Economic Land Availability Assessment Methodology in September 2021.¹⁵ Crucially the HELAA updates the Council's information in respect of available housing land supply and sets out the projected delivery of new housing between 2021/22 and 2040/41. The purported housing land supply comprises several components, including:

Figure 4.1 Coventry's components of housing land supply

Housing land supply	Number of Homes
Past net completions	3,818 (2021 /22 monitoring year)
	1,620 (2022 / 23 monitoring year)
Call for brownfield sites	1,200 (approx.)
Sites with planning permission (includes those under construction but not completed)	11,914
Local Plan allocations – remaining capacity	3,151
City Centre Area Action Plan Remaining Allocations	455
Windfall	3,000 (2026 onwards)*
Total	25,158**

Source: Table 5, Coventry IO Consultation

- 4.23 As such, as of 31st March 2023, Coventry has confirmed a supply of 25,158 dwellings. As is shown above, a large proportion of this supply is already permitted; albeit, a large majority of this existing permitted land supply relates to flatted PBSA or flatted schemes on previously developed land.
- 4.24 The HELAA supply also indicates that c.3,000 windfalls would occur between 2026 and 2041, equating to an annual rate of 200 dpa. This is, of course, an optimistic position, which assumes that existing trends will continue beyond 2031. For example, it may become apparent that there is a lack of windfall sites suitable for redevelopment in the future because brownfield land is, by its nature, diminishing in supply, which would consequently impact the likely Local Plan windfall completions. Notwithstanding this, at present, the

¹⁵ Coventry and Warwickshire Sub-Regional Joint Method Statement Housing and Economic Land Availability Assessment – Methodology September 2021

above supply represents a reasonable starting point for considering the likely unmet housing need in Coventry up to 2041.

Coventry's likely level of Unmet Housing Need

4.25 Table 4.1 demonstrates the likely range of Coventry's shortfall across the 2021-2041 period.

Table 4.1 Likely Housing Shortfall for Coventry up to 2041

	2021-2041		
	Scenario 1	Scenario 2	Scenario 3
Minimum Annual Need (p.a)	3,247	1,964	2,529
	(based on 2014-based LHN figures and including 35% Urban Centre Uplift)	(based on 2018-based HEDNA adjusted LHN figure and including 35% Urban Centre Uplift)	(based on 2018-based Lichfields adjusted LHN figure and including 35% Urban Centre Uplift)
Minimum Housing Need over Plan Period 2021-2041	64,940	39,280	50,580
Total Supply (2021-2041)	25,158		
Minimum Shortfall	-39,782	-14,122	-25,422

Source: Lichfields' analysis

4.26 The above suggests that, based on the SM, there would be a minimum shortfall of c.39,782 dwellings over the 2021-2041 period. This would markedly reduce if the HEDNA OAHN was utilised, falling to c.14,122, which is still an acute level of unmet housing need within the C&W HMA. However, if an alternative approach was utilised, which draws on the 2018-based household projections adjusted to reflect 10-year intercensal migration trends and re-run through the SM calculation, there would be a minimum shortfall of c.25,422 dwellings over the 2021-2041 period.

4.27 It is important to note that the NPPF and PPG are clear that the LHN figure generated by the SM is the minimum starting point (i.e., a 'policy-off' housing need) and it very well may be that Coventry needs to explore further uplifts to these minimum figures. Therefore, these shortfalls should be seen as the minimum level of unmet housing need, which does not take into consideration whether higher levels of growth would be required.

4.28 On this basis, a key hurdle for the Council, and indeed all authorities in the C&W HMA, will be the need to once again strategically and collaboratively grapple with how these unmet housing needs can be addressed through the raft of emerging Local Plan reviews to ensure that the Council and HMA can demonstrate that it has complied with the DtC. In this regard, the Consortium strongly contends that the Council, alongside other C&W HMA authorities, should work together to identify and meet (where it is sustainable to do so) the housing needs of the C&W HMA, underpinned by adequate, relevant, and up-to-date evidence now, rather than deferring these matters.

5.0 Distributing Unmet Housing Needs

5.1 The NPPF is clear that:

“Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas” (paragraph 11b) (Emphasis added)

5.2 It goes on to state that:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.” (paragraph 31) (Emphasis added)

5.3 It is also clear that Local Plans should be:

“based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground” (paragraph 35c) (Emphasis added)

5.4 In essence, the NPPF is clear that local planning authorities [LPAs] are required to work together to identify and meet (where it is sustainable to do so) the housing needs of the relevant HMA, underpinned by adequate, relevant and up-to-date evidence.

The Need for an Evidence-led and Functional Housing Market Relationship Approach

5.5 At present, due to a slow-down in plan-making, it is unclear whether any of the C&W HMA authorities will work together to address the likely unmet housing needs arising from Coventry up to 2041. This is despite, as noted above, the Council’s Nuneaton HEDNA and the HEDNA recognising that there is a reasonable prospect that an unmet need will again arise in Coventry, which “*given the strong functional relationship between Nuneaton and Bedworth and Coventry*” maybe “*an important consideration in considering overall housing provision within the Borough Plan Review*” (Para 10.7, Nuneaton HEDNA). It is considered that Coventry’s approach to determining its OAHN, set out in the IO, is fundamentally inappropriate. As such, even if, subject to exceptional circumstances, Coventry seeks to use alternative projections rather than the SM (i.e., Scenarios 2 and 3), Coventry’s own evidence base on land supply indicates that there is likely to be unmet housing needs arising from Coventry.

5.6 On this basis, as required by the NPPF, the Council will need to work alongside other C&W HMA authorities to address these needs – per the DtC. In this context, whilst the NPPF is clear that LPAs should meet their own housing needs and the unmet needs of other authorities where they cannot be met (Para 11b) based on up-to-date evidence (Para 31) and cross-boundary joint working (Para 35), it does not explicitly set out a single, or definitive, approach to distributing this unmet need. How, therefore, should the C&W HMA authorities seek to address the unmet housing needs of Coventry within the HMA and how much (and what proportion) of those unmet needs should that location seek to plan for?

- 5.7 It is clear that, for many HMAs, a ‘fair share’ approach would not work as some authorities may be nearly as constrained as the origin of the unmet housing needs in the first place, albeit in respect of Footnote 7 constraints rather than administrative boundaries. Such an approach is also unlikely to be supported by evidence (i.e., Para 31). Indeed, this was an issue faced by North Warwickshire, who initially utilised a 10% figure for their contribution towards the GBBCHMA’s unmet need, with the Inspector stating that:
- “28. Although establishing housing needs is not an exact science, LP paragraph 7.39 explains that NWBC has tested delivering 10% of that residual (3,970 homes), which is referred to in the LP as an ‘aspiration’. Whilst that aspiration is significant in pro-rata terms given the number of authorities within the Greater Birmingham Housing Market Area (‘GBHMA’), the justification for a figure of 10% is not readily apparent.”* (Inspector’s Preliminary Note Ref: INSP1) (Emphasis added)
- 5.8 Furthermore, there is little point looking beyond the C&W HMA, as there are likely to be few socio-economic linkages between the origin of the unmet housing needs and the respective authority. Again, an Inspector at the Stratford-on-Avon Core Strategy EiP stated, “there is no point trying to meet the unmet needs of Birmingham in Glasgow because the socio-economic links would be lost.” (IR61, Inspectors Report). Moreover, given the wider West Midlands’ unmet housing need issues, it is unlikely that many authorities beyond the C&W HMA would be in a position to offer much assistance in any event.
- 5.9 In this regard, as the Council will be aware, at the very heart of the approach adopted by the C&W HMA authorities to distribute Coventry’s unmet housing needs through the 2017 MoU was a functional relationship (e.g., migration and commuting) that also attributed economic uplifts to individual authorities. It should be noted that the Consortium, and development industry more widely across the West Midlands, has long supported the C&W HMA authorities’ approach to dealing with this matter in this way. The preparation of the 2017 MoU, based on a joint evidence base, enabled a consistent approach to plan-making and addressing these needs quickly across the HMA which dealt with, rather than deferred, this important and strategic cross-boundary matter. Crucially, the Inspectors at the EiPs endorsed this approach too – see for example the Stratford-on-Avon Core Strategy (2017) Inspector’s Report.¹⁶
- 5.10 Notably, other authorities have drawn on the HMA’s Functional Relationship approach. Indeed, to help address the unmet housing needs of GBBCHMA, North Warwickshire considered the proximity, connectivity, and strength of functional inter-relationships with Birmingham in determining its contribution towards addressing the unmet housing needs of the GBBCHMA. This was naturally similar to the approach taken by C&W HMA and, again, was an approach that the Inspector supported.¹⁷ More recently, in considering how the unmet housing needs of Leicester – another city subject to the 35% urban centres uplift – could be addressed throughout the Leicester and Leicestershire Housing Market Area [LLHMA] a similar functional relationship approach was utilised. Albeit this approach differed slightly and drew on considerations of economic alignment and market capacity.
- 5.11 Whilst the NPPF and PPG provide no formal mechanism to undertake this task, it is clear that the initial functional relationship approach taken by the C&W HMA authorities, which was endorsed by Inspectors, has now been utilised elsewhere within the country as a critical

¹⁶ IR63, Inspectors Report

¹⁷ IR129, Inspectors Report

mechanism for evidencing the apportionment of unmet housing needs. As such, the Consortium contends that there is a clear and cogent need to explore distributing the unmet housing needs of Coventry based upon the functional relationships between the authorities to provide an evidence-led approach to addressing this matter now. In the absence of this, there is a very real risk that Coventry's housing needs may not be fully met, that the DtC cannot be sufficiently evidenced and that the Borough Plan Review may be found 'unsound'.

6.0 Lichfields Methodology

- 6.1 The NPPF requires housing needs to be met, it does not explicitly set out a single, or definitive, approach to distributing this unmet need. Whilst the Consortium welcomes the proactive approach taken to date by the C&W HMA authorities (e.g., the 2017 MoU), it nevertheless is clear that this issue will once again be at the fore of DtC discussions as the C&W HMA authorities review their adopted Local Plans under the current NPPF.
- 6.2 The key question, therefore, is where outside of Coventry will those needs arise and how much (and what proportion) of those unmet needs should that location seek to plan for? To this end, Lichfields has developed a three-stage ‘Functional Relationship and Gravity Model’, which builds on the foundations of the functional relationship approaches taken by the C&W HMA and LLHMA, which is as follows:
- 1 **Stage 1: Quantifying Linkages** – It is important to begin by identifying and analysing the functional linkages between the C&W HMA. This draws on an analysis of out-migration and in-commuting flows,¹⁸ which are then converted into a percentage of the total flows into and out of Coventry. A blended average is then taken. This then represents a baseline degree of housing market linkage (“baseline share”) that an area has with Coventry and forms the starting position;
 - 2 **Stage 2: Sustainability and Market Signals Adjustments** – There is a need to consider how, and whether, additional factors might influence the proportion of the baseline share that an authority has. Stage 2 includes adjustments for:
 - a **Sustainable rail links:** Authorities that benefit from good public transport links to Coventry can enable the promotion of sustainable commuting patterns. This is particularly important as the NPPF is clear that plans should actively manage patterns of development to support sustainable transportation.¹⁹ The adjustment utilises the quickest train travel times from a station within the District to Coventry;
 - b **Sustainable bus links:** As per the above, this adjustment utilises the percentage of a district within 45 minutes travel time, at peak times, from a District to Coventry; and
 - c **Affordability pressures:** Higher affordability ratios are a core indicator of a worsening housing market. It is necessary to consider how some areas (i.e., with greater affordability pressures) should be expected to do more than their ‘share’, as pressures are more pronounced. Doing so could reasonably be expected to improve affordability and ensure that housing needs are met. This adjustment utilises the ONS median workplace-based affordability ratios (i.e., the 2022 ratios²⁰) and the SM’s affordability adjustment.²¹
 - 3 **Stage 3: Environmental, Policy and Physical Constraints** – The NPPF is clear that strategic policies should, as a minimum, provide for objectively assessed needs for housing and any unmet housing needs, unless it is not sustainable to do so.²² There is a

¹⁸ PPG ID: 61-018

¹⁹ Paras 104 and 105, NPPF (2021)

²⁰ Published in March 2023

²¹ PPG ID: 2a-004

²² Para 11b, NPPF (2021)

need to consider whether environmental and physical constraints could prevent development. The Stage 3 analysis includes adjustments for:

- a **Fundamental environmental constraints:** The analysis maps fundamental constraints (e.g., NPPF footnote 7 environmental constraints) and considers the proportion of the district's area that is fundamentally constrained; however, this excludes Green Belt;
- b **Policy constraints:** The analysis maps Green Belt and considers the proportion of the District's area that is covered by Green Belt designations; and
- c **Under-bounded authorities:** Some authorities' urban areas have grown to the extent of their administrative boundaries and have limited available land to accommodate the pressure for further expansion. These authorities are considered 'under-bounded' and are unable to accommodate significant further growth.

6.3 A summary of the Stage 2-3 adjustments is shown in Table 6.1 below. As a part of Stage 3, authorities that are under-bounded are excluded from the analysis; accordingly, a -100% adjustment factor is applied to these authorities. In addition, the final stage accounts for existing/emerging commitments in Local Plans and includes the application of a cap that limits the increases any one individual local authority can face up to 25% and rebalances the proportions accordingly. However, in instances where the HMA only comprises a small number of authorities, a 25% cap may not be appropriate as the implications of applying a 'cap' could unreasonably and unjustifiably shift higher contributions on to authorities with much weaker social-economic links. The model then summarises the proportion of the overall sub-HMAs unmet housing needs that each of the C&W HMA authorities and others should seek to meet through their Local Plan Reviews.

Table 6.1 Stage 2-3 adjustments applied to each district's base share of unmet needs

Adjustment	Stage 2			Stage 3	
	Time from Station in District to Coventry (Minutes)	% of District within 45 minutes peak travel time from District to Coventry	Standard Method Theoretical Uplift	Footnote 7 Constraints (% of Districts Available Land)	Green Belt (% of Districts Available Land)
+20%	<10 mins	>20%	>20%	<10%	<25%
+10%	10-20 mins	15-20%	15-20%	10-20%	25-50%
0%	20-30 mins	10-15%	10-15%	20-30%	50-70%
-10%	30-40 mins	5-10%	5-10%	20-40%	70-90%
-20%	>40 mins	0-5%	<5%	>40%	>90%

6.4 Importantly, Lichfields' model reflects the key choices people make in respect of where they live and work and utilises this to demonstrate how far, and the degree to which, this impacts on the authorities within the HMA and beyond. Fundamentally, the model is weighted towards locations and communities that can accommodate greater levels of growth across the region, but it also ensures that each authority would still take a 'fair share' and would not be disproportionately impacted by the outcomes of the model.

7.0 Nuneaton and Bedworth's Functional Relationship

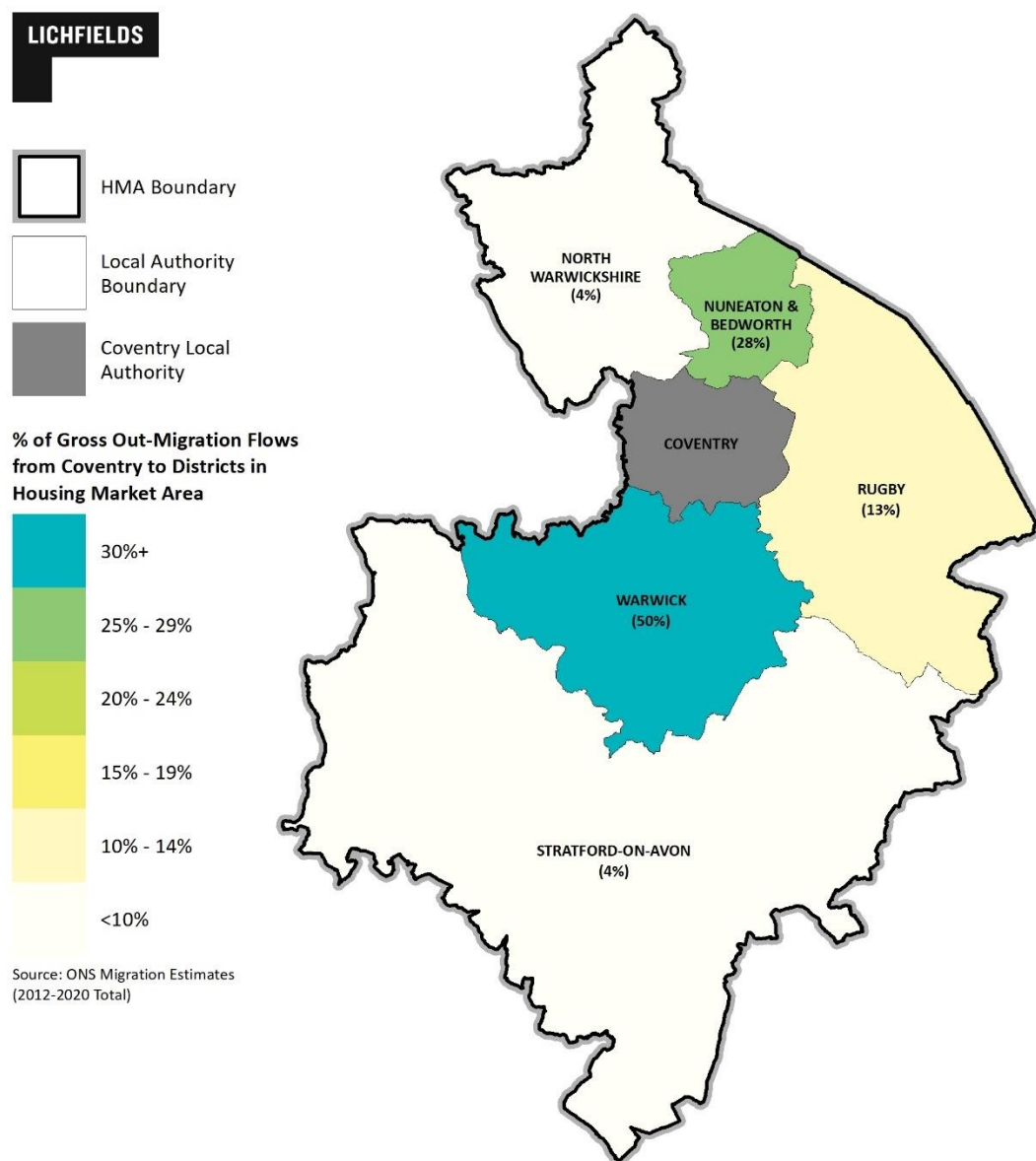
Stage 1: A baseline degree of Linkage

- 7.1 As a result of some residents being unable to find appropriate housing in Coventry, this will place additional pressures on those areas that are linked in housing market terms to the city. This is because, compared to past trends, this will result in either more migration out of these areas (as people move to seek a home) or less migration into these areas as people cannot find a home to move to and therefore choose a different location but commute to a place of work. As such, areas that are strongly related to Coventry will face greater pressures from the unmet needs. Identifying how inter-dependent a location is within the C&W HMA is a function of movement, both to live (migration) and to work (commuting).

1. Migration

- 7.2 In respect of migration patterns for the C&W HMA, Lichfields' analysis of migration flows between 2012 and 2020 show that whilst Coventry is a major inward migration destination, it also sees significant levels of outward migration to neighbouring authorities reflecting different stages of life and living preferences. In particular, just over half of all of the city's outward migration into the C&W HMA is into Warwick (c.50%), with a majority of the remaining people migrating to Nuneaton and Bedworth (c.27%).
- 7.3 It is therefore clear that Coventry exerts a significant migration pressure on these areas, to a much greater extent than it does the other areas such as Rugby (c.13%), Stratford-upon-Avon (c.4%) and North Warwickshire (c.4%). This may be the result of both Districts having large towns in close proximity to the city, such as Kenilworth in Warwick, and Bedworth in Nuneaton and Bedworth. Moreover, it may have been the result of Coventry to Nuneaton and Coventry to Leamington Spa Railway Lines, which provide direct access from these areas to Coventry that were upgraded in 2016 and 2019.
- 7.4 Importantly, this gross outward migration flow over the 2012 to 2020 period provides an indicator of the spatial extent of the geography that Coventry's unmet housing need might impact. As shown in Figure 7.1, it is clear that Coventry exerts significant housing pressures on the Warwick and Nuneaton and Bedworth authorities collectively.

Figure 7.1 Gross out-migration (from Coventry)



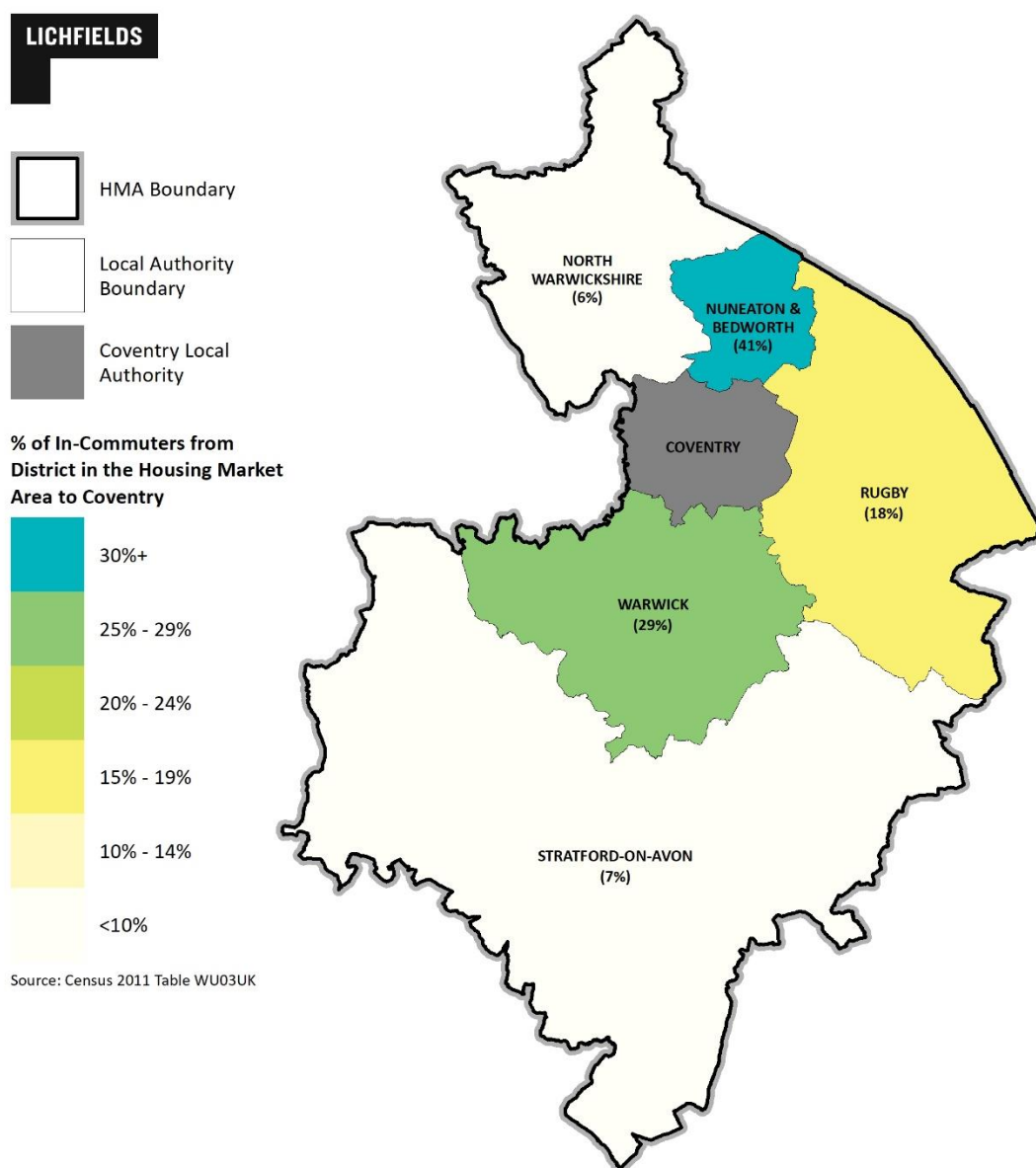
Source: Lichfields analysis based on ONS Migration Estimates (2012-2020 Total)

2. Travel to Work

- 7.5 With regards to the travel to work patterns, Lichfields' analysis demonstrates that Coventry's economy is relatively wide-reaching across the C&W HMA and beyond into Birmingham and parts of Leicestershire, with a gross inflow of c.10,800 commuters into Coventry every day. As a result, the city's economic opportunities in education, manufacturing, retail and healthcare are placing pressure on local housing markets in areas where there is good commuter access.
- 7.6 In this regard, Lichfields' analysis shows that, in general, the travel inflows within the C&W HMA tend to correlate with the above-mentioned migration patterns. However, the 2011

Census showed that the strongest travel inflow from within the C&W HMA into Coventry arises from Nuneaton and Bedworth (c.41%), rather than Warwick (c.29%), with most of the remaining people commuting in from Rugby (c.18%). Conversely, as was seen in migration flows, more rural areas, such as North Warwickshire (c.6%) and Stratford-upon-Avon (c.7%) see significantly weaker inflows of residents commuting into the city daily.

Figure 7.2 In-commuters (to Coventry)



Source: Lichfields analysis based on 2011 Table WU03UK

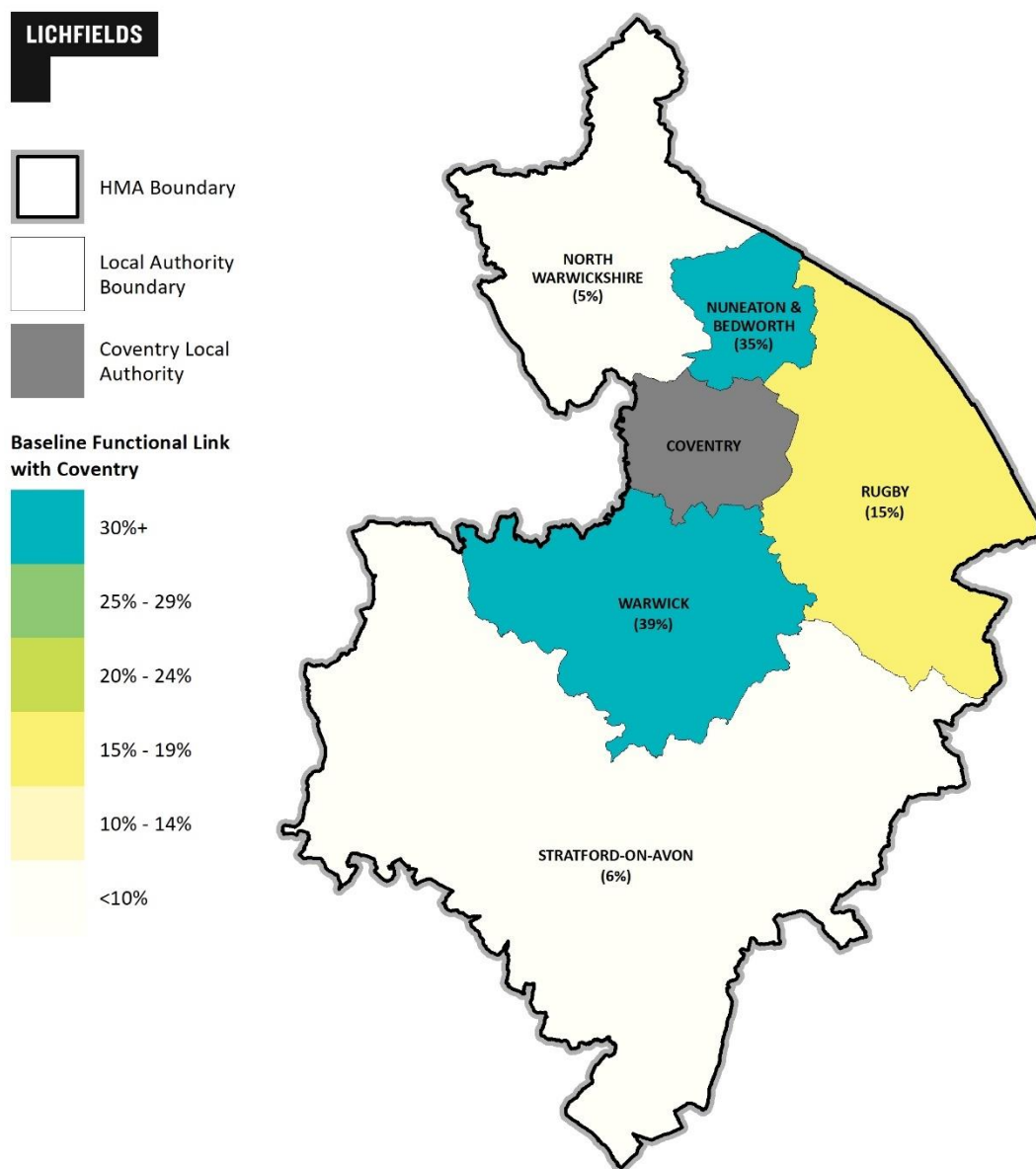
Baseline degree of linkage

7.7

Drawing on the analysis of out-migration and in-commuting flows into and out of Coventry, which is converted into a simple percentage and then averaged out, we can determine a percentage for each District (adding up to 100% for the whole of the C&W HMA). This

percentage represents the baseline degree of housing market linkage an area has with Coventry and therefore represents its starting share of their unmet needs that will need to be met. For Nuneaton and Bedworth, Lichfields' analysis results in a baseline starting point share of **c.34.5%**, which the Stage 2 and 3 adjustments will be applied to.

Figure 7.3 Base share of Coventry's unmet needs



Source: Lichfields analysis

Stage 2: Uplift and Restraint Factors

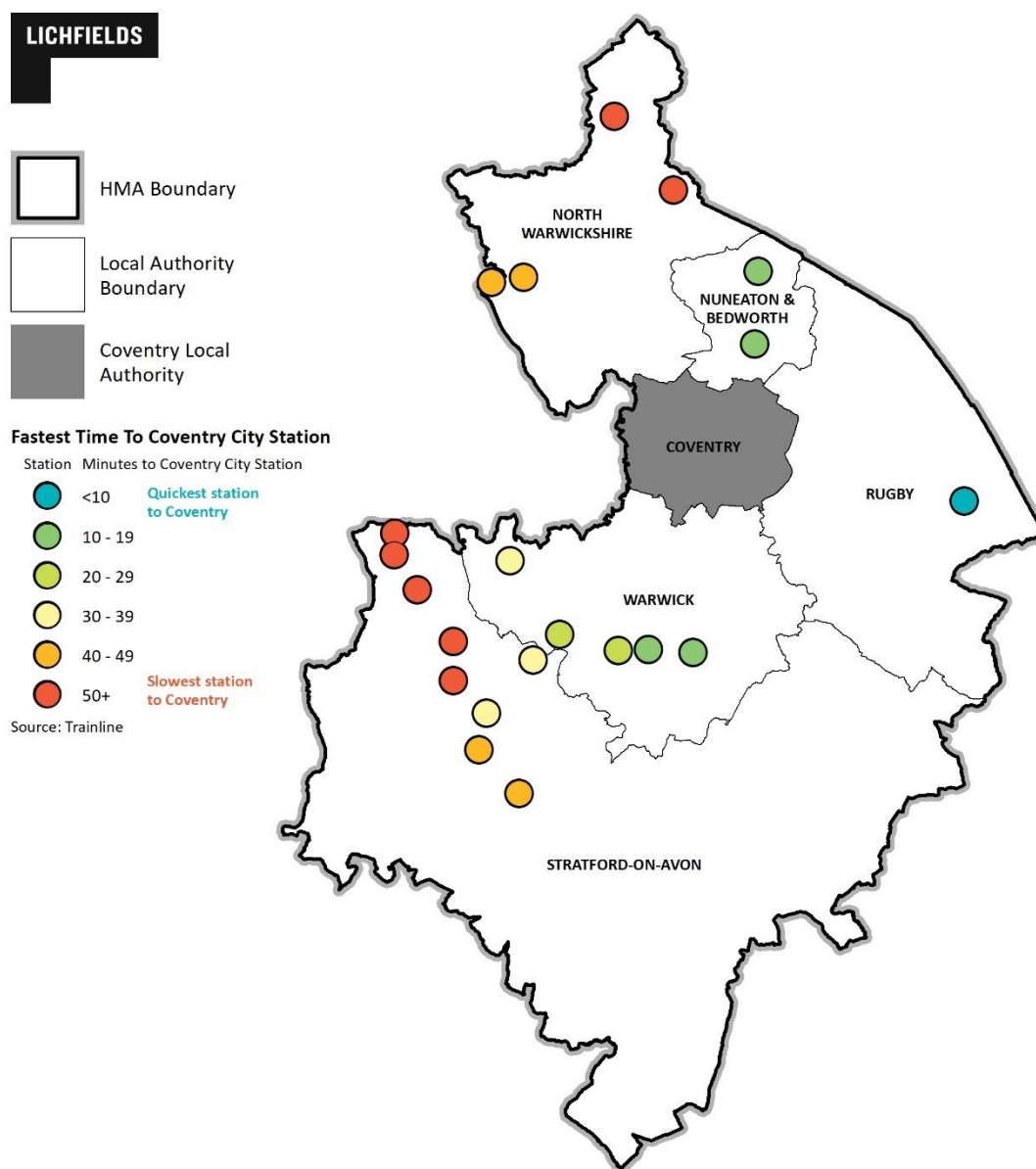
7.8

When accounting for the Stage 2 adjustments, the Borough's baseline share for the C&W HMA would increase to **48.3%**. The detailed analysis for the Stage 2 adjustments is set out below in more detail:

1. Sustainable Rail Links

- 7.9 The NPPF sets out an approach to sustainable development patterns that specifically identifies support for patterns of development that facilitate the use of sustainable modes of transport. In this regard, it is noted that the HMA benefits from a regional railway network.
- 7.10 In this context, Lichfields has reviewed the fastest train times between all stations within the HMA and Coventry (as shown in Figure 7.4). Notably, although only having two stations, the Borough does provide rapid access to Coventry within 12 minutes. Although there are some authorities within the HMA that offer faster rail access to Coventry, such as Rugby and Warwick, the Borough is one of the most accessible authorities for access to Coventry.
- 7.11 Accordingly, Lichfields' model has ascribed a **10%** uplift to the baseline degree of linkage as the fastest commuting times is between 10 and 20 minutes. Other authorities across the C&W HMA offer much slower commuting times to Coventry, which aligns with some of the other more rural authorities in the C&W HMA, such as Stratford-upon-Avon and North Warwickshire, as these authorities have a slower commuting times and multiple changes. As such, the Borough's rail-links with the city are stronger than both of these authorities (ascribed a -10% and -20% adjustment respectively). Conversely, and logically, those authorities closer to the city, such as Rugby and Warwick, have faster access to the city and are therefore ascribed a 10% or 20% uplift.

Figure 7.4 Fastest Train Times to Coventry



Source: Lichfields based on the Train Line

2. Sustainable Bus Links

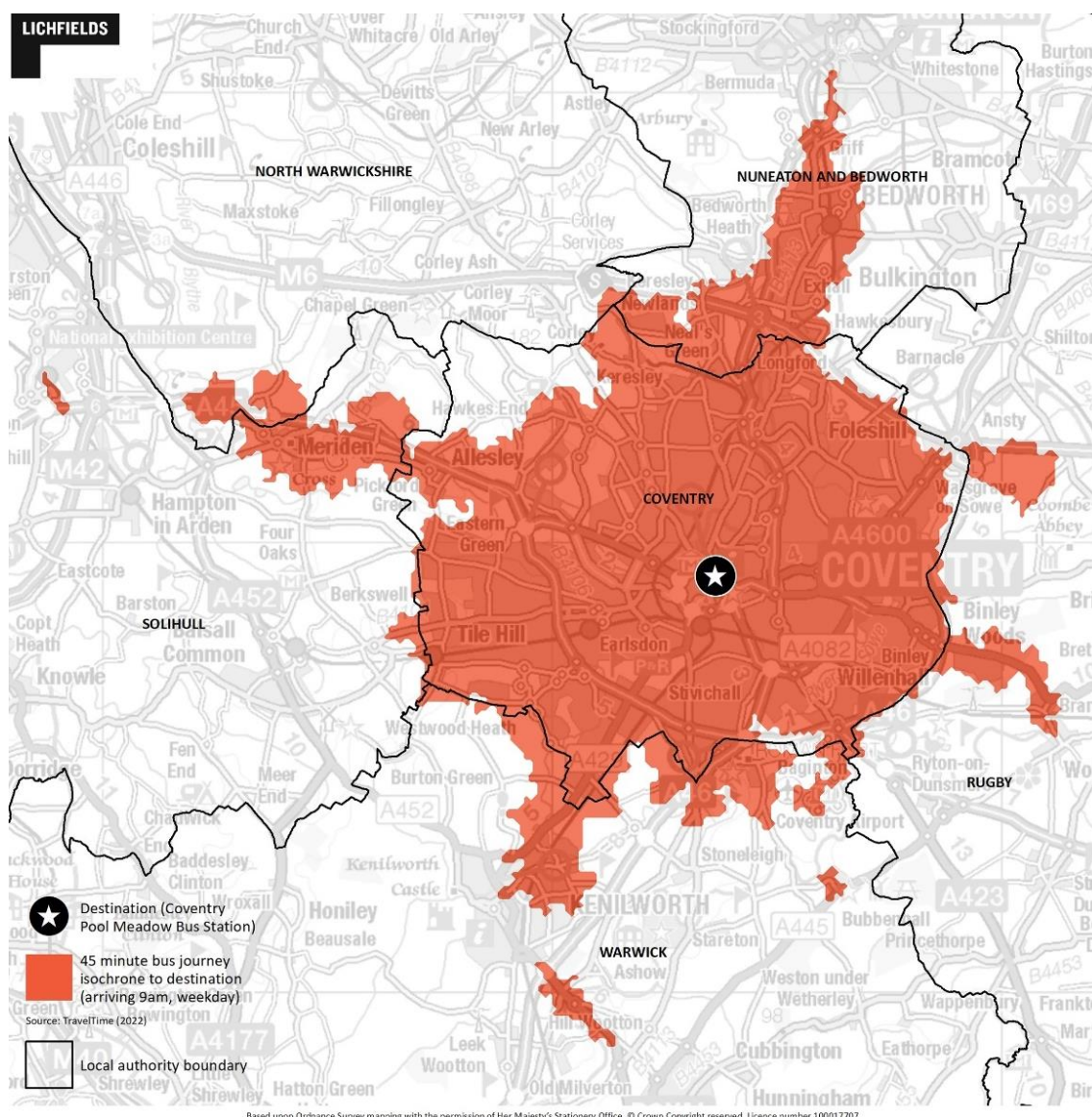
7.12

Whilst the HMA does benefit from a rail network, the rail network has a particularly strong emphasis on connections with Birmingham, rather than to and from Coventry. By way of example, areas such as Stratford-upon-Avon and North Warwickshire do not benefit from direct trains to Coventry, despite having several stations throughout the District. As such, there is a need to change up to two times to enable travel to Coventry. There are similar issues throughout the HMA, whereby authorities have some stations that offer direct access, but others that don't – such as Warwick.

- 7.13 However, the HMA also benefits from relatively strong access to the strategic road network [SRN] (e.g., the M1, M6, and A5) and a regional bus network. Indeed, the National Express Coventry operates 48 Bus routes in the West Midlands with 1,328 bus stops. As set out above, the NPPF encourages support for patterns of development that facilitate the use of sustainable modes of transport, which includes buses. Moreover, where Green Belt release is considered necessary, plans should give first consideration to land that has been previously developed and/or is well-served by public transport.²³ To this end, Lichfields has mapped out the percentage of an authority that is within 45 minutes bus travel, at peak commuting times, to Coventry city centre.
- 7.14 As shown in Figure 7.5, the bus network covers a majority of the city and extends out to some parts of Warwick, Rugby and Nuneaton and Bedworth. Notably, whilst much of the HMA is not able to reach Coventry by bus, logically parts of those authorities closer to the city, such as Bedworth and Kenilworth do. Indeed, of all of the HMA authorities, at least 15% of the Borough's area can access Coventry by bus in under 45 minutes, compared to c.4% of Warwick and c.2% of Rugby. By virtue of Bedworth's proximity to the city, Nuneaton and Bedworth is considered the most accessible authority within the HMA for access to Coventry by bus and is therefore ascribed a 10% uplift.

²³ Paragraph 138

Figure 7.5 Areas within a 45 minute bus journey to Coventry at peak times



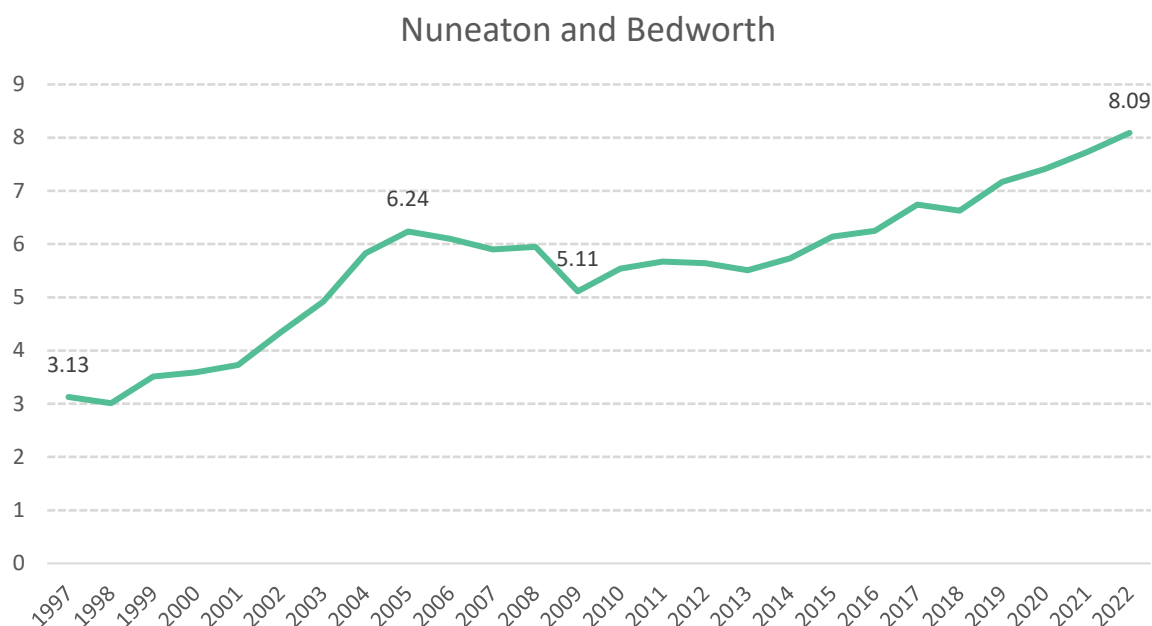
Source: Lichfields based on Travel Time

3. Adjusting for Affordability

7.15

Higher affordability ratios are a core indicator of worsening housing market pressures. In this regard, the 2022 median workplace-based affordability ratio for the Borough is 8.09, which is the highest ratio to-date. Following the worsening, and doubling, of the Borough's affordability between 1997 and 2005 – from 3.13 to 6.24 – the Borough's ratio did begin to see an improvement following 2005, with a 4-year downward trend up to 2009 (5.11). Despite this, it has subsequently begun to increase again, reaching higher levels than those seen in 2005.

Figure 7.6 Nuneaton & Bedworth's Median Affordability Ratios (1997-2022)

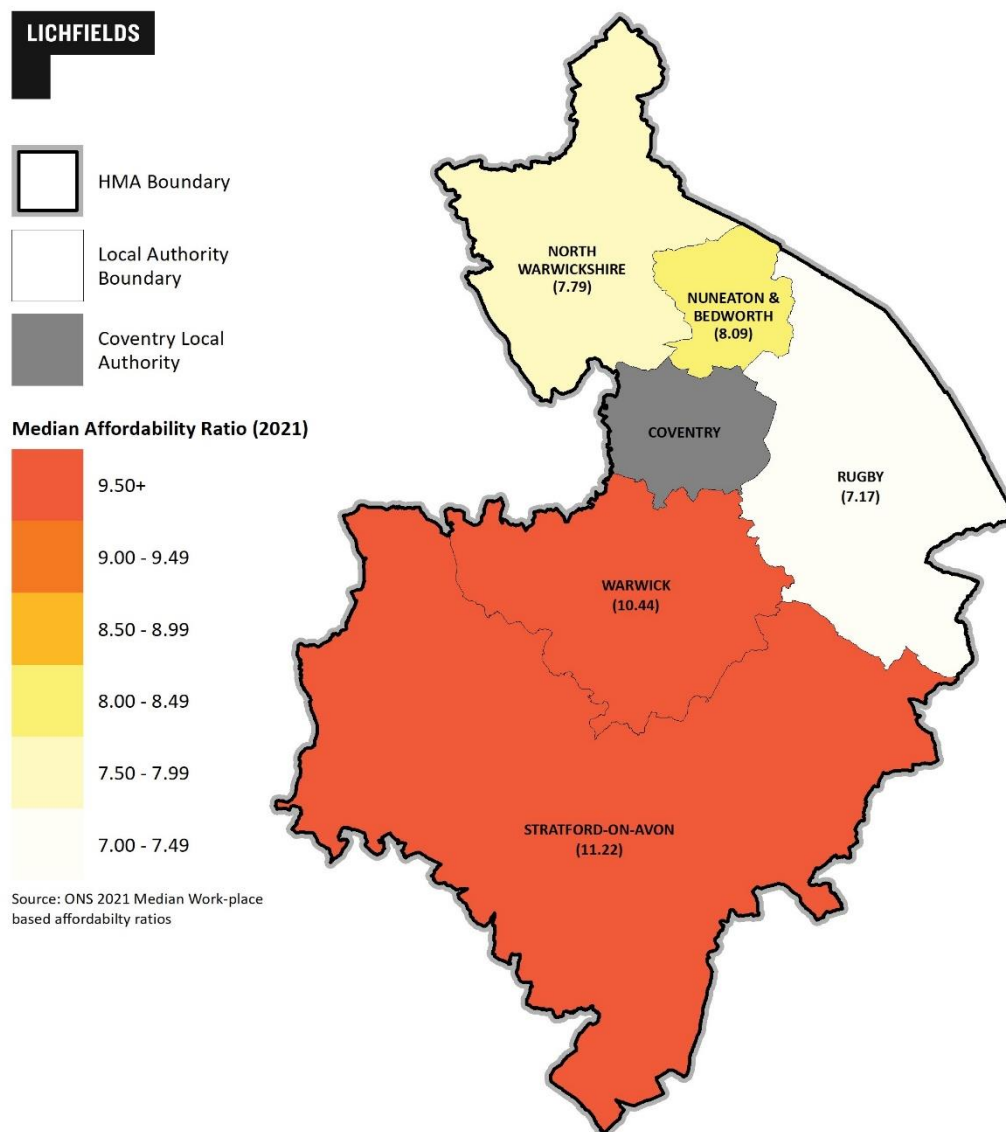


Source: Lichfields based on the ONS 2022 median workplace-based affordability ratios

7.16

In the context of the C&W HMA, as shown in Figure 7.7, the Borough is considered to be one of the more affordable areas, with a median affordability ratio below the national average (8.28) in 2022. Half of the C&W HMA authorities could also be considered more affordable than the national average, such as North Warwickshire (7.79) and Rugby (7.17). However, Stratford-upon-Avon (11.22) and Warwick (10.44) both have particularly acute affordability pressures. Nevertheless, based on an affordability ratio of 8.09, the affordability uplift to the baseline 2014-based household projections in the SM would be c.26%. Accordingly, Lichfields' model has ascribed a **20%** uplift to the baseline degree of linkage. Similarly, all other C&W HMA authorities affordability uplifts exceeded 20% and were also ascribed a **20%** uplift to the baseline degree of linkage, with the exception of Rugby, which was marginally below 20% and therefore ascribed a 10% uplift.

Figure 7.7 C&W HMA Median Affordability Ratios (2022)



Source: Lichfields based on the ONS 2022 median workplace-based affordability ratios

Stage 3: Environmental, Policy and Physical Constraints

7.17 When accounting for the Stage 3 adjustments, the Borough's baseline share following the Stage 2 adjustments would increase to **58%** The detailed analysis for the Stage 3 adjustments is set out below in more detail:

1. Environmental Constraints

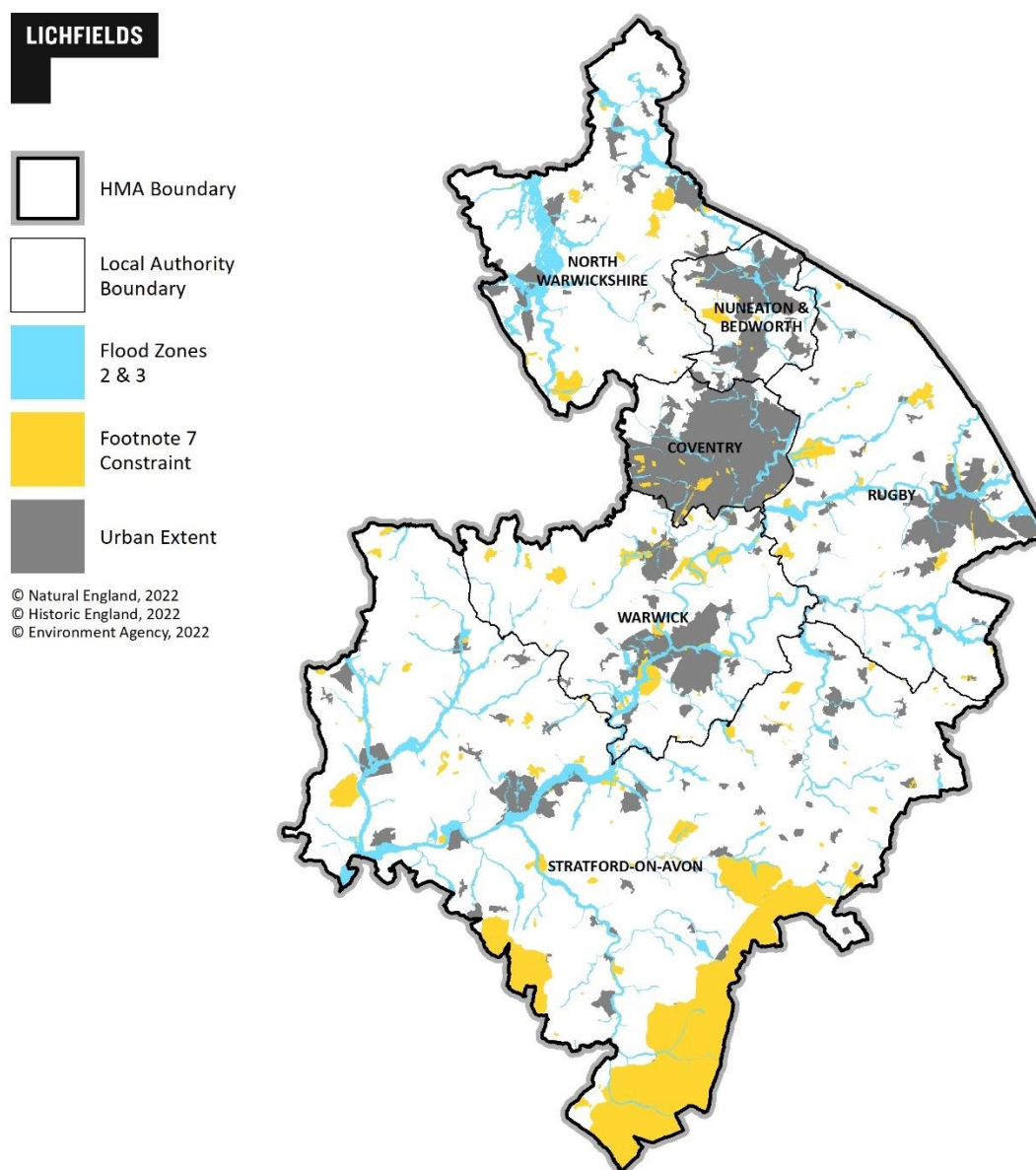
7.18 Applying this factor to the gravity model needs to distinguish between those constraints which are fundamental and ultimately would prevent development appropriately being allocated through a Local Plan process (e.g., fundamental NPPF footnote 7 environmental

constraints²⁴) and those that are policy choices (such as Green Belt). By mapping Footnote 7 environmental constraints across the C&W HMA for each district, the proportion of the district's area that is constrained is identified.

- 7.19 Lichfields' analysis shows that very few if any, districts are fundamentally constrained by environmental designations to the point where they cannot accommodate any additional growth. Whilst constraints will cover parts of a district, in most areas there are also less environmentally sensitive areas that could potentially accommodate development. Except for Stratford-upon-Avon (14%), none of the other authorities has more than 14% of their remaining land constrained by NPPF Footnote 7 constraints. Indeed, of Nuneaton and Bedworth's land, only **c.4%** is constrained by statutory environmental designations. Accordingly, Lichfields' model has ascribed a **20%** uplift to the baseline degree of linkage.

²⁴ Footnote 7 of the NPPF: *"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."*

Figure 7.8 C&W HMA Footnote 7 Constraints



Source: Lichfields analysis based on Natural England, Historic England and Magic Maps

2. Policy Constraints

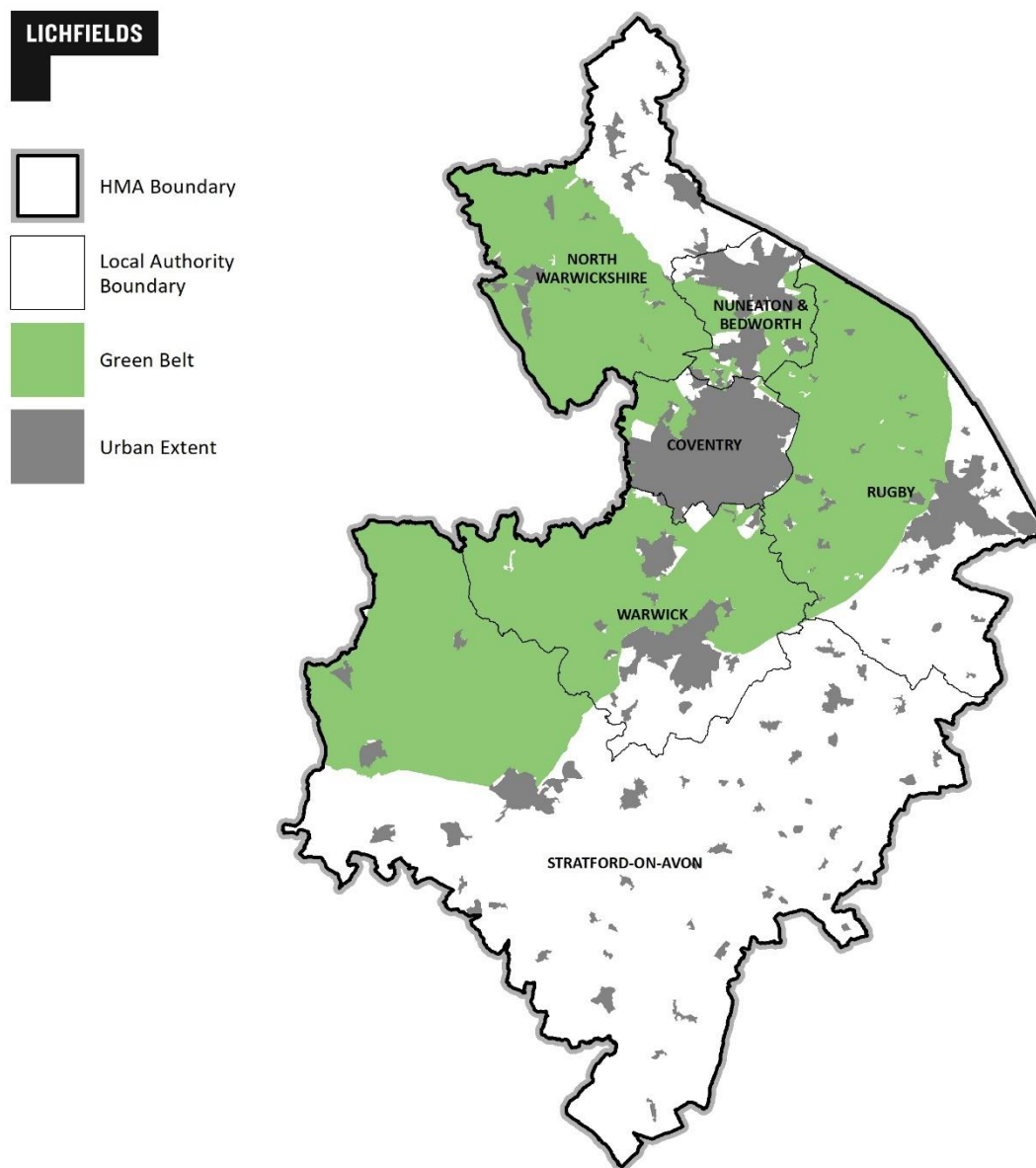
- 7.20 Green Belt is not exercised as a fundamental environmental constraint within the model. This is because the Green Belt is a function of the Local Plan process, where there will be legitimate reasons for reviewing its boundaries, such as the acuteness of unmet housing needs²⁵.
- 7.21 Adjustments on this basis would also unsustainably burden authorities with no Green Belt land, shifting need onto districts that may be less sustainable. As such, if those areas with Green Belt are excluded, the implications for those areas with no Green Belt become stark;

²⁵ Nottingham City Council v Calverton Parish Council [2015] EWHC 503 (Admin) (02 March 2015)

meaning that no authorities within the C&W HMA would be expected to contribute to Coventry's unmet needs.

- 7.22 Even if we focussed growth in areas where the Green Belt covers less than half of a district's area, such as Stratford-upon-Avon, this would still have a similar effect, meaning that districts with a weaker socio-economic linkage with Coventry would be bearing the majority of the burden, promoting unsustainable patterns of development.
- 7.23 Recognising the need to promote sustainable patterns of development within the Green Belt, by mapping Green Belt land across each of the districts, the proportion of the district's area that is covered by it is identified. For Nuneaton and Bedworth, **c.68%** of the Borough's remaining land is covered by a Green Belt designation – a level broadly consistent with Rugby, North Warwickshire and Warwick. Accordingly, Lichfields' model has ascribed a **0%** uplift to the baseline degree of linkage.

Figure 7.9 C&W HMA Green Belt Coverage



Source: Lichfields analysis based on Magic Maps

3. Physical Constraints

- 7.24 It is important to acknowledge that a significant challenge for Coventry is that, although not overly constrained by Footnote 7 designations, it has largely grown to extent of its administrative boundaries and has limited available land to accommodate the pressure for further expansion. Authorities such as this are considered ‘under-bounded’ and this is, arguably, the reason why Coventry is unable to meet their needs.
- 7.25 In this regard, reflecting the problems such areas face meeting their own needs, any such district is ascribed a -100% adjustment factor, essentially meaning that the ‘gravity model’ assumes these areas will be unable to help meet Coventry’s unmet needs. However, in this

regard, **no authorities within the C&W HMA, including Nuneaton and Bedworth, are considered under-bounded.**

Rebasing

- 7.26 As the above steps and adjustments are applied individually to each LPA in the C&W HMA, the final stage is to bring them together into a single distribution. This is done by rebasing the distribution between each LPA such that it collectively adds up to 100%, but in the same proportions as arises from the application of the model stages. This is what is referred to by 'rebased proportion' and ensures the outcomes tally across the whole HMA (and that the full unmet need, not more or less, is being distributed by the model).

Outcomes

- 7.27 Lichfields' model has analysed the degree of migration and commuting linkages within the C&W HMA, opportunities to capitalise on sustainable transport links and improve affordability, and the degree of environmental and physical constraints which might impede on an authority's ability to accommodate unmet housing needs.
- 7.28 Drawing on the above analysis, Lichfields' model concludes on the functional linkages between the districts and the C&W HMA. From this, it shows how Coventry's unmet housing needs could be sustainably distributed to Nuneaton and Bedworth.
- 7.29 However, whilst regard should also be had to whether an authority has already made a commitment through an adopted Local Plan or is progressing a contribution towards these needs that is higher than Lichfields' model would suggest, this is not the case in the C&W HMA. This is because authorities within the HMA have only just begun the Local Plan Review process.
- 7.30 In addition to this, whilst the fundamental aim of Lichfields' model is to apportion these needs to areas with higher levels of socio-economic linkages with the origin of the unmet housing needs, there is clearly a need to ensure that each authority would still take a 'fair share' and would not be disproportionately impacted by the outcomes of the model. Much in the same way that the NPPF's SM utilises one, Lichfields' model typically ascribes a 25% 'cap' to authorities that the models indicate would exceed this figure, with the other authorities experiencing a commensurate increase in their contributions. However, given the fact that the HMA only comprises 5 authorities beyond Coventry, the implications of applying a 'cap' would unreasonably and unjustifiably shift higher contributions on to authorities with much weaker social-economic links. By way of example, applying a 25% 'cap' in this model would result in areas such as Stratford-upon-Avon going from accommodating 5% to 15%. As such, a 'cap' has not been implemented within this model.
- 7.31 When accounting for the above, Lichfields' model indicates that to address the likely unmet housing needs of the C&W HMA, a reasonable distribution would see **Nuneaton and Bedworth accommodating c.40% of Coventry's unmet needs up to 2041**. This would equate to a contribution of between **c.5,650 and c.15,910 dwellings towards Coventry's unmet needs**²⁶ above the Borough's own housing needs – see Appendix 1 for a detailed calculation.

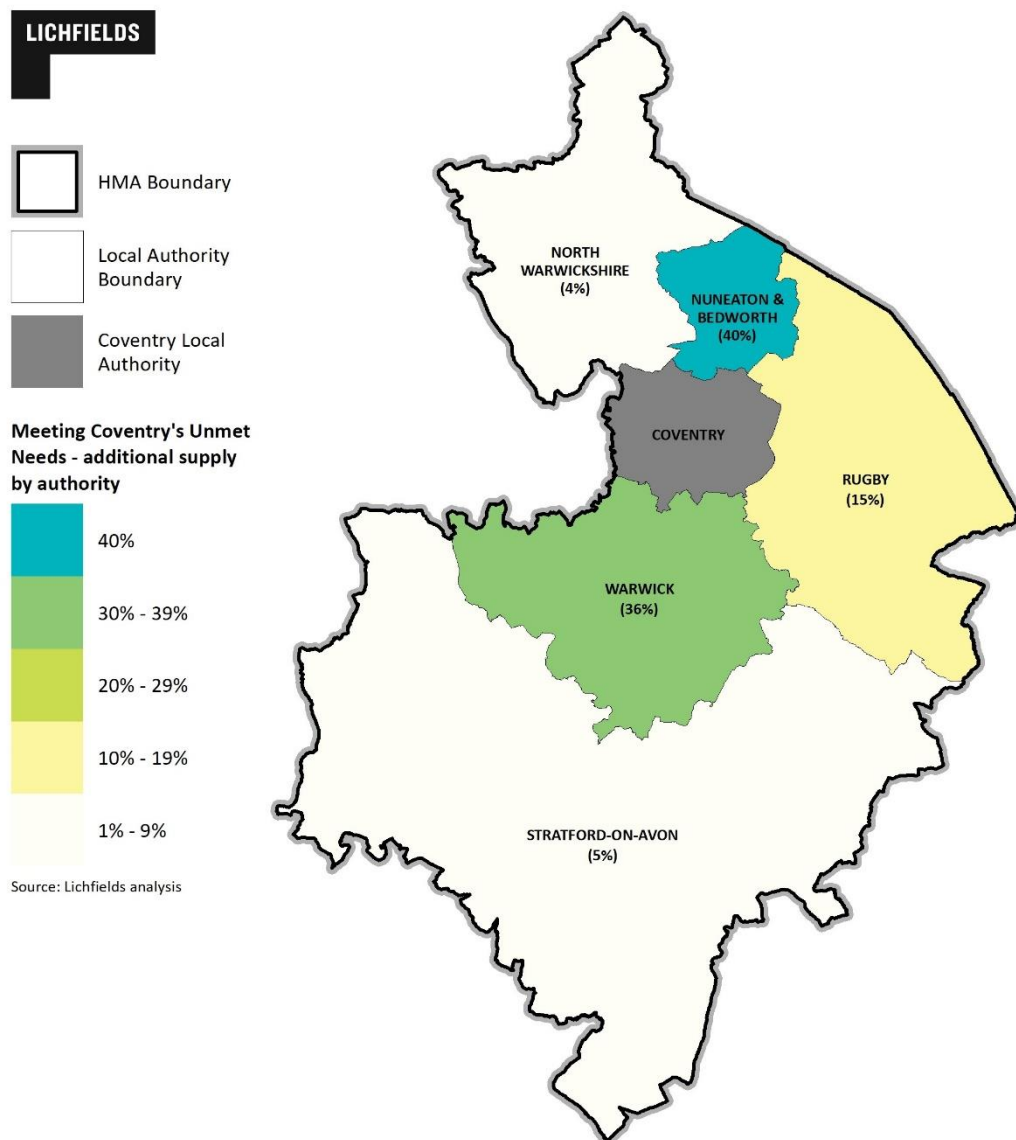
²⁶ Based on an estimated unmet need of between c.14,100 (Scenario 2) and c.39,780 dwellings (Scenario 1) up to 2041 in Coventry.

Table 7.1 Likely Housing Shortfall for Coventry up to 2041

	2021-2041		
	Scenario 1	Scenario 2	Scenario 3
Coventry's Minimum Shortfall	-39,782	-14,122	-25,422
Nuneaton and Bedworth's Share of Coventry's Unmet Housing Need 2041 (Re-Balanced if Commitments exceed model)	40%		
	15,913	5,649	10,169

Source: Lichfields' analysis

Figure 7.10 Distribution of C&W HMA's unmet housing needs up to 2041



Source: Lichfields analysis

8.0 Conclusions

- 8.1 The NPPF is clear that LPAs are required to work together to identify and meet (where it is sustainable to do so) the housing needs of neighbouring authorities, underpinned by adequate, relevant and up-to-date evidence.
- 8.2 Although Coventry's Local Plan Review is at an early stage, and contends that the 35% uplift should be discounted, the Consortium strongly contends that Coventry fundamentally lacks any justification for proposing its current housing requirement. Fundamentally, this is at odds with the HEDNA, and the evidence produced by the Consortium, which suggests that, in all likelihood, the Coventry's OAHN is between the HEDNA's 1,964 dpa and the HNA's 2,529 dpa. In either event, both point to a markedly higher level of need than the Coventry has proposed to date. Given the underbounded nature of the city and that it has historically been unable to meet its needs in full, it is likely that there will be significant unmet housing needs arising from Coventry up to 2041.
- 8.3 Indeed, under both the PPG compliant SM calculation, or the HEDNAs SM calculation based alternative household projections, based on Coventry's current land supply it is likely that there will be an unaccounted for shortfall of between **c.14,100** and **c.39,780** dwellings up to 2041 – or **c.25,420** under the HNA's alternative projections.
- 8.4 Whilst it is acknowledged that the C&W HMA has historically sought to take a collaborative 'evidence-led' approach to address the HMAs housing needs, the Council's current position appears to disregard this approach and is not seeking to effectively grapple with this issue.
- 8.5 To date, there has been no commitment from the C&W HMA authorities to address any unmet needs from Coventry in the likely event that they arise from this process. Moreover, as a result of this and the fact that the Council's emerging Borough Plan Review is particularly advanced, there is a very real risk that the Council ends up electing to defer making a contribution towards the C&W HMA to another Borough Plan Review which won't be completed for up to five years post-adoption of the current Borough Plan Review and ignores this important cross-boundary matter which should be addressed now, per the requirements of the NPPF.
- 8.6 If the Council fails to address these needs, the implications are that those needs will not simply disappear; they will either result in increasingly negative housing outcomes for people living in the city, or they will mean households will have to look elsewhere to meet their housing needs. The practical implication is that unmet needs in Coventry will mean greater net outward migration than the ambient trends accounted for within the population projections, which will affect those areas in close proximity, particularly Nuneaton and Bedworth.
- 8.7 In this regard, the Consortium considers that there is a strong and cogent need to distribute the C&W HMAs unmet needs based on functional relationships between the authorities; an approach that aligns with the C&W HMAs previous approach, and which was endorsed by Inspector's at the C&W HMA respective Local Plan EiPs.
- 8.8 To this end, Lichfields, on behalf of the Consortium, has prepared this Report and accompanying model to demonstrate how the C&W HMA's needs could sustainably be

distributed amongst neighbouring authorities based upon the functional relationships between those authorities.

- 8.9 For Nuneaton and Bedworth, Lichfields' model indicates that to address the unmet housing needs of Coventry, a reasonable distribution would see Nuneaton and Bedworth take 40% of Coventry's unmet needs up to 2041, above the Borough's own housing needs. On the basis of the likely level of unmet housing need arising in Coventry between 2021 and 2041, this would equate to a contribution between **c.5,650 and c.15,910** dwellings. This highlights that the Council's current approach set out in the PDP would clearly not fully grapple with this strategic matter now.
- 8.10 It is important to note that the abovementioned apportioned figure should be seen as a starting position, which should be tested through the Sustainability Assessment [SA] process. Nevertheless, this report and analysis underpinning it demonstrate how an evidence-led approach (e.g., functional relationships) would strongly suggest that the Council should make a **c.5,650 and c.15,910** dwelling contribution towards meeting the unmet housing needs of Coventry now, which should be tested through the SA process accordingly.

Appendix 1 Nuneaton and Bedworth's Functional Relationship Analysis

C&W HMA Functional Model			Nuneaton and Bedworth	Source
Stage 1: Functional Relationship	Migration	% of Gross out-migration from Coventry to LPA in C&W HMA	28%	ONS Migration Estimates (2012-2020)
	Commuting	% of Gross in-commute from LPA in C&W HMA to Coventry	41%	Census 2011 Table WU03UK
	Baseline Share		34.5%	
Stage 2: Sustainability and Market Signals	Rail Links	Fastest Train from District to Coventry (Mins)	12	Trainline
		Uplift Factor	10%	
	Bus Links	% of LPA within 45 bus journey (at peak times) to Coventry City Centre	16%	Travel Time
		Uplift Factor	10%	
	Affordability	Affordability Ratio	8.09	2022 Median Affordability Ratios
		Standard Method Theoretical Uplift	26%	PPG Standard Method Calculation
		Uplift Factor	20%	
	Total Uplift Factor		40%	
% Baseline Share following adjustments			48.3%	
Stage 3: Sustainability and Market Signals	Environmental Constraints	Fundamental Constraints (SSSI, AONB, National Park) % Coverage	4.1%	Magic Maps and Lichfields Analysis
		Uplift Factor	20%	
		Green Belt % Coverage of Non-Urban Land	68%	
		Uplift Factor	0%	
	Physical Constraints	Underbounded Authorities (Unlikely to meet even their own needs)	No	
			0%	
	Total Uplift Factor		20%	
% Baseline Share following adjustments			58%	
Share of Coventry's Unmet Housing Need 2041 (Rebased Proportion)			40%	
Share of Coventry's Unmet Housing Need 2041 - Re-Balanced if Commitments exceed model			40%	

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk

Appendix 3



@LichfieldsUK

lichfields.uk

Appendix 4 Report on the Examination of the Warwick District Local Plan

Report to Warwick District Council

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 28 July 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Warwick District Local Plan

The Plan was submitted for examination on 28 January 2015

The examination hearings were held between 6 and 12 May 2015 and between 27 September and 15 December 2016

File Ref: PINS/T3725/429/5

Abbreviations used in this report

CE	Cambridge Econometrics
CWLEP	Coventry and Warwickshire Local Enterprise Partnership
HMA	Housing Market Area
LDS	Local Development Scheme
MM	Main Modification
MoU	Memorandum of Understanding
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

Non-Technical Summary

This report concludes that the Warwick District Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications are made to it. Warwick District Council has specifically requested me to recommend any main modifications necessary to enable the Local Plan to be adopted.

The main modifications all concern matters that were discussed at the examination hearings. The Council has provided the detailed wording for the main modifications, many of which are based on suggestions it put forward during the examination. Following the hearings, the Council carried out sustainability appraisal of the main modifications and they were subject to public consultation over a seven-week period. I have recommended their inclusion in the Local Plan after considering all the representations made in response to consultation on them and the sustainability appraisal.

The main modifications can be summarised as follows:

- Increase the housing requirement for the plan period to 16,776 dwellings (an average of 932 per year), clarify that this is to be regarded as a minimum and make clear that this includes a commitment to meet unmet needs from Coventry (an average of 332 dwellings per year);
- Establish an annual average housing requirement of 600 dwellings per year between 2011/12 and 2016/17 and 1,098 dwellings per year from 2017/18 onwards;
- Amend the spatial strategy to also focus growth on the southern edge of Coventry in addition to the urban areas of Warwick, Leamington Spa, Whitnash and Kenilworth;
- Add a number of additional housing site allocations to ensure sufficient housing land is available;
- Add an area of safeguarded land at Westwood Heath on the edge of Coventry;
- Delete the housing site allocation at Red House Farm, Lillington;
- Delete a number of housing site allocations where development is already well progressed and amend the estimated capacity on a number of others to reflect up to date evidence;
- Set out a realistic and justified housing trajectory including a significantly reduced windfall allowance;
- Include clear commitments to review the Local Plan;
- Add site allocations for outdoor sports at Kenilworth;
- Add new policies in relation to self-build housing and electronic communications;
- Delete a number of policies that are not effective, justified or consistent with national policy or are unnecessary;
- Amend the wording of a number of policies to ensure that they are effective by providing necessary clarity and/or flexibility, that they are justified and are consistent with national policy; and
- Include a list of policies in the extant Warwick District Local Plan that will be superseded by policies in this Local Plan.

Introduction

1. This report contains my assessment of the Warwick District Local Plan (the Local Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Local Plan's preparation has complied with the duty to co-operate. It then considers whether the Local Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Council published and consulted upon a number of focussed changes to the Publication Draft Plan prior to submission. These were subject to sustainability appraisal. The basis for the examination is the submitted Local Plan which is the same as the Publication Draft Plan dated April 2014 (LP10) as amended by the schedule of focussed changes (LP13).
3. Initial hearings for the examination were held in May 2015. Following these hearings I informed the Council that whilst I considered that it had complied with the duty to co-operate (see below), the submitted Local Plan was not sound in terms of the overall provision for housing and the supply and delivery of housing land. The Council subsequently undertook further work in co-operation with the other authorities in Coventry and Warwickshire on housing needs, made commitments to meeting housing needs in full and set out a clear and focussed timetable for additional work and consultation. On this basis the examination was suspended in October 2015.
4. Following this additional work and co-operation with the other authorities in Coventry and Warwickshire, the Council published a schedule of suggested modifications to address the issues of soundness identified after the initial hearings. These included increasing the planned provision for housing and additional housing site allocations. These suggested modifications were subject to public consultation and sustainability appraisal. I have taken account of representations made on them and the sustainability appraisal.
5. The examination was resumed and further hearings took place between September and December 2016. In addition to the submitted Local Plan, the Council's suggested modifications were considered during the further hearings. Those who had made representations on them were given the opportunity to speak at the hearings.

Main Modifications

6. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the submitted Local Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. The main modifications are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc., and are set out in full in the Appendix.

7. As noted above, the basis for the examination is the submitted Local Plan. The main modifications which I recommend in this report would be modifications to the submitted Local Plan.
8. The main modifications relate to matters that were discussed at the examination hearings. The Council has provided the detailed wording of the main modifications, many of which are based on suggestions it put forward during the examination and in some cases are those it suggested and consulted upon during the suspension of the examination.
9. All of the main modifications have been subject to public consultation and sustainability appraisal following the examination hearings, including those previously suggested and consulted upon by the Council. I have taken account of consultation responses and the findings of the sustainability appraisal in writing this report. Following the period of consultation, I have made minor amendments to the detailed wording of main modifications **MM4**, **MM8**, **MM41**, **MM58** and **MM59** to address typographical errors and to show more clearly the extent of deleted text etc. I have also made a minor amendment to the wording of **MM54** to provide additional clarity in relation to the location of two areas of search for park and ride facilities north of Warwick/Leamington Spa. None of these minor amendments alter the substance or meaning of the main modifications.

Policies Map

10. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Local Plan. In this case, the submission policies map comprises the set of plans set out in the Publication Draft Plan (LP10) and the schedule of focussed changes (LP13).
11. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the main modifications to the Local Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published alongside the main modifications.
12. When the Local Plan is adopted, in order to comply with the legislation and give effect to the Local Plan's policies, the Council will need to update the adopted policies map to include all the necessary changes.

Assessment of Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Local Plan's preparation. The preparation of the Local Plan concerns the period up to the point of submission. As noted above I reached a conclusion on compliance with the duty to co-operate following the initial hearings. For completeness, I reiterate my findings below.

14. There are a number of strategic matters which required co-operation during the preparation of the Local Plan. The overall provision for housing is of particular importance however, given that Warwick District forms part of the wider Coventry and Warwickshire Housing Market Area¹ (the HMA), the links between authorities in terms of migration, commuting and housing markets and the interrelationship between Warwick District and Coventry.
15. I am satisfied that the Council has engaged actively with the other authorities in the HMA and beyond throughout the plan preparation process in terms of overall housing provision. The key question is whether engagement has been constructive and the extent to which co-operation has maximised the effectiveness of the preparation of the Local Plan.
16. The duty to co-operate does not bring with it a specific requirement to have reached agreement on the level of housing need and how this will be met across the HMA however. It is the actions and approach of the Council which are critical to my consideration of this matter. I have also taken account of the position taken by other authorities, none of which raised concerns over the level of housing provision proposed in the Local Plan or the Council's compliance with the duty to co-operate.
17. The Council acknowledges that co-operation between the HMA authorities received greater impetus following the findings of the Inspector examining Coventry's Core Strategy in 2013. This led to joint working on the Coventry and Warwickshire Joint Strategic Housing Market Assessment (the 2013 SHMA) and an Addendum in 2014 (the 2014 SHMA Addendum), along with other collaboration in terms of evidence. The 2013 SHMA set out figures for objectively assessed need (OAN) for housing across the HMA as a whole and for individual authorities. The overall provision for housing in the submitted Local Plan was based on the 2013 SHMA.
18. Joint working and co-operation continued after the publication of the 2014 SHMA Addendum, notably through the Economic Prosperity Board which met in October and November 2014 and subsequent formal endorsement by each authority. There was an agreement regarding the OAN for the HMA, a recognition that Coventry would not be able to accommodate the higher level of OAN indicated in the 2014 SHMA Addendum and agreement that the figures for each authority set out in the 2013 SHMA represented a starting point for distribution of housing across the HMA. It was agreed that this would accommodate some of Coventry's needs subject to additional work on capacity being undertaken. It was also recognised that additional work on capacity may identify a further shortfall from the Warwickshire Districts. A process and timeline for evidence gathering and plan review was also agreed.
19. At the time the Local Plan was submitted, there was no agreement between the authorities in terms of the distribution of the full OAN for the HMA. I deal with this in relation to soundness below. However in terms of the duty to co-operate, considerable effort was made by the Council, in conjunction with the other HMA authorities to attempt to address the issue in a constructive fashion through agreement and commitments to continued joint working. The Council

¹ HMA consists of Coventry, Rugby, North Warwickshire, Nuneaton and Bedworth, Stratford-on-Avon and Warwick local authority areas (see analysis in 2013 SHMA)

submitted a Local Plan based on overall housing provision of 714 dwellings per annum (as in the Publication Draft Plan), despite the fact that the 2014 SHMA Addendum indicated that a lower figure of 606 per annum was required in the District. Whilst I have concerns as to the soundness of this level of provision, and indeed the evidence on this matter has subsequently evolved, the Council clearly accepted the need to make a significant contribution to accommodating unmet needs from elsewhere in the HMA in principle.

20. The Council has demonstrated constructive, active and ongoing engagement with local authorities and relevant organisations on the other strategic matters. The issues have been resolved effectively and there are no concerns from these authorities and organisations regarding compliance with the duty to co-operate.
21. Taking all of the above factors into account I am satisfied that the Council has engaged constructively, actively and on an ongoing basis in terms of overall housing provision and other strategic matters. I conclude therefore that the Council has complied with the duty to co-operate.

Assessment of Soundness

Main Issues

22. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified the following main issues upon which the soundness of the Local Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing

Background

23. Given the national policy context provided by the NPPF, it is necessary for me to consider and indeed report upon evidence concerning housing needs and the ability to meet them in the wider HMA. It would not be possible to reach conclusions on the soundness of the Local Plan in terms of the overall provision for housing without first considering the housing needs of the HMA and whether there will be unmet needs from other authorities. It must be emphasised however, that this examination only concerned the Local Plan for Warwick. References to other authorities are made within this context and Local Plans in these other areas, along with the evidence base for them, will need to be examined independently in due course. Nothing in my report should be considered to pre-determine the outcome of current or future examinations elsewhere.
24. The submitted Local Plan sought to make provision for 12,860 new homes between 2011 and 2029 (an average of 714 dwellings per year) and was prepared on the basis of evidence from the 2013 SHMA which identified an OAN for Warwick of 720 dwellings per year between 2011 and 2031. For the HMA as a whole, it identified an OAN of some 3,750 - 3,800 dwellings per

year. The 2013 SHMA utilised data from the 2011-based Interim Household Projections which were the most up to date at the time.

25. The 2014 SHMA Addendum took into account the 2012-based Sub National Population Projections and identified a demographically based figure of 606 dwellings per year between 2011 and 2031 for Warwick and 4,004 dwellings per year for the HMA. It emphasised that the figure for the HMA should be regarded as a minimum and that the figures for individual authorities were indicative and should be subject to further work in terms of economic growth prospects.
26. As set out above in respect of the duty to co-operate, the 2014 SHMA Addendum provided the basis for an agreement between the HMA authorities in October and November 2014. In the case of Warwick, whilst the figure of 606 dwellings per year was recognised as providing the most up to date assessment of need, it was agreed that provision should be made for 720 dwellings per year. The agreed level of provision in each of the Warwickshire authorities was considered as a starting point in addressing likely unmet needs in Coventry.
27. Although the Local Plan was submitted after the 2014 SHMA Addendum was published and following the agreement between the HMA authorities, it made no reference to either and made no specific commitment to meeting a proportion of unmet needs from Coventry.
28. The Council, along with the other HMA authorities accepted that Coventry would not be able to accommodate its own housing needs and that the scale of likely unmet needs would be substantial. At the time the evidence pointed to a shortfall of at least 12,500 dwellings between 2011 and 2031 and potentially significantly more.
29. The agreed distribution of housing simply reflected the figures for individual authorities from the 2013 SHMA. There was no analysis of the particular relationships of individual Warwickshire authorities to Coventry in terms of commuting, migration and housing markets etc. and no assessment of the implications of updated evidence from the 2014 SHMA Addendum in this respect. Specifically for Warwick, I considered that there was no basis to suggest that a figure of 720 dwellings per year was necessarily appropriate.
30. The agreement would still have left a significant shortfall in unmet need (4,680 dwellings). This was in the context of the figure for OAN in the HMA being seen very much as a minimum and some uncertainty that Coventry would in fact be able to accommodate the level of growth indicated. There was no evidence, and indeed the HMA authorities did not argue, that there were constraints preventing the OAN for the HMA being met in full.
31. For these reasons, following initial hearings held in May 2015, I concluded that the submitted Local Plan was not sound in terms of the overall provision for housing. I also concluded that the submitted Local Plan was not sound in relation to the supply and delivery of housing land.
32. The HMA authorities subsequently undertook further work to update evidence on OAN and assess the capacity to accommodate housing. They also set out a clear intention to work towards a new agreement on the distribution of

housing with a view to meeting the housing needs of the HMA in full, including unmet needs from Coventry. The Council indicated a willingness to consider an increase in housing provision to accommodate an agreed amount of unmet need from Coventry and to address my concerns regarding the supply and delivery of housing land.

33. An Updated Assessment of Housing Need for the HMA was published in September 2015 (the 2015 SHMA) and took account of updated information, including the 2012-based Household Projections. This informed a Memorandum of Understanding (MoU) which was endorsed by all of the HMA authorities apart from Nuneaton and Bedworth Borough Council. This MoU contained a strategy for the distribution of housing to meet the identified needs of the HMA in full, including unmet needs from Coventry. The Council set out a programme to identify, assess and consult upon potential additional housing site allocations.
34. Taking all of this into account I agreed to suspend the examination in October 2015 to allow further work and consultation to take place.

OAN for Warwick and the HMA

35. The Council's evidence on OAN has evolved over time, including during the examination, largely as a result of updated national population and household projections. The Council's position, and that of the other HMA authorities, is that the 2015 SHMA provides the basis for the assessment of OAN for the HMA and individual authorities.
36. Following the publication of the 2015 SHMA and prior to the resumption of the examination hearings, 2014-based Sub National Population Projections and Household Projections were made available. The HMA authorities commissioned work to consider the implications of these projections and to take account of 2015 Mid-Year Population Estimates. The report (EXAM 50) was made available just prior to the resumed examination hearings. It is not intended to replace the 2015 SHMA and does not revise key assumptions such as those relating to economic growth potential.
37. The analysis undertaken in EXAM 50 indicates that the OAN for the individual Warwickshire authorities (other than North Warwickshire) would be lower than that set out in the 2015 SHMA and for Coventry it would be higher. However at the HMA level this would effectively balance out with the estimated OAN being less than 1% below the figure set out in the 2015 SHMA. In light of this, the HMA authorities consider that the 2015 SHMA is not rendered out of date and that it currently continues to provide the most appropriate basis to assess OAN. Given the evidence, I consider this to be a reasonable and pragmatic approach. EXAM 50 does however provide useful evidence and analysis which has helped to inform my conclusions on this issue.
38. The national Planning Practice Guidance (PPG) states that the household projections published by the Department for Communities and Local Government should be the starting point in establishing future needs for housing. It emphasises that they are statistically robust and based on nationally consistent assumptions. Whilst it recognises that alternative assumptions regarding underlying demographic projections and household formation rates can be considered, it makes clear that any changes should be

justified on the basis of established sources of robust evidence. Account should also be taken of the most recent demographic evidence including population estimates by the Office for National Statistics (ONS).

39. Taking the 2012-based Sub National Population Projections and using 2014 Mid-Year Population Estimates to rebase the projections from 2014, the 2015 SHMA indicates population growth of some 149,200 in the HMA between 2011 and 2031 (17.3% increase), with particularly strong growth projected in Coventry (28.1% increase). For Warwick, a growth in population of some 17,300 (12.6% increase) is projected. To put this in context, the projected population growth for the West Midlands as a whole is 10.7% and for England 13.8%.
40. The 2015 SHMA included a sensitivity analysis using four alternative approaches to the 2012-based Sub National Population Projections. These a) took into account more recent data from the 2013 and 2014 Mid-Year Population Estimates in terms of migration, b) considered the implications of assuming that all of the unattributable population change was associated with the recording of migration and c) and d) took into account 10 year migration trends (constant and variable). The effects of this sensitivity analysis varied from authority to authority and depending on the particular alternative approach used.
41. For the HMA as a whole, applying 10 year migration trends would increase the projected population growth whereas the other alternatives would reduce projected growth. For Warwick, the 10 year migration trend (variable) would result in increased projected population growth whilst the other alternatives would see a reduction in projected growth.
42. I accept that using longer term migration trends (10 years compared with the 5/6 year trends used in the Sub National Population Projections) may be appropriate in some circumstances and taking a longer term trend overcomes some concern regarding the peaks and troughs of the economic cycle. The policy of housing restraint applied in Warwick from 2005 to 2009 clearly had an effect on housing supply and is likely to have had some effect on migration trends during this period and that immediately after. It is important to note however, that the same period saw an increase in housing delivery in Coventry, the desired effect of the policy of restraint. It is not clear to what extent the policy of restraint affected the overall amount of housing delivered in the HMA or its distribution, particularly given wider recessionary influences for much of the time it had an effect. There is no evidence as to the specific effect that the policy had on migration trends or that it was necessarily significant.
43. Unattributable population change was a significant element in the annual change in the population of the HMA recorded by the ONS between 2001 and 2011 (in the order of -1,300 per year). The 2015 SHMA rightly treats unattributable population change with some caution given the uncertainties surrounding it. However, it could be that the migration component of population change between 2001 and 2011 may have been over-estimated. If unattributable population change was due to international migration, it is likely that the greatest impacts would have been in the early part of the decade (2001-2011) due to improvements to migration estimates in later years.

44. Whilst it considered 10 year migration trends as part of the sensitivity analysis, the 2015 SHMA raises doubts as to their robustness. In the case of the constant projection, it does not take account of the impact of changing population structure as the Sub National Population Projections do. The variable projection raised some concerns in terms of outputs for individual authorities, particularly Warwick where projected levels of migration were significantly above trends for either 5 or 10 years. A consistent approach in terms of methodology and assumptions across the HMA and for authorities within it is important.
45. All of this leads to some uncertainty as to the merits of using 10 year migration trends and I consider that there is insufficient basis to depart from the Sub National Population Projections in this respect. As noted above the 2012-based Sub National Population Projections (rebased using 2014 Mid-Year Population Estimates) indicate strong population growth across the HMA, significantly above the regional and national averages.
46. In terms of households, the 2015 SHMA also rebases the 2012-based household projections to take account of the 2014 Mid-Year Population Estimates and projects annual average household growth between 2011 and 2031 of 4,074 in the HMA and 582 in Warwick. The projected rate of growth in households in the HMA and Warwick is above that for the West Midlands and England. Again particularly strong growth (31.7%) is projected for Coventry.
47. The 2015 SHMA identifies some concern in relation to household formation rates in the 25-34 year age group which fell between 2001 and 2011, indicating a degree of suppressed household formation. Whilst some recovery in household formation rates is projected after 2012, it would remain below historical rates i.e. those up to 2001. The 2015 SHMA identifies a logical and reasonable link between affordability/the supply of affordable housing and household formation rates for this age group. In simple terms an improvement in affordability and the supply of affordable housing is likely to result in some recovery in household formation rates. Sensitivity analysis was undertaken to quantify the additional amount of housing that would be needed to return household formation rates for 25-34 year olds back to 2001 levels by 2025 and then to track the 2012-based projections thereafter.
48. The results of this analysis influence the conclusions of the 2015 SHMA on full OAN, essentially giving an uplift of 75 dwellings per year for the HMA. This is dealt with further below but I consider it is a justifiable approach.
49. Given the relationship between male and female household formation rates, the methodology employed in arriving at household projections and evidence of a levelling off in the decline of couple households, it would be inappropriate to upwardly adjust male and female household formation rates in younger age groups independently.
50. Notwithstanding the specific issue concerning 25-34 year olds, there is no compelling evidence to suggest that other adjustments to household formation rates would be appropriate or to justify planning on the basis of household formation rates returning to those set out in the 2008-based projections. Analysis of the 2014-based Household Projections (EXAM 50) shows that there

is very little difference in projected household formation rates when compared with the 2012-based projections.

51. Applying a 3% allowance for vacant and second homes, the 2015 SHMA takes the projected increase in households and identifies a demographic based need for 4,197 dwellings per year in the HMA and 600 per year in Warwick between 2011 and 2031. I consider that this is a robust assessment, justified by the evidence.
52. The 2015 SHMA then goes on to consider potential employment growth using 2013 forecasts from Experian and Cambridge Econometrics (CE). It identifies issues with the accuracy of forecasts for 2011-2013 when compared with statistics from ONS on workforce jobs estimates. Given the availability of this ONS data for 2011-2013 and demographic information up to 2014, the 2015 SHMA looks at employment growth forecasts from 2014 to 2031. I consider this to be a reasonable and justified approach.
53. An updated forecast from CE was obtained in 2015. The 2015 SHMA considers this to provide a realistic assessment of future employment growth in the HMA. This indicates growth of some 45,400 jobs in the HMA between 2014 and 2031 (annual average growth of 0.7%). For Warwick it indicates a growth of some 9,900 jobs over this period (annual average growth of 0.8%).
54. The Strategic Economic Plan 2014 (SEP) for the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) refers to the delivery of some 94,500 additional jobs by 2031. This is based however on CE forecasts from 2013 which have since been updated. The SEP also envisages population growth of some 203,000 in the HMA up to 2031 which I understand is derived from 2010 based projections. This is clearly well in excess of the population growth indicated in the more recent 2012 and 2014-based projections. It must also be borne in mind that understandably, the SEP takes an ambitious and aspirational view of future growth prospects.
55. The Employment Land Use Study by CBRE in 2015 (the CBRE Study) considered a range of factors to assess potential needs for employment land. In terms of demographic projections it suggests a need for between 60,000 and 126,000 jobs to be created up to 2031. However, this range is influenced by estimates of potential labour market capacity which rely on significant reductions in unemployment and changes to activity rates. In overall terms the CBRE Study concludes that between 500Ha and 660Ha of employment land is required and that sites should be identified for the upper end of this range to provide flexibility and choice. The upper end of this range is based on strong recent take up rates.
56. An updated forecast from Experian in 2015 indicates growth of some 94,500 jobs in the HMA between 2011 and 2031. This would involve high levels of growth in the very early years of this period followed by a levelling of growth rates to an annual average of between 0.6% and 0.7%. The growth rates for 2011 to 2013 would appear to be out of line with data from ONS, referred to above. The level of population growth to provide for this growth in jobs would need to be significantly in excess of that shown in the 2012 and 2014-based projections.

57. Forecasting employment growth is notoriously difficult. This point is illustrated well by the range of growth estimates and the changes in estimates from the same forecasting houses over time. I consider the approach taken in the 2015 SHMA to be realistic and justified, taking into account a range of factors including past rates of growth and the potential implications for population growth. It is based on continued strong employment growth in Warwick and the wider HMA.
58. The 2015 SHMA then makes what I consider to be reasonable and soundly based assumptions on commuting ratios and double jobbing (where people have more than one job) to indicate that there would need to be a growth in the resident workforce of some 41,500 in the HMA and 8,600 in Warwick. Applying what are again reasonable and justified assumptions on changes in employment rates, it indicates that 3,584 dwellings per year would be required in the HMA and 602 in Warwick to sustain the employment growth forecast (using CE 2015 forecasts).
59. Taking account of particular circumstances and additional evidence for individual authorities in terms of economic growth potential, upward adjustments are then made to the figures for Coventry and Nuneaton and Bedworth and the figure for North Warwickshire is reduced. The net effect is to increase the economic led figure for housing need in the HMA to 3,730 dwellings per year. It is estimated that this would see employment growth of some 48,200 in the HMA between 2014 and 2031 (approximately 63,800 between 2011 and 2031).
60. For the HMA overall, the economic led figure for housing need is below the demographic based need. The situation varies for individual authorities however. For Coventry and Rugby the demographic based need is higher whereas for North Warwickshire, Nuneaton and Bedworth and Stratford on Avon it is lower. For Warwick, demographic and economic led need is effectively the same (600 and 602 dwellings per year respectively).
61. There are variations in evidence relating to market signals between authorities in the HMA. Average house prices in Warwick and Stratford on Avon have been consistently above those in the rest of the HMA, the West Midlands and England and Wales. Following a decline in prices from 2007 there has been some growth since 2012. In the 10 years to 2014, prices in Warwick grew by some 3% per year, in line with national trends. Sales levels across the HMA have broadly followed regional and national trends, dipping significantly after 2007, levelling off and then seeing some recent improvement.
62. Average rental costs in Warwick and Stratford on Avon are again higher than the rest of the HMA, the West Midlands and England. There has been particularly strong recent growth in rental costs in Warwick (22% between 2011 and 2015).
63. The affordability ratio in 2013 (the relationship between lower quartile house prices and lower quartile earnings) for the HMA (6.54) was broadly in line with the England average (6.45). The figures for Warwick (7.82) and Stratford on Avon (8.89) were above the HMA average. The affordability ratio in Stratford on Avon was consistent with that seen in 2007. In the other authorities,

including Warwick, there had been some improvement in affordability i.e. the affordability ratio had fallen from 2007 levels.

64. Despite variations across authorities and particular issues such as the recent increase in rental levels in Warwick, taken as a whole relative to national trends, the evidence on market signals does not justify an upward adjustment to OAN.
65. The 2015 SHMA identifies a need for an average of 280 affordable homes per year in Warwick and 1,462 in the HMA between 2011 and 2031. The 2012-based household projections already assumed some recovery in household formation rates. Taking this into account along with adjustments proposed to support economic growth in some authorities, the 2015 SHMA identifies the need for a further uplift of 75 dwellings per year in the HMA. This is likely to assist an improvement in affordability and further recovery in household formation rates. It is estimated that the scale of overall adjustments to housing need would address fully the issue of homeless and concealed households with other aspects of affordable housing needs being considered through the demographic analysis (newly forming households) or through the release of existing property to another household (e.g. overcrowded households).
66. For Warwick, the 2012-based household projections assumed sufficient recovery in household formation rates and no additional uplift is identified. For the other authorities relatively modest additional uplifts are identified as necessary.
67. Bringing all of this analysis together, the 2015 SHMA concludes that at the HMA level the demographic need is 4,197 dwellings per year and that an upward adjustment of 75 dwellings per year should be made to improve affordability and reflect further recovery in household formation rates giving a total OAN of 4,272 dwellings per year. It concludes that at the HMA level there is no basis to increase OAN to support economic growth.
68. For individual authorities it concludes that an uplift to support economic growth is required in North Warwickshire, Nuneaton and Bedworth and Stratford on Avon. For Warwick no uplift is identified as being required above the demographic based need of 600 dwellings per year.
69. Taking all of the available evidence into account I am satisfied that the 2015 SHMA provides an up to date and robust assessment of housing needs and I consider that on this basis the OAN for the HMA is 4,272 dwellings per year and for Warwick it is 600 dwellings per year over the period 2011 to 2031.

The housing requirement for Warwick

70. All of the HMA authorities accept the findings of the 2015 SHMA and the figures it provides for OAN for the HMA and individual authorities. They also accept, on the basis of an up to date Strategic Housing Land Availability Assessment (SHLAA), that Coventry will be unable to meet all of its own identified housing needs and that the shortfall would be up to 17,800 dwellings between 2011 and 2031 (890 per year).

71. In relation to the redistribution of unmet needs from Coventry, the MoU was based on a logical and justifiable analysis of the functional relationships between authorities in terms of commuting flows and migration patterns, having taken account of the effects of the increase in OAN for North Warwickshire, Nuneaton and Bedworth and Stratford on Avon to support economic growth.
72. This analysis concludes that an additional 332 dwellings per year (some 37% of the unmet need in Coventry) should be provided for in Warwick. Added to its own OAN, this results in 932 dwellings per year in Warwick.
73. I consider that the MoU provides a clear, robust and justified basis for the distribution of housing in the HMA and in particular the amount of housing required in Warwick. It sets out a positive and effective strategy to meet housing needs in the HMA in full including unmet needs from Coventry. I conclude therefore that the housing requirement for Warwick is an average of 932 dwellings per year (16,776 dwellings over the plan period 2011 to 2029).
74. The Council accepted that this is the case and made a commitment to delivering this amount of housing when publishing the schedule of suggested modifications during the suspension of the examination. It reconfirmed its position at the resumed examination hearings.
75. Nuneaton and Bedworth Borough Council did not agree the MoU due to uncertainties over the ability to identify sufficient housing land. They subsequently completed an updated SHLAA and published a Local Plan for consultation (The Nuneaton and Bedworth Borough Plan January 2017). This has now been submitted for examination. The 2015 SHMA concludes that the OAN for Nuneaton and Bedworth is 502 dwellings per year including an uplift of 73 to support economic growth (a total of 10,040 between 2011 and 2031). The MoU sets out a total figure of 14,060 dwellings on the basis that Nuneaton and Bedworth would contribute 4,020 dwellings to Coventry's unmet needs, in addition to that arising from the increase to support economic growth.
76. However, the Borough Plan sets out to provide for 13,374 dwellings. The intention is that this would meet the OAN for the Borough (10,040 dwellings), provide flexibility and allow for some non-implementation of sites and contribute 2,118 dwellings to Coventry's unmet needs. On this basis there would be a shortfall of 1,902 dwellings to meet Coventry's needs compared with the figures in the MoU.
77. The other HMA authorities made representations on the published Borough Plan raising concerns on this issue although discussions between the authorities have continued with a view to resolving these concerns and a statement of common ground has now been agreed between Nuneaton and Bedworth Borough Council and Coventry City Council. Nevertheless, at this point in time, the issue of a potential shortfall has not been resolved and the outcome of the examination into the Borough Plan is uncertain.
78. However, the shortfall would equate to an average of only 95 dwellings per year. Furthermore, there is a clear commitment to review the MoU if evidence demonstrates that the figures within it cannot be delivered. Importantly, in terms of this examination, Nuneaton and Bedworth sits to the north and east of Coventry whereas Warwick is to the south and west. Given this and the

different functional relationships between authorities, I share the Council's view that it would be unlikely that Warwick could reasonably be expected to accommodate a significant proportion of the shortfall identified above. Despite the lack of agreement from Nuneaton and Bedworth Council and its position in terms of the Borough Plan, on the basis of information currently before me I see no grounds to further increase the housing requirement for Warwick, above the figure of 932 dwellings per year set out above.

79. There is some overlap between the Coventry and Warwickshire HMA and the Greater Birmingham HMA. This affects Stratford on Avon and North Warwickshire. Discussions have taken place and are ongoing regarding addressing unmet housing needs from Birmingham. The figures for OAN in Stratford on Avon and North Warwickshire include an economic uplift which potentially could accommodate an element of need from Birmingham. Close working between these authorities and Birmingham City Council continues to take place. Whilst the issue of unmet needs from Birmingham is yet to be fully resolved, evidence does not indicate that Warwick should accommodate such needs.

Conclusion on overall provision for housing

80. The overall provision for housing in the submitted Local Plan (12,860 dwellings between 2011 and 2029) would not provide for the housing requirement set out above (16,776 dwellings). In this regard, the submitted Local Plan is not supported by evidence, nor does it reflect the position now taken by the Council and the agreement between the HMA authorities (other than Nuneaton and Bedworth Borough Council). It would not ensure that the OAN for Warwick is met in full whilst making an appropriate and justified contribution to unmet needs from Coventry. In addition, it does not make a clear commitment to meeting these unmet needs. In these respects the submitted Local Plan is therefore not positively prepared, justified, effective or consistent with national policy. Main modifications **MM1**, **MM3** and **MM33** are necessary to address these concerns.

Issue 2 – Whether the spatial strategy is justified, effective and consistent with national policy

81. The submitted Local Plan aims to focus growth and development on the urban areas of Leamington Spa, Warwick, Whitnash and Kenilworth. It also seeks to direct a proportionate scale of development to ten Growth Villages across the District. In addition, a number of smaller villages are identified where only limited infill development is envisaged. Whilst it highlights the need to direct allocations to previously developed land within urban areas, the submitted Local Plan acknowledges that greenfield sites will be required and considers that there are exceptional circumstances to alter the boundaries of the Green Belt to allow for development in some cases.
82. The Green Belt covers approximately 80% of the District. Only the areas to the south of Leamington Spa, Warwick and Whitnash, including the Growth Villages of Barford, Bishop's Tachbrook and Radford Semele, are outside of the Green Belt. The urban area of Kenilworth is tightly surrounded by Green Belt in all directions. In the north of the District, the Green Belt also runs right up to the urban edge of Coventry and the administrative boundary.

83. Given the nature of the District and its settlements, there are limited areas of previously developed land with potential for development, for example there are no large areas of former industrial land.
84. The urban areas provide the main focus for jobs, services and public transport and have potential, with improved infrastructure where necessary, to accommodate significant levels of growth in a sustainable fashion. The Council has undertaken an objective, transparent and robust assessment of the potential capacity of villages to accommodate further development, taking account of their existing size, services and facilities and accessibility.
85. Given the above, on the basis of the level of housing growth envisaged at the time, the overall approach to the distribution of development set out in the submitted Local Plan was appropriate. It would steer most growth to the urban areas, either on previously developed land or on greenfield sites well related to the built up area, whilst allowing for development on a reasonable scale in Growth Villages to sustain and enhance their roles and local services. It would provide for a good range and choice of potential development sites in different locations to assist in deliverability and meeting local needs for affordable housing.
86. However, the amount of additional housing required is significantly above that set out in the submitted Local Plan. The Council accepts this and also took account of my concerns in relation to the supply of housing land, particularly in respect of the allowance to be made for windfalls and the need to ensure a five year supply of deliverable housing sites. With this in mind it identified additional sites to accommodate further housing growth and included them in its suggested modifications published for consultation during the suspension of the examination.
87. A number of factors need to be taken into account when considering the options for identifying additional housing sites. A significant proportion of the increased housing requirement is as a result of the commitment to contribute towards unmet needs from Coventry. Proximity and accessibility to Coventry and the jobs and services it offers is an important consideration therefore.
88. To assist in the delivery of the significant amount of new housing required it is also important to ensure that there is a good range and choice of sites available in terms of size and location.
89. The submitted Local Plan already proposed substantial housing site allocations to the south of Leamington Spa, Warwick and Whitnash on land outside of the Green Belt. Planning permissions for significant additional amounts of housing were then granted through appeals concerning land at The Asps and Gallows Hill in January 2016.
90. The combined scale of housing growth committed and proposed in this area will result in the need for considerable infrastructure improvements, particularly in terms of the transport network. There are legitimate concerns, based on the Strategic Transport Assessments about significant further housing growth beyond this level in this area and the capacity to accommodate it. Whilst there is clearly strong demand from developers and the schemes under construction appear to be progressing well, any further significant increase in the concentration of housing in this relatively small

geographical area would also raise concerns over deliverability, given potential competition between sites. There are also environmental constraints, not least the potential effect on the significance of heritage assets. In addition there is a need to avoid coalescence with the villages of Bishop's Tachbrook and Radford Semele.

91. In other directions the built up area of Warwick and Leamington Spa is bounded by the Green Belt. To the west and north-west of Warwick is the strong physical barrier of the A46. There is also a need to maintain the separate identity of surrounding villages such as Leek Wootton and Cubbington and avoid significant reductions in the gap to Kenilworth.
92. I return to the issue of specific site allocations and exceptional circumstances for altering the Green Belt in more detail later in my report. However, given the significant scale of committed and proposed housing sites within the urban areas of Leamington Spa, Warwick and Whitnash and to the south of the urban areas outside of the Green Belt, along with the constraints identified above, I do not consider that it is appropriate or indeed necessary to allocate housing sites on land which is currently in the Green Belt around these urban areas. Exceptional circumstances for altering the Green Belt in this part of the District do not exist.
93. Compared with other parts of the District, Kenilworth has seen limited new development in recent years and in principle it provides the opportunity to accommodate further growth given that it is well related to Coventry in terms of accessibility and functional links. However, in addition to being surrounded by the Green Belt, the capacity to accommodate growth is also affected by the need to retain a distinct identity for the town with a clear gap to the edge of the urban area of Coventry to the north. There is also a need to maintain the separate identity of Leek Wootton to the south and to avoid significant reductions in the gap to Warwick and Leamington Spa. The potential for the expansion of the urban area is also affected by the strong physical barrier provided by the A46, the proposed route of HS2 and environmental constraints to the west of the town including the potential effect on the significance of Kenilworth Castle.
94. Whilst the Growth Villages offer scope for some additional development, above that proposed in the submitted Local Plan, the amount of growth needs to take account of existing commitments, reflect the level of services available and consider the potential impact on the scale and character of the villages concerned. Seven of the Growth Villages are within that part of the District covered by Green Belt. The three that are not, Barford, Bishop's Tachbrook and Radford Semele are in the south of the District and the functional relationship with Coventry is clearly affected by this.
95. The Council put forward the concept of a direction for growth in an area of Green Belt land immediately to the south of the urban area of Coventry but within Warwick District as part of its suggested modifications during the suspension of the examination. This included two substantial housing site allocations and an area of safeguarded land. These were alongside other additional suggested site allocations at Leamington Spa, Warwick and Whitnash, Kenilworth and a number of the Growth Villages. The Council's approach is supported by Coventry City Council and there have been

considerable efforts to co-ordinate work on the respective Local Plans and continue co-operation to address the strategic issue of housing needs and related infrastructure provision.

96. I discuss the merits of individual site allocations and alterations to the Green Belt in detail below. However, taking account of the above analysis, the scale of additional housing sites required and the agreement to contribute towards meeting housing needs from Coventry, I consider that the Council's suggested strategic approach in relation to the edge of Coventry is appropriate and justified.
97. However, the submitted Local Plan was not prepared on the basis of significant growth on the edge of Coventry and as noted above it did not contain an explicit commitment to addressing some of Coventry's unmet housing needs. Whilst I consider that the proposed direction for growth is justified and necessary to ensure that the Local Plan is effective and consistent with national policy in terms of meeting housing needs, it would involve a change to the spatial strategy.
98. Main modification **MM2** is necessary to ensure that Policy DS4 sets out an effective and justified revised spatial strategy and to make clear the approach of focussing significant growth on the urban areas and the southern edge of Coventry whilst promoting some development in Growth Villages. It is also necessary to clarify the approach to the development of greenfield sites and to ensure that the detailed wording in relation to heritage assets and to the Green Belt is fully consistent with national policy.
99. In relation to Policy DS19, main modification **MM15** is required to ensure clarity on the application of national policy to development within the Green Belt and to reflect other modifications in terms of site allocations. Main modification **MM17** would introduce a new policy (DSNEW1) which is necessary to provide clarity on the scope, purpose and policy approach to the direction for growth south of Coventry. Main modification **MM34** is required to ensure that Policy H1 effectively reflects the spatial strategy and provides sufficient clarity, flexibility and consistency with national policy with regard to the approach towards housing development within and adjacent to settlements and in the open countryside.
100. Subject to these main modifications the spatial strategy is justified, effective and consistent with national policy.

Issue 3 – Whether the proposed housing site allocations are justified, effective and consistent with national policy

101. Before dealing with individual settlements and housing site allocations, it is appropriate for me to address the overall scale of allocations needed across the District and the approach to annual average housing requirements including the calculation of a five year housing requirement. Along with the context provided by the modified spatial strategy discussed above, these are key factors which influence my consideration of housing site allocations across the District and in addressing them first I aim to avoid undue repetition.

The scale of housing site allocations required

102. Policy DS7 of the submitted Local Plan set out a potential total supply of 12,964 dwellings between 2011 and 2029. As a result of the initial hearings, the Council confirmed that it estimated overall potential supply to be 12,711 dwellings. Even this relied on what I considered to be an unrealistic and unjustified allowance for windfalls (2,276 dwellings).
103. Given the housing requirement of 16,776 dwellings and taking a more realistic and robust assessment of windfalls, there is a need to substantially increase the potential supply of housing land. The Council fully accepts this point. Whilst there have been further completions and a significant increase in planning permissions since the Local Plan was submitted, the overall scale of housing site allocations proposed in the submitted Local Plan would still fall well short of that needed to meet requirements. In this respect the submitted Local Plan is not justified, effective or consistent with national policy.
104. I deal with the supply and delivery of housing land in more detail later in my report. However, given other sources of supply, there is a need to identify housing site allocations with a total potential capacity of at least some 10,500 dwellings. Although in reality a number of these sites now benefit from planning permission (either across the whole site or part of it) I consider it necessary, in the interests of certainty and clarity, to allocate them unless construction is well progressed.

Annual housing requirements and a five year requirement

105. The requirement as far as a five year supply of housing land is concerned is also a key element in the context for site allocations. The scale of additional housing site allocations required above those in the submitted Local Plan is significant and it has been necessary for the Council to identify further potential sites relatively quickly, compared with the time normally associated with plan preparation. Given the specific requirement to address unmet needs from Coventry, the modified spatial strategy and the limited availability of alternatives, the scale of additional housing sites required on the edge of the urban area of Coventry is significant. A realistic view of the lead in time and development rates for sites of this strategic scale is required, given the need for site preparation and infrastructure works.
106. It is also important to stress that development timescales for these sites, and a significant number of other site allocations, are affected by the need to alter the Green Belt boundaries through this Local Plan and that this process will not be complete until the Local Plan is adopted.
107. As set out above the housing requirement for Warwick stems from its own OAN of 600 dwellings per year and an element of unmet need from Coventry of 332 dwellings per year. Taking all of this into account it is appropriate to stagger the annual average housing requirement so that it initially reflects Warwick's own OAN of 600 dwellings per year from 2011/12 up to and including 2016/17 (broadly coinciding with the anticipated adoption of the Local Plan) and then increases to 1,098 dwellings per year from 2017/18 to ensure that overall the average requirement is 932 dwellings per year for the plan period. Main modification **MM3** would provide the necessary clarity and ensure that the Local Plan is effective in this respect.

108. Housing completions in the first three years of the plan period fell well below the figure of 600 dwellings. Taking a ten year timeframe, completions in two out of the four years between 2007/08 and 2010/11 fell below the housing requirement of 395 dwellings in place at the time. However, completions in 2014/15 and 2015/16 exceeded 600 dwellings per year and based on the most up to date monitoring (EXAM 176), evidence points to the figure being exceeded again in 2016/17. Therefore, whilst completions have been below the requirement in five of the last ten years and total completions over this time have fallen below the total requirement, there has been a sustained improvement in the situation in recent years. On this basis I consider that there has not been persistent under delivery of housing and a buffer of 5% should be applied to the five year housing requirement.
109. Taking the Council's estimate of completions for 2016/17 of 1,159 dwellings, there will have been a total shortfall of 390 completions in the plan period up to that point. Adding this to the basic annual requirement of 1,098 dwellings per year and then applying a 5% buffer gives a five year requirement as of 2017/18 of 6,174 dwellings.
110. The Council's estimate of supply during this five year period from existing commitments, windfalls and unallocated SHLAA and regeneration sites totals 5,048 dwellings.

The approach to housing site allocations – an overview

111. Given the above, there is a need for housing allocations on a significant scale to ensure housing requirements for the plan period are met and to provide for a five year supply of housing land. In line with the modified spatial strategy, these should be focussed on the urban areas of Leamington Spa, Warwick, Whitnash and Kenilworth and the southern edge of Coventry with appropriate scale development planned for Growth Villages.
112. Evidence supports the Council's case that there is a relatively limited potential supply of previously developed land and that the submitted Local Plan seeks to maximise its use for housing. In order to provide for the level of housing required, greenfield sites will need to be allocated on the edge of settlements. In a number of cases the development of some best and most versatile agricultural land will be necessary. In considering proposed site allocations I have taken into account the economic and other benefits of such land but have weighed this against the need for housing development and the lack of realistic and suitable alternatives which would be consistent with the modified spatial strategy.
113. For Kenilworth, the edge of Coventry and seven of the Growth Villages, site allocations will involve land currently in the Green Belt, given that there are insufficient alternatives in these locations and there are limitations to the scale of housing that can be realistically and appropriately accommodated outside of the Green Belt, elsewhere in the District.

Housing site allocations – Leamington Spa, Warwick and Whitnash

114. Leamington Spa, Warwick and Whitnash are closely related physically and functionally and the built up areas have effectively merged over time. There are a wide range of employment opportunities, retail and other main town

centre uses and social and community facilities. The combined urban area is well connected to the wider road network and has good public transport links including by rail. It provides an appropriate and sustainable location for significant housing growth within the District.

Previously developed sites within the urban area

115. The submitted Local Plan proposed a number of housing site allocations on previously developed land within the existing built up area of Leamington Spa, Warwick and Whitnash.
116. The site at Court Street, Leamington (H16) consists of a former BT Depot, a Council owned car park and a collection of other buildings. The former BT Depot is currently being redeveloped for student accommodation and there are two other planning permissions for small scale residential development within the overall site. Adequate car parking serving this part of the town would remain following the development of the site. The site is adjacent to the retail area within the Town Centre and the proposed allocation provides the opportunity to deliver regeneration and physical enhancements. It would make a valuable contribution to housing supply and to the range of housing types available.
117. The Garage Site, Theatre Street, Warwick (H17) benefits from planning permission for 39 affordable and low cost dwellings. It is well located adjacent to the retail area within the Town Centre. Allocation of the site, which is currently occupied by a vacant and unattractive building, provides the opportunity to improve its appearance and to enhance the character and appearance of the Warwick Conservation Area. Again it would make a valuable contribution to housing supply and to the range of housing types available.
118. The land at Montague Road, Warwick (H11) consists of a former school and playing pitch, fire station and Council Depot. The Council's Playing Pitch Strategy does not identify the playing pitch as necessary for retention. The proposed allocation provides the opportunity to make effective use of previously developed land within the urban area and to make a significant contribution (estimated 140 dwellings) to housing supply. Whilst the site does not benefit from planning permission and still requires clearance, it is being actively marketed by the County Council as landowners and sits adjacent to a well-established residential area.
119. The Riverside House site in Leamington (H14) is currently in use as Council offices and car parking. However the Council is proposing to relocate to another site within the Town Centre. Whilst the development of the Riverside House site would need to take into account issues such as the setting of heritage assets, protected trees and the fact that a proportion of the site is in higher flood risk zones, these are matters that could be readily addressed through appropriate site layout and design. The proposed allocation would make a valuable contribution to housing supply in an attractive location close to the Town Centre.
120. None of the above sites are subject to any fundamental constraints which would affect their development for housing. They are all realistically deliverable within the time frames envisaged by the Council. They provide the

opportunity to make effective use of previously developed land in appropriate locations within the urban area. Subject to a modification to reflect the number of dwellings with planning permission at the Garage Site, Theatre Street, Warwick (H17), the proposed site allocations above are justified, effective and consistent with national policy.

121. Following the submission of the Local Plan, it was decided to retain the Leamington Fire Station site (H15) in operational use rather than release it for housing development. Accordingly it is no longer genuinely deliverable and in order to ensure that the Local Plan is effective in this respect, the proposed site allocation should be deleted.
122. The sites at Station Approach, Leamington (H10), Soans site, Sydenham Drive (H13) and Opus 40, Birmingham Road, Warwick (H39) all benefit from planning permission and development is well underway. To ensure that the Local Plan is effective in reflecting these circumstances, the proposed site allocations should be deleted.
123. The Council has carried out a comprehensive and robust assessment of potential housing site allocations within the urban areas of Leamington Spa, Warwick and Whitnash. Development is likely to come forward on smaller sites identified through the SHLAA (between 5 and 50 dwellings), from windfalls and from canalside and employment regeneration areas. However, I am satisfied on the basis of the evidence available that there are no other areas of previously developed land within the urban areas which could be allocated and the Council has maximised the potential supply of housing from this source.

Greenfield sites on the edge of the urban area

124. The submitted Local Plan proposed four housing site allocations on greenfield land on the edge of the urban area of Leamington Spa, Warwick and Whitnash. This included one site currently within the Green Belt at Red House Farm, Lillington.
125. In January 2016, during the suspension of the examination, outline planning permissions were granted on appeal at Gallows Hill (up to 450 dwellings) and The Asps (up to 900 dwellings). Neither site had been included as an allocation in the submitted Local Plan. Taking these changed circumstances into account, the Council proposed that both of these sites, along with additional land at Gallows Hill, should be allocated for housing. It also proposed an additional smaller allocation at Hazelmere and Little Acre, Whitnash on land adjacent to a committed housing site currently under construction and a site allocation and area of safeguarded land north of Milverton on land currently within the Green Belt. It included these proposals in its suggested modifications put forward during the suspension of the examination.
126. Along with the sites proposed in the submitted Local Plan, I consider these additional proposals from the Council in the context of the need for further site allocations to ensure an adequate supply of housing land.

Sites not in the Green Belt

Land West of Europa Way (H01)

127. The housing site allocation proposed in the submitted Local Plan included land currently occupied by Myton Secondary School. At the time it was envisaged that the school would be extended to provide additional capacity for the area. Given the significantly increased scale of housing commitments to the south of Warwick as a result of the appeals at Gallows Hill and The Asps, it is now necessary to provide a new school in addition to retaining and expanding the existing facility. The Council's suggested modifications put forward during the suspension of the examination addressed this issue and sought to amend the boundary of the housing site allocation accordingly.
128. Two outline planning permissions for housing and associated community facilities have been granted on the site. These would provide for up to 735 dwellings on the northern part of the site and up to 425 dwellings on the southern part respectively. A small residual area of land has an estimated capacity of 50 dwellings. The total capacity of the site is estimated at 1,210 dwellings therefore.
129. The proposed site allocation would make a significant contribution to housing supply including a substantial amount of affordable housing (33% on the northern part and 40% on the southern part). The housing would be developed along with a wide range of social and community facilities including a neighbourhood centre. These facilities are secured through planning obligations associated with the planning permissions.
130. The development of the site would result in the loss of a significant amount of greenfield land and would inevitably have an impact on the character and appearance of the immediate locality. However, the site is between the Warwick Technology Park and the Heathcote Park and Tachbrook Park industrial/business areas. Development would be seen within this context and also that of the Leamington Shopping Park and existing residential areas at Myton. Over time it will also be seen in the context of substantial housing developments to the south at Gallows Hill, The Asps and South of Harbury Lane. The scale of the site will allow for substantial areas of public open space and structural landscaping which will help to mitigate the visual impact of development.
131. In relation to the setting of Warwick Castle (Grade I Listed Building and part Scheduled Monument), Warwick Castle Park (Grade I Registered Park) and the Warwick Conservation Area the site lies behind the Warwick Technology Park and development would also be seen in the context of substantial existing and committed development and the wider urban area. Given this and the distance involved, there would be no harm to the significance of these designated heritage assets.
132. The development of the site, along with others proposed and committed in this area south of Warwick will significantly increase traffic volumes and impact on the transport network in the immediate locality and further afield. The Council, along with the County Council is taking a holistic and comprehensive approach and has set out a package of requirements for a wide range of mitigation measures and improvements, which include the dualling of Europa

Way and key junction enhancements. Clear plans are in place to fund and bring forward such improvements and mitigation.

133. Other detailed concerns including those relating to the potential impact of development on biodiversity and the setting of the listed Heathcote Hill Farmhouse could satisfactorily be dealt with through specific proposals.
134. There is clear and strong interest in bringing the site forward for development and as noted above, outline planning permissions have already been granted. There are no fundamental constraints to development and clear proposals and mechanisms to deliver necessary infrastructure are in place. There is a strong market for new housing in this locality and I am satisfied that the development would be viable and realistically deliverable.
135. I deal with the issue of the timescale and rate of delivery for this site together with others south of Warwick below, given concerns in relation to the particular concentration of sites in this area.

Land South of Harbury Lane (H02)

136. The majority of the proposed housing site allocation is greenfield although it includes an area of previously developed land (the former sewage treatment works). Whilst Policy DS11 of the submitted Local Plan identifies these elements separately, they are included within a single site boundary.
137. With the exception of the former sewage treatment works and an area to the west of it, the site has planning permission for residential development along with community and social facilities. The site is currently being brought forward as two development areas. The Lower Heathcote Farm area is subject to full planning permission for a total of 785 dwellings and construction is underway. The Grove Farm area has full planning permission for 90 dwellings and an additional 630 dwellings have outline planning permission. Again construction is underway. In total there are planning permissions for 1,505 dwellings. The estimated capacity of the former sewage treatment works is 215 dwellings and an estimated 100 dwellings could be accommodated on the residual land. Overall the capacity of the proposed site allocation is now estimated at 1,820 dwellings, an increase of 100 from that set out in the submitted Local Plan.
138. The proposed site allocation would make a substantial contribution to the supply of housing and provide for a significant amount of affordable housing (40% of the total). The housing would be developed along with a wide range of social and community facilities including a neighbourhood centre. These facilities are secured through planning obligations associated with the planning permissions. The development would also help to facilitate the provision of a substantial area of land adjoining the Tach Brook as a country park (Policy DS13) and it would bring about remediation of the former sewage treatment works.
139. The development of the site would involve a large extension of the built up area into what is currently open countryside and would significantly affect the character and appearance of the immediate locality. However, the proposed country park would run along the southern edge of the site and reinforce a clear edge to the urban area. It would also help to maintain a clear separation

between the urban area and Bishop's Tachbrook. In time, the development will also be seen in the context of substantial housing developments to the west at Gallows Hill and The Asps.

140. The former sewage treatment works and residual land adjacent to it form an important element linking the two main areas of development already committed. They provide the opportunity to develop the overall site comprehensively, including facilitating a spine road and in themselves would make an important contribution to housing land supply.
141. In terms of the setting of Warwick Castle, Warwick Castle Park and the Warwick Conservation Area, development on the site would be seen in the context of the wider urban area, it would also in time be set behind development at Gallows Hill and The Asps. Given this and the distance involved, there would be no harm to the significance of these designated heritage assets.
142. As set out above, the cumulative impacts on traffic flows and the transport network are being addressed comprehensively through a range of mitigation and improvement measures.
143. Significant steps have been taken to bring forward the site for development in terms of gaining planning permissions and construction is already underway and progressing well. There are no fundamental constraints to development and clear proposals and mechanisms to deliver necessary infrastructure are in place. I am satisfied that the development would be viable and realistically deliverable.

East of Whitnash/South of Sydenham (H03)

144. The site is currently open agricultural land and is not subject to any planning permissions for residential development. The submitted Local Plan identified an estimated capacity of 300 dwellings for the site. This was affected by concerns relating to highway capacity and the need to take account of site constraints, including the Whitnash Brook Local Nature Reserve which runs along the eastern boundary. The promoters of the site submitted a masterplan and the Council and County Council have subsequently accepted that with appropriate highway mitigation and improvement works, the site could accommodate approximately 500 dwellings.
145. Development of the site would further extend the built up area to the east, beyond the railway line. It would significantly affect the character and appearance of the immediate locality. However, it would broadly follow the line of the built up area of Sydenham to the north, which itself extends up to the Whitnash Brook. New housing is currently being built on the site immediately to the north.
146. Appropriate detailed layout and landscaping proposals would help to mitigate the visual impact of development and provide a generous buffer to the Whitnash Brook and the railway line. They would also be able to address specific issues relating to flood risk on parts of the site and the public right of way that crosses it.

147. The proposed site allocation would make an important and sizeable contribution to the supply of housing land and would add to the range and choice of locations available on the edge of the urban area. It would also provide for a significant amount of affordable housing.
148. Whilst there are some specific issues to address, particularly in terms of access and highway mitigation, there are no fundamental constraints to development. Developments currently underway immediately to the north and south west are well progressed and at the time of my visits appeared to be nearing completion. I am satisfied that development on the proposed site would be viable and realistically deliverable.
149. The Council envisage 100 dwelling completions on the site in 2019/20 followed by 120 in each of the next three years and the remaining 40 being completed in 2023/24. The site could readily accommodate two or three sales outlets and progress on adjacent sites points to a strong market in the locality. The proposed site is intended to follow on from these adjacent sites. Given the location of the site to the east of the urban area and the proposed access arrangements, the potential for direct competition with the sites to the south of Warwick would be limited. Taking these factors into account, the timescale and rate of delivery envisaged by the Council are realistic.

Hazelmere and Little Acre (H45)

150. This site was not included as a proposed allocation in the submitted Local Plan but was put forward by the Council during the suspension of the examination. At the time it considered that the site had potential capacity for 75 dwellings. Subsequently, based on advice from the County Council in relation to highway capacity, the Council estimates that 59 dwellings could be safely accommodated.
151. The site would in effect be an extension to the development currently underway and nearing completion immediately to the north. It would make a relatively modest but important contribution to housing land supply and deliver 40% affordable housing. It would add to the variety of locations available for housing development on the edge of the urban area.
152. Whilst development would represent a further extension of the built up area, the site consists of two existing dwellings in large grounds. It is well contained visually by topography and existing vegetation and sits between the Golf Course and the railway line.
153. There are no fundamental constraints to development and detailed issues could be addressed through specific proposals. Following discussions at the hearing sessions, the Council acknowledged that completions on site were not likely to take place until 2020/21. Again, the location of the site to the east of the urban area and the proposed access arrangements would mean that the potential for direct competition with the sites to the south of Warwick would be very limited. On the basis of the above, I consider that development on the site would be viable and realistically deliverable within the timescale envisaged by the Council.

Gallows Hill (H46a)

154. Again, this site was put forward by the Council during the suspension of the examination. This followed the granting of outline planning permission on appeal in January 2016 for up to 450 dwellings and associated infrastructure works on the eastern part of the site. The appeal was recovered for determination by the Secretary of State. The western part of the site, which the Council estimates has capacity for approximately 180 dwellings, does not benefit from planning permission for residential development. The total capacity of the site is estimated at 630 dwellings.
155. A key issue in the appeal at Gallows Hill was the potential impact on the significance of designated heritage assets. The Secretary of State agreed with the Inspector that there would be a negligible impact on the significance of Warwick Castle and that there would be limited, less than substantial harm to the significance of the Castle Park and Warwick Conservation Area which share a common boundary in this locality.
156. The Council and the promoters of the western part of the site agreed a statement of common ground (SOCG7) which includes an illustrative masterplan.
157. Development on the Gallows Hill site (both the eastern and western parts) would sit some way from Warwick Castle. Inter-visibility would be limited by existing and proposed landscaping and the housing development would be seen against the backdrop of the Warwick Technology Park, the wider urban area and committed development sites. I consider that there would be no harm to the setting and therefore the significance of the Castle.
158. The Grade II listed Tollhouse sits just beyond the site at the junction of Banbury Road and Gallows Hill. However, it is surrounded on all sides by roads and is on what is in effect a traffic island. The illustrative masterplan shows the potential to set built development well back from the Tollhouse and to retain and enhance existing landscaping. I consider that there would be no harm to the significance of the Tollhouse.
159. Due to the close proximity, housing on the scale proposed would have an impact on views from the Castle Park and this part of the Warwick Conservation Area. The impact would be greater from the western part of the site given that it extends up to Banbury Road and its junction with Gallows Hill. However, these views would be screened to a significant degree by existing trees along the boundary of the Castle Park/Conservation Area which runs along Banbury Road and by existing and proposed landscaping on the opposite side of Banbury Road and within the site itself. The illustrative masterplan shows the potential to set built development well back from the road and to incorporate substantial areas of green space and landscaping.
160. I find that whilst there would be some harm to the setting and therefore the significance of the Castle Park and Conservation Area, this would be less than substantial. Having regard to the statutory duties relating to the preservation of such assets, I have given this harm considerable importance and weight.
161. The proposed site allocation would make a sizeable contribution to the supply of housing including a substantial amount of affordable housing (40% of the

total). It would also have some benefit in terms of providing publically accessible open space and improved pedestrian and cycling links towards Warwick Town Centre. I consider that these public benefits are very significant and outweigh the less than substantial harm to designated heritage assets identified above.

162. The proposed site allocation would extend built development beyond Gallows Hill onto what is currently agricultural land. The development of the whole site would have a significant impact on the character and appearance of the area. The illustrative masterplan shows the potential for substantial areas of open space and landscaping around the boundaries of the site and within it. This would help to soften and reduce the visual impact of built development. Over time the development would also be seen in the context of other committed development in this area south of Warwick.
163. As with the other major sites to the south of Warwick, the cumulative impacts on traffic flows and the transport network are being addressed comprehensively through a range of mitigation and improvement measures.
164. Other detailed issues including those relating to the potential impact of development on biodiversity and flood risk along the southern boundary could satisfactorily be dealt with through specific proposals.
165. Given the size of the western part of the site and the need to take account of its sensitive location next to the Castle Park and Conservation Area through layout, design and landscaping, the Council's estimate of 180 dwellings is reasonable. It may be that a suitable detailed scheme could come forward with more dwellings. Policy DS11 (as modified) would allow for such flexibility.
166. There is clear and strong interest in bringing the site forward for development and as noted above, outline planning permission has already been granted on a large part of the site. There are no significant physical or other constraints to development and mechanisms to deliver necessary infrastructure are in place. I consider that the development would be viable and realistically deliverable.

The Asps (H46b)

167. The site at The Asps was also put forward by the Council during the suspension of the examination following the granting of planning permission on appeal. Again, the appeal was recovered for determination by the Secretary of State. Outline planning permission was granted for up to 900 dwellings, a school, local centre, park and ride facility and other associated development. The planning permission relates to the whole of the proposed site allocation.
168. As with the Gallows Hill appeal, a key issue was the potential impact on heritage assets. Although the Secretary of State took a different view from the Inspector in terms of the overall planning balance, he agreed with the Inspector's conclusions regarding the impact on heritage assets. These were that there would be no direct harm to Warwick Castle or any other listed building but that there would be less than substantial harm to the setting of The Aspens and the non-designated Asps Cottage. He also agreed that there

would be an adverse impact on the setting of the Castle Park and the Warwick Conservation Area which again share a common boundary in this locality but that this harm would be less than substantial.

169. The Secretary of State considered the combined impacts of the appeal schemes at Gallows Hill and The Asps and concluded that the cumulative harm would remain less than substantial.
170. Development on The Asps site would be set well away from Warwick Castle. Inter-visibility would be limited by existing and proposed landscaping and the housing development would be seen in the context of other committed development sites. I consider that there would be no harm to the setting and therefore the significance of the Castle. Given the proximity to the site and the change to the open farmland context, there would be a limited impact on the setting of the listed The Aspens and the non-designated Asps Cottage, although the harm to their significance would be less than substantial.
171. Built development on the scale proposed would have a substantial urbanising effect, extending the built up area of Warwick significantly to the south over a large area of currently open agricultural land which forms an important part of the setting of the Castle Park and Conservation Area. Although views would be screened by existing trees along the boundary of the Castle Park and Conservation Area and by existing and proposed landscaping within the site itself, there would be an adverse impact on the setting of these designated heritage assets. I share the Inspector's and Secretary of State's view however that the harm to the significance of these heritage assets would be less than substantial.
172. Having regard to the statutory duties relating to the preservation of such assets, I have given this harm considerable importance and weight.
173. The proposed site allocation would make a very sizeable and important contribution to the supply of housing including 40% affordable housing. It would also provide for a park and ride scheme. I consider that these public benefits are very significant and outweigh the less than substantial harm to designated heritage assets identified above.
174. The scale of the extension of the built up area and the urbanising effect of development would have a significant effect on the character and appearance of the landscape and the area generally. Detailed proposals for layout and landscaping could help to soften and reduce the visual impact of built development and over time the development would also be seen in the context of other committed development in this area south of Warwick.
175. Again, the cumulative impacts on traffic flows and the transport network are being addressed comprehensively through a range of mitigation and improvement measures.
176. Other detailed issues including those relating to the potential impact of development on biodiversity could satisfactorily be dealt with through specific proposals.
177. There is clear interest in bringing the site forward for development and outline planning permission has already been granted. There are no significant

physical or other constraints to development and mechanisms to deliver necessary infrastructure are in place. I am satisfied that the development would be viable and realistically deliverable.

Timescales and rates of delivery for sites south of Warwick

178. The Council is proposing four significant greenfield housing site allocations in close proximity to each other to the south of Warwick. The sites on land West of Europa Way, South of Harbury Lane, Gallows Hill and The Asps would have a total estimated capacity of some 4,560 dwellings. This is undoubtedly a substantial amount of housing proposed in a relatively concentrated area. However, other than the proposed site allocations to the east of the urban area (H03 and H45), the previously developed sites within the urban area discussed above and a small number of other committed sites, there are limited opportunities for housebuilding elsewhere in or on the edge of the urban area, certainly on a significant scale, given the range of constraints in place, not least the Green Belt.
179. The Council estimates (EXAM147) that there will be completions in 2016/17 for those parts of the land South of Harbury Lane with full planning permission. For those sites or parts of sites with outline planning permission, completions are estimated to occur from 2018/19 onwards or in the case of The Asps site 2019/20. Parts of the sites without planning permission are anticipated to see completions from 2019/20 onwards at Gallows Hill (West), 2020/21 onwards on land West of Europa Way and from 2021/22 South of Harbury Lane. I consider these to be reasonable and realistic estimates which reflect the planning status of the sites and allow for some staggering of construction timescales.
180. Cumulatively, the Council's estimates show significant numbers of annual completions from these four sites, particularly between 2018/19 and 2022/23 when they would all be fully on stream. Completions from these sites and other committed sites south of Warwick are estimated to peak at 723 dwellings in 2021/22.
181. Together Leamington Spa, Warwick and Whitnash form a large urban area with a wide range of employment opportunities and social and community infrastructure. As discussed above under Issue 1, strong population and household growth is projected for the District. Evidence in terms of sites coming forward for development and progress with committed schemes indicates strong demand for new housing in, and on the edge of the urban area. The majority of the land covered by the four sites referred to above benefits from planning permission.
182. The Council's estimate of the annual number of dwelling completions on each site is reasonable and realistic given the strength of the market, the potential for sites to be developed through a number of sales outlets and the mix of market and affordable housing proposed and permitted. I accept that the cumulative estimates of annual completions for sites in close proximity are optimistic and would depend on a strong housing market over a sustained period and continued good progress in terms of bringing sites forward for development. However, taking account of the above points and given that

there are likely to be limited alternative sites for housebuilding in and around the urban area, I consider that they are realistic.

Conclusions on greenfield sites on the edge of the urban area – not in the Green Belt

183. The three site allocations included in the submitted Local Plan and the three further sites put forward by the Council during the suspension of the examination would all involve extensions of the built up area. Other than the site at Hazelmere and Little Acre, development of the sites would result in the loss of substantial areas of open, largely agricultural land and have a significant effect on the character and appearance of the areas concerned, notwithstanding the potential to mitigate the visual impact of development through site layout and landscaping. Development on the sites at Gallows Hill and The Asps would also have an impact on the significance of designated heritage assets, although the harm would be less than substantial.
184. However, there is a need for substantial additional housing land to be identified to meet housing requirements and to provide for a five year supply of housing land. The urban area of Leamington Spa, Warwick and Whitnash provides an appropriate and sustainable location for significant housing growth in line with the spatial strategy. Given the Green Belt and other constraints around the urban area, there are very limited options for growth. The potential to accommodate development within the urban area on previously developed sites has been maximised.
185. There would be very significant benefits in allocating the sites, primarily in terms of the contribution to housing land supply and the provision of substantial amounts of affordable housing. The sites in question, along with existing commitments and sites within the urban area, would help to ensure that an adequate supply of housing land is available. These benefits would outweigh the adverse impacts.
186. In considering the proposed site allocations I have given significant weight to the fact that much of the land in question already benefits from planning permission for housing and is likely to come forward for development in any case.
187. For these reasons, subject to a modification to reflect up to date estimates of dwelling capacity the proposed site allocations on land West of Europa Way (H01), South of Harbury Lane (H02) and East of Whitnash/South of Sydenham (H03) are justified, effective and consistent with national policy.
188. Again for these reasons and to ensure that adequate provision is made for housing land, the further site allocations put forward by the Council at Hazelmere and Little Acre (H45), Gallows Hill (H46a) and The Asps (H46b) are also required to ensure that the Local Plan is justified, effective and consistent with national policy.

Red House Farm (H04)

189. The submitted Local Plan proposed removing the site at Red House Farm from the Green Belt and allocating it for housing development. The Council estimates that the site has a capacity for some 250 dwellings. The NPPF

makes it clear that Green Belt boundaries should only be altered in exceptional circumstances.

190. The site is currently open land in agricultural/equestrian use and occupies an elevated position on the edge of Lillington, which forms part of the urban area of Leamington Spa.
191. Despite the potential for additional landscaping, residential development on the scale envisaged on the site would represent a clear and noticeable encroachment of the built up area into the surrounding countryside. It would have a significant effect on openness.
192. Over time, additional landscape planting could soften the edge of the built up area compared with the current situation but overall, development on the site would have a significant effect on the character and appearance of the area.
193. In terms of exceptional circumstances to alter the Green Belt, the Council put forward two key points. Firstly that development on the site would help to facilitate regeneration in the adjoining part of Lillington and secondly that it was necessary to ensure housing requirements were met.
194. In relation to regeneration benefits, I have carefully considered the case and evidence put forward by the Council and the promoters of the site, both in writing and during the hearing sessions. This includes the Lillington Regeneration Master Planning and Feasibility Study. I accept that evidence points to some issues of deprivation in the locality and my own observations confirmed that some of the existing housing stock on the adjacent estate would benefit from remodelling or redevelopment. I also acknowledge that new housing on the Red House Farm site would provide investment to the local area and help to support local services. It would also broaden the mix of housing types available and provide the potential opportunity to replace some existing housing stock.
195. However, the proposed site allocation is self-contained and does not cover any of the existing housing areas. There is little if any evidence to link the development of this greenfield site directly with physical regeneration on the adjoining estate. Nor is there any evidence to link the two areas functionally, financially or through land ownership. Overall it has not been demonstrated that the allocation of the site for housing is necessary to achieve regeneration in this part of Lillington or that it would have a significant role in facilitating it.
196. In terms of housing requirements, there would be a considerable amount of housing land allocated on other sites within and on the edge of the urban area of Leamington Spa, Warwick and Whitnash (including those proposed by the Council during the suspension of the examination). None of these allocations would require the boundaries of the Green Belt to be altered. Whilst the larger allocations would be to the south of the built up area, a range of sites within the urban area will also be available.
197. Excluding the site at Red House Farm, the overall scale of housing land in Leamington Spa, Warwick and Whitnash would still be sufficient to ensure that the urban area makes a substantial and adequate contribution to meeting housing requirements in the District and fulfils its role as one of the key focal points for growth. I deal with housing land supply in the District in more

depth later in my report. However, taking account of my conclusions on proposed site allocations elsewhere and other issues, the site at Red House Farm does not need to be allocated in order to ensure that the District's housing requirements are met or that a five year supply of housing land is provided for.

198. In short, there is no strategic need for the site to be allocated for housing nor is there a specific need for a site to be allocated in this particular part of the urban area.
199. Exceptional circumstances to justify altering the boundary of the Green Belt in this specific location or indeed generally around the urban area of Leamington Spa, Warwick and Whitnash do not exist. The proposed housing site allocation is therefore not justified, effective or consistent with national policy and should be deleted.

Land North of Milverton

200. During the suspension of the examination, the Council proposed removing land from the Green Belt North of Milverton, on the edge of the urban area of Leamington Spa for a housing site allocation and safeguarded land. The estimated capacity of the housing site was 250 dwellings and the safeguarded land some 1,000 dwellings.
201. Development of the land in question would involve a substantial expansion of the built up area into currently open countryside to the north of Leamington Spa. It would have a significant adverse impact on the openness of the Green Belt and the character and appearance of the area.
202. As with the Red House Farm site and for the same reasons, the site North of Milverton does not need to be allocated in order to ensure that the District's housing requirements are met or that a five year supply of housing land is provided for. Sufficient housing land would be available elsewhere in and on the edge of the urban area of Leamington Spa, Warwick and Whitnash outside of the Green Belt. Exceptional circumstances to justify altering the boundary of the Green Belt and allocating the site for housing do not exist.
203. Given that the boundary of the Green Belt around Leamington Spa, Warwick and Whitnash would remain otherwise unaltered, it would be unnecessary and inappropriate to identify safeguarded land at this point in time. A longer term strategy for locations of growth around the urban area and the District generally could be considered as part of a review of this Local Plan. There is no need to modify the submitted Local Plan as suggested by the Council therefore.

Other housing sites put forward

204. Other potential housing sites were put forward in representations and discussed at the hearing sessions. Given my findings above in relation to the site allocations proposed by the Council and the supply of housing land, there is no need to allocate any additional sites for housing in and around Leamington Spa, Warwick and Whitnash.

205. The three sites put forward at Blackdown, at Loes Farm and on additional land at Red House Farm are all in the Green Belt. For the reasons set out above exceptional circumstances to justify altering the boundary of the Green Belt in these locations do not exist. The site at Goggbridge Lane, although not in the Green Belt, forms part of the supply of identified employment land. It is a narrow site adjacent to the A46 which is elevated on this stretch and housing on the site would be affected by noise from the road. There may be some potential for development on land at Asps Cottage (adjacent to the larger Asps site) although this is affected by the presence of the listed building. In any case the potential capacity of the site is below that suitable for an allocation in the Local Plan.

Housing site allocations – Kenilworth

206. Although Kenilworth is smaller than the combined urban area of Leamington Spa, Warwick and Whitnash it provides employment opportunities and a range of retail and other main town centre uses and social and community facilities. It is well connected to the wider road network, has good public transport links and is well related to Coventry in terms of accessibility and functional links.
207. Kenilworth therefore provides an appropriate and sustainable location for significant housing growth within the District including meeting some of Coventry's unmet housing needs.
208. There are very limited opportunities for housing development on any scale within the built up area. Other than one area of land at Crackley (see below), there is no potential to allocate housing sites on the edge of the urban area without altering the boundary of the Green Belt.
209. These factors, along with the scale of housing requirements and limited opportunities outside of the Green Belt elsewhere in the District, amount to exceptional circumstances which justify altering the boundaries of the Green Belt around Kenilworth.
210. As discussed in relation to the spatial strategy, there are physical and environmental constraints which affect the options for growth on the edge of the town.
211. The submitted Local Plan proposed four housing site allocations at Kenilworth. These included land currently in the Green Belt at Thickthorn (H06) and land partly in the Green Belt at Kenilworth Sixth Form College (H12). During the suspension of the examination the Council proposed two additional housing site allocations on land east of Kenilworth (H40) and East of Warwick Road (H41). In both cases the land is currently in the Green Belt. It included these proposals in its suggested modifications.
212. Along with the sites proposed in the submitted Local Plan, I consider these additional proposals from the Council in the context of the need for further site allocations to ensure an adequate supply of housing land.
213. The development of the proposed housing site allocations in Kenilworth would significantly increase traffic volumes and impact on the transport network in the immediate locality and further afield. The Council, along with the County Council is again taking a holistic and comprehensive approach and has set out

a package of requirements for a wide range of mitigation measures and improvements to junctions and key routes including Thickthorn roundabout and the A452 Corridor. Clear plans are in place to fund and bring forward such improvements and mitigation.

Crackley Triangle (H07)

214. Although greenfield land on the edge of the built up area, this site is not in the Green Belt. Development would be reasonably well contained visually between existing residential areas on two sides and it would not bring the built up area of Kenilworth any closer to Coventry.
215. Outline planning permission has been granted for 93 dwellings on the site. There are no fundamental constraints to development and detailed issues including access arrangements could be satisfactorily addressed through specific proposals. Following discussions at the hearing sessions, the Council acknowledged that completions on site were not likely to take place until 2018/19. On the basis of the above, I consider that development on the site would be viable and realistically deliverable within the timescale envisaged by the Council.
216. The proposed site allocation would make an important contribution to the supply of housing land and affordable housing provision and would add to the range and choice of sites available.

Kenilworth School (H09) and Kenilworth Sixth Form College (H12)

217. Currently the main secondary school buildings and sixth form for Kenilworth School occupy different sites, some distance from each other. This causes duplication of activities and operational difficulties. A number of existing buildings are now dated and in need of refurbishment/replacement. The School is already operating at capacity and existing facilities would not be able to accommodate the increase in pupil numbers as a result of the scale of housing growth planned. Having considered options, including expanding or redeveloping on the existing sites, the Kenilworth School Trust, supported by the County and District Councils is proposing to relocate to a single site.
218. The submitted Local Plan proposed a site allocation for a new school including sixth form on land currently in the Green Belt at Southcrest Farm. I return to that specific proposal in more detail later in my report, however I consider that the strategy of relocating the school and sixth form onto a single site and therefore releasing the existing sites for development is appropriate and justified.
219. The Kenilworth School site (H09) sits entirely within the built up area and is surrounded by existing housing. The Council estimates that the site has capacity for some 250 dwellings. In addition to school buildings and playing fields, the site currently includes an indoor sports centre with community use.
220. The buildings on the Sixth Form College site (H12) are within the existing built up area of the town. The site also includes playing fields which are in the Green Belt. The Council estimates that the site could provide for 130 dwellings.

- 221. Existing housing surrounds the site on three sides and it is well contained visually from the surrounding area. Development would not extend the built up area any further south. The loss of the playing fields to development would clearly represent some reduction in openness but given the immediate context of existing development this would not be significant. It would not have a significant effect on the purposes of including land in the Green Belt in this case.
- 222. For both sites it is proposed that the existing sports facilities would be replaced with at least equivalent provision on the site for the new school at Southcrest Farm.
- 223. The redevelopment of the sites for housing would be compatible with the established residential character of the localities concerned and issues such as access arrangements could be addressed through detailed proposals.
- 224. Clearly the redevelopment of the sites would need to follow on from the provision of a new school and would require demolition and site clearance. With this in mind the Council has taken what I consider to be a realistic view and estimated that dwelling completions will occur from 2023/24 onwards. I am satisfied that redevelopment of the sites would be viable and deliverable within this timeframe.
- 225. The proposed site allocations would make an important contribution to the supply of housing land and affordable housing provision and would add to the range and choice of sites available. As set out above there are exceptional circumstances which justify altering the boundaries of the Green Belt around Kenilworth. These apply to that part of the Sixth Form site within the Green Belt.

East of Kenilworth (Thickthorn) (H06)

- 226. The proposed housing site allocation at Thickthorn is within the Green Belt. It is predominantly open land which sits between the existing built up area and the A46. It is currently in use for agriculture and outdoor sports pitches and there are some buildings associated with the sports uses. The Council estimates that the site has capacity for some 760 dwellings and it is expected that the development would incorporate a local centre and new primary school.
- 227. Development of the site would represent a clear and substantial extension of the built up area into adjoining countryside and remove the largely open character of the land in question. It would significantly affect the character and appearance of the area.
- 228. However, the site is contained to the south-east by the A46. This is a strong and dominant physical and visual feature which has created a clear distinction between Kenilworth and its immediate setting on one side of the road with more open and expansive countryside on the other. The presence of the A46 in this location would enable a well-defined and defensible edge to the extended built up area to be provided.
- 229. It is intended that the layout and design of the development would incorporate buffer zones and areas of substantial new landscape planting and open space.

To some extent this would soften the visual impact of development. With this in mind and along with the potential for specific noise attenuation measures I am also satisfied that detailed proposals would be able to provide adequate mitigation in relation to noise and other impacts from the A46 and that harm to biodiversity interests on the site could be avoided. Likewise, detailed layout and design would be able to avoid harm to the significance of heritage assets within and near to the site including the Glasshouse Roman Settlement Scheduled Monument, Stoneleigh Abbey Registered Park and Garden and the listed building at Thickthorn Manor.

- 230. During the suspension of the examination the Council proposed site allocations for outdoor sports use at Castle Farm and Warwick Road with the intention that both sites would remain in the Green Belt. Whilst I deal with these proposals specifically later in my report, they would provide the opportunity to replace the existing sports pitches and facilities at Thickthorn with those of at least equivalent quantity and quality in a suitable location.
- 231. The proposed site allocation would make a substantial contribution to the supply of housing land and affordable housing provision. It is necessary to ensure that housing requirements are met and that Kenilworth fulfils its role as a focus for growth within the spatial strategy. These are significant benefits which outweigh the adverse impacts that would occur.
- 232. As set out above there are exceptional circumstances which justify altering the boundaries of the Green Belt around Kenilworth. These apply to the proposed site allocation at Thickthorn.
- 233. The Council acknowledged at the hearing sessions that completions on the site were not likely to take place until 2019/20, in part due to the need to relocate the existing sports facilities. Given the scale of the site, limited alternative housebuilding opportunities elsewhere in Kenilworth and the potential for a number of sales outlets, the estimate of 100 dwelling completions per year is reasonable. I consider that development on the site would be viable and realistically deliverable within the timescale envisaged by the Council.

East of Kenilworth (H40)

- 234. The Council put forward this housing site allocation during the suspension of the examination. The site incorporates agricultural land and buildings on land at Crewe Gardens and Southcrest Farm and conference facility buildings and grounds at Woodside Training Centre. The site is entirely within the Green Belt.
- 235. The Council anticipate that the whole of the site proposed for a new school at Southcrest Farm will not be required for educational purposes and that there would be potential to also accommodate some housing development. For this reason it overlaps entirely with the proposed housing site. Whilst I assess the proposed school allocation in more detail later in my report, I consider that this is an appropriate and justified approach. It provides the necessary certainty to assist in the delivery of such an important element of community infrastructure whilst providing some flexibility as to the mix and layout of development on the site and the opportunity to add to housing land supply.

236. It is intended that the buildings at Woodside Training Centre would be retained. The Council estimates that in total the proposed site allocation could deliver in the order of 640 dwellings. This estimate includes approximately 70 dwellings on residual land as part of the school site.
237. Development of the site would result in a large extension of the built up area into adjoining countryside. It would remove the essentially open character of the land and would reduce the gap to the southern edge of Coventry, particularly when combined with the proposed site allocation at Kings Hill (considered later in my report). It would significantly affect the character and appearance of the area.
238. However, again the site is contained to the south-east by the A46 which would enable a well-defined and defensible edge to the extended built up area to be provided. Crewe Lane which runs along the northern part of the site and is bounded along much of its length by trees would provide for a well-defined edge to built development in this direction.
239. There would still be a substantial and meaningful gap to the edge of Coventry, reinforced by undulating topography and the route of HS2 which is proposed to cross the area.
240. The layout and design of the development is intended to incorporate buffer zones and areas of substantial new landscape planting and open space which would help to reduce the visual impact. Given this, along with the potential for specific noise attenuation measures, I am also satisfied that detailed proposals would be able to provide adequate mitigation in relation to noise and other impacts from the A46 and that harm to biodiversity interests on the site could be avoided. Likewise, detailed layout and design would be able to avoid harm to the significance of heritage assets within and near to the site including the Glasshouse Roman Settlement Scheduled Monument and Stoneleigh Abbey Registered Park and Garden.
241. Again, the proposed site allocation would make a substantial contribution to the supply of housing land and affordable housing provision. It is necessary to ensure that housing requirements are met and that Kenilworth fulfils its role as a focus for growth within the spatial strategy. These significant benefits outweigh the adverse impacts that would occur.
242. As set out above there are exceptional circumstances which justify altering the boundaries of the Green Belt around Kenilworth. These apply to the proposed site allocation East of Kenilworth.
243. The Council estimate dwelling completions on the site from 2018/19 onwards with the annual rate building up from 25 to 75 and then 100 by 2020/21. Given the scale of the site, limited alternative housebuilding opportunities elsewhere in Kenilworth and the potential for a number of sales outlets, this is reasonable, even when taken cumulatively with potential completions on the Thickthorn site. I am satisfied that development on the site would be viable and realistically deliverable within the timescale envisaged by the Council.

East of Warwick Road (H41)

244. This site allocation was also put forward by the Council during the suspension of the examination. The land is currently in agricultural use and within the Green Belt. The Council estimates that the site could accommodate approximately 100 dwellings.
245. Development of the site would represent an extension of the built up area into adjoining countryside, removing the open character of the land and affecting the character and appearance of the area.
246. Although the development of the site would bring the main built up area of Kenilworth closer to the village of Leek Wootton, the gap would remain substantial and there would be no perceptible loss in the sense of separation between the settlements. Development would extend no further than existing buildings on the other side of Warwick Road at Wootton Grange.
247. The visual impact of development would be to some extent reduced by screening from existing trees along Warwick Road and the southern field boundary, the fact that the eastern boundary is formed by the railway line and given that part of the site is set back from the road behind the cricket ground and pavilion. Appropriate layout, design and additional landscaping would further reduce the visual impact.
248. There are no fundamental constraints to development and detailed issues including the need to provide a buffer along the boundary with the railway line and to take account of the presence of the cricket ground could be satisfactorily addressed through specific proposals.
249. With this in mind the Council's estimate of 100 dwellings on the site is reasonable. It may be that a suitable detailed scheme could come forward with more dwellings. Policy DS11 (as modified) would allow for such flexibility. There is a clear intention to bring the site forward for development and I consider that development on the site would be viable and realistically deliverable within the timescale envisaged by the Council.
250. The proposed site allocation would make an important contribution to the supply of housing land and affordable housing provision and would add to the range and choice of sites available. It is necessary to ensure that housing requirements are met and that Kenilworth fulfils its role as a focus for growth within the spatial strategy. These are significant benefits which outweigh the adverse impacts that would occur. The exceptional circumstances which justify altering the boundaries of the Green Belt around Kenilworth apply to the proposed site allocation East of Warwick Road.

Conclusions on the proposed housing sites at Kenilworth

251. Given the scale of housing requirements and its role as a focal point for growth in delivering the spatial strategy, there is a need to identify sites for a significant amount of housing at Kenilworth. There are very limited opportunities to do so within the built up area or on sites not currently within the Green Belt. There are exceptional circumstances to justify altering the boundary of the Green Belt to accommodate housing development.

252. Taking account of the physical and environmental constraints, the approach to locations for growth around the town put forward by the Council following the suspension of the examination is appropriate and justified, as is the overall scale of housing development now proposed. This would ensure that sufficient housing land is identified.
253. The proposed housing sites, including those put forward by the Council during the suspension of the examination, are necessary to ensure that an adequate supply of housing land is available. The benefits in relation to housing land supply would outweigh the adverse impacts.
254. For the above reasons, subject to a modification to reflect the number of dwellings granted planning permission on the Crackley Triangle site, the proposed site allocations at Crackley Triangle (H07), Kenilworth School (H09), Kenilworth Sixth Form College (H12) and East of Kenilworth (Thickthorn) (H06) are justified, effective and consistent with national policy.
255. Again for these reasons and to ensure that adequate provision is made for housing land, the further site allocations put forward by the Council on land East of Kenilworth (H40) and East of Warwick Road (H41) are also required to ensure that the Local Plan is justified, effective and consistent with national policy.

Other housing sites put forward

256. Other potential housing sites were put forward in representations and discussed at the hearing sessions. They are all in the Green Belt. Given my findings above in relation to the site allocations proposed by the Council and the supply of housing land, there is no need to allocate any additional sites for housing in and around Kenilworth and exceptional circumstances for further alterations to the Green Belt do not exist.
257. Development on land at Rouncil Lane, to the south of the proposed site at Kenilworth Sixth Form College, would result in an extension of the built up area into open countryside, well beyond the existing form of development. A site allocation at Kenilworth Golf Club would result in a very substantial further extension of the built up area, significantly reducing the gap to the edge of Coventry. Development on land north of Crewe Lane would breach the clear physical boundary provided by the road and in any case the potential capacity of the site put forward is below that suitable for an allocation in the Local Plan.

Housing site allocations – Edge of Coventry

258. I have already considered the spatial strategy and the need for modifications to ensure that it is capable of delivering sufficient housing land to meet requirements, including those unmet needs from Coventry. I have concluded that the Council's suggested strategic approach (following the suspension of the examination) in relation to the edge of Coventry is appropriate and justified. This involves identifying a direction for growth immediately to the south of the urban area of Coventry but within Warwick District.
259. There is no potential to allocate housing sites on the edge of the urban area of Coventry without altering the boundary of the Green Belt.

260. These factors, along with the scale of housing requirements and limited opportunities outside of the Green Belt elsewhere in the District, amount to exceptional circumstances which justify altering the boundaries of the Green Belt to the south of the urban area of Coventry.
261. In addition to the southern administrative boundary of Coventry and its urban area, there are a number of factors which affect the broad extent of the direction for growth and potential development sites within it. The western extent of the direction for growth is readily defined by the administrative boundary of Warwick District and the linear village of Burton Green. To the south it is limited by the need to maintain a clear and separate identity for Kenilworth and by the proposed route of HS2. To the east, the A46 forms a very strong physical boundary and provides a well-defined edge to the built up area of Coventry.
262. There are issues with the capacity of the existing highway network in the Westwood Heath area, particularly in relation to Crackley Lane and Gibbet Hill Road. This affects the scale of housing development that can currently be accommodated in this locality.
263. I discuss the Council's additional proposals for housing site allocations and safeguarded land below, having first considered the site at Oaklea Farm, Finham which was included in the submitted Local Plan.

Oaklea Farm, Finham (H08)

264. Although just within the administrative area of Warwick District, this site forms part of a small pocket of land on the other side of the A46 which is visually and physically associated with the residential area of Finham, part of the urban area of Coventry. It is currently within the Green Belt.
265. The site is a relatively narrow triangular shaped area of land between the A46 and Howes Lane. There are residential areas to the north east and on the opposite side of Howes Lane. There are existing buildings on part of the site. The A46 provides a very strong and clear boundary to the built up area for this part of Coventry.
266. Given its relationship to existing residential areas and position relative to the A46, the site has minimal benefit in terms of providing openness and does not serve the purposes of including land in the Green Belt.
267. Taking account of constraints affecting the site including the proximity of the A46 and existing trees, the Council estimates that approximately 20 dwellings could be developed. Whilst this would be a small contribution to overall housing supply it would add to the variety and choice of sites available. Subject to detailed matters being addressed through layout and design, there are no fundamental constraints to development and I am satisfied that the site is realistically viable and deliverable within the timescale set out by the Council which envisages the site being developed fully during 2018/19.
268. For the above reasons there are exceptional circumstances which justify altering the Green Belt in this case. The proposed site allocation at Oaklea Farm is justified, effective and consistent with national policy.

Westwood Heath (H42) and Safeguarded Land (S1)

269. The updated Strategic Transport Assessment (TA14PM) and further analysis from December 2016 (EXAM133) provide robust and convincing evidence that the current local highway network cannot satisfactorily accommodate more than 425 dwellings in the Westwood Heath area. This analysis took account of the other proposed development sites both in Warwick District and Coventry.
270. The Council, County Council and other organisations including Coventry City Council and the University of Warwick are supportive of a project to significantly increase highway capacity and improve accessibility to the wider area. Referred to as the A46 Link Road, it is envisaged that the scheme would be brought forward in three phases. The first phase would involve major improvements at the Stoneleigh junction on the A46. This is currently at the design stage and it is anticipated that works could be completed by mid-2019. The intention is to seek a reallocation of already committed Growth Deal monies to fund the scheme.
271. Phase 2 would involve a new road linking the A46 at Stoneleigh with Westwood Heath. Amongst other things this would help to facilitate development at the University of Warwick and overcome highway capacity issues for new development in the Westwood Heath area. Funding to develop a business case for this element of the scheme was announced in November 2016. However, this phase of the scheme is still at an early stage of development and the County Council confirmed that the “aspiration” was to see delivery by around 2022/23, but that this was dependent on funding, land acquisition and other statutory processes (see EXAM96).
272. The third and final phase would involve land in Solihull Borough and would link Phase 2 to the A45 or A452. This is at an early exploratory stage and delivery is not anticipated until the last few years of the plan period at the earliest.
273. There is clearly significant support and commitment for the A46 Link Road project from a wide range of organisations. However, despite some progress in terms of planning, design and funding to develop a business case, the implementation of the scheme and the potential timescales involved remain uncertain, particularly for those elements beyond Phase 1. Whilst the potential for Phase 2 of the Link Road and the consequences for potential housing development in the Westwood Heath area is a factor which I have taken into account, this is in the context of this uncertainty.
274. The Council proposed a housing site allocation at Westwood Heath (H42) during the suspension of the examination. The site is open land in agricultural use and entirely within the Green Belt. On the basis of evidence in relation to highway capacity, I consider that the Council's approach to limit the number of dwellings on the proposed site allocation to 425 is justified.
275. Westwood Heath Road provides a clear, well-defined edge to the existing urban area of Coventry with built development including recent housing to the north and open countryside to the south. The development of the proposed housing site would result in a substantial extension of the built up area beyond Westwood Heath Road into the surrounding countryside. The openness of the site would be lost and development would have a significant effect on the character and appearance of the site and the wider area.

276. However, an area of Green Belt between the site and Burton Green would remain. The gap would be sufficient to ensure the continued separate identity of the village relative to the urban area of Coventry. Detailed issues relating to the development of the site could be addressed through specific layout and design proposals.
277. The site would make a significant contribution towards meeting housing requirements and affordable housing needs. As a site on the southern edge of Coventry it would add to the range and choice of housing land available. It is in single ownership and there is a housebuilder actively pursuing development on the site with a view to submitting a hybrid planning application during 2017. There are no significant constraints to the development of up to 425 dwellings and no substantial infrastructure requirements. I am satisfied that the site is viable and deliverable and that it could realistically deliver new dwellings from 2018/19 onwards at the rate envisaged by the Council, making a significant contribution to the supply of housing land in the short term. These are substantial benefits which outweigh the adverse impacts.
278. The Council also proposed removing land from the Green Belt to provide an area of safeguarded land at Westwood Heath (Policy DSNEW2 – S1) during the suspension of the examination. Paragraph 85 of the NPPF makes it clear that when defining Green Belt boundaries, local planning authorities should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt in order to meet longer term development needs beyond the plan period. In line with national policy, proposed Policy DSNEW2 explains that the safeguarded land is not allocated for development at the present time and that the status of the land would only change through a review of the Local Plan following an assessment of development needs and the most appropriate locations for development.
279. As I have discussed above, the identification of a direction for growth to the south of Coventry is appropriate and justified. Given the factors which affect the broad extent of this direction for growth, the land intended to be safeguarded to the south of Westwood Heath (S1) is one of a limited number of realistic options for growth and could play a key role in bringing forward housing development and delivering the spatial strategy. However, as noted above, the potential scale of housing in this particular area is currently limited by highway capacity.
280. Taking all of this into account, I consider that whilst allocating land for more than 425 dwellings in the Westwood Heath area is not currently justified, this may well change in the future. Given that the boundary of the Green Belt would need to be altered to accommodate the site allocation (H42), it is appropriate and justified to also identify safeguarded land in this particular case to enable additional land to be considered for allocation through a future review of this Local Plan without further alterations to the Green Belt. This would not pre-empt such a decision but would allow for circumstances at the time, including the situation relating to a link road, to be taken into account.
281. Whilst the land in question is not being proposed for development in this Local Plan, I have considered the implications of its removal from the Green Belt and potential future development at some point. Development of the land covered by S1 would again result in a substantial extension of the built up area beyond

Westwood Heath Road into the surrounding countryside. The openness of the land would be lost and development would have a significant effect on the character and appearance of the site and the wider area. However, it would sit between existing and planned development at the University of Warwick and the housing development proposed on site H42. There would also be a strong southern boundary provided by the brook and substantial tree cover. The significant benefits of providing safeguarded land outweigh the adverse impacts.

282. The Council estimates that the safeguarded land (S1) could accommodate in the order of 770 dwellings, although the site promoter indicates that there is potential for some 900 dwellings.
283. Due to the current level of uncertainty regarding the implementation of the A46 Link Road, particularly Phase 2 and beyond, the allocation of site S1 (as opposed to it being safeguarded) would not be appropriate or justified at this point in time as there is insufficient basis to conclude that highway capacity issues would be resolved. Given the number of dwellings involved being well above the highway capacity limit of 425, this conclusion applies both to the site being considered in addition or as an alternative to the proposed allocation (H42).
284. In assessing the relative merits of allocating site S1 for development as an alternative to site H42, I have also taken account of the evidence before me that it is in multiple ownerships and development is not being actively pursued by a housebuilder. There is less confidence that it would be able to contribute to housing delivery in the short term. I have also considered the suggestion of phasing with later stages of development subject to highway capacity improvements through Phase 2 of the Link Road. This approach would be inappropriate due to the degree of uncertainty regarding the delivery of the Link Road in the plan period.
285. Main modifications referred to elsewhere would commit the Council to consider a review of the Local Plan before the end of March 2021 and in any event to carry out a partial review specifically for the direction for growth within five years of the Local Plan's adoption. This will enable any progress with the Link Road scheme to be taken into account and if appropriate and justified, the status of the safeguarded land to be reconsidered through a review of the Local Plan.
286. In light of the above and my wider conclusions in relation to land to the south of Coventry there are exceptional circumstances which justify altering the boundaries of the Green Belt at Westwood Heath. The proposed further site allocation (H42) and safeguarded land (S1) put forward by the Council would represent part of a comprehensive review of the Green Belt in the Westwood Heath area which also includes land at the University of Warwick. They are required to ensure that the Local Plan is justified, effective and consistent with national policy.

Kings Hill (H43)

287. The Council also proposed a housing site allocation at Kings Hill during the suspension of the examination. The site is largely open land, predominantly in agricultural use and entirely within the Green Belt. This is the largest

individual site put forward by the Council and has an estimated total capacity for some 4,000 dwellings. Whilst the Council does not intend to place any restriction on the amount of housing on the site, it estimates that realistically it could deliver in the order of 1,800 dwellings in the plan period, with development of the rest of the site continuing beyond 2029.

288. Development of the site is not affected by the highway capacity issues that currently limit housing growth at Westwood Heath although it would require a range of enhancement and mitigation measures including the improvements to the Stoneleigh junction referred to above. It is intended that the development would help to fund these improvements.
289. The development of the site would represent a major extension of the urban area of Coventry into the surrounding countryside. The openness of the site would be lost and development would have a significant effect on the character and appearance of the site and the wider area.
290. It would substantially reduce the gap between the southern edge of Coventry and Kenilworth. However, it would not extend any further south than existing development at Gibbet Hill, and Stoneleigh Road would provide for a strong and clear boundary. There would still be a substantial and meaningful gap to Kenilworth, even with the proposed development on site H40. This gap would be reinforced by undulating topography and the route of HS2.
291. To the south-east, development would be contained by the A46 which would enable a well-defined and defensible edge to the extended built up area to be provided, with land beyond continuing to be in the Green Belt.
292. The size of the site provides the opportunity for significant areas of land within it to remain undeveloped and for the layout and design of development to incorporate large buffer zones and other mitigation measures to avoid harm to areas of nature conservation value such as Wainbody Wood and the significance of heritage assets including the Scheduled Monument at Hill Farm. Detailed proposals for layout and design would also be able to address other specific issues such as flood risk on part of the site and noise from the A46.
293. The scale of development would also enable significant social and community infrastructure to be provided on the site in a comprehensive and integrated manner, including new schools, health facilities and retailing. The planned upgrade to Finham Sewage Treatment Works will enable the scale of additional housing proposed to be satisfactorily accommodated.
294. The site would make a very substantial contribution to housing requirements and affordable housing needs during the plan period and in the years following. As a site on the southern edge of Coventry it would add to the range and choice of sites available and make a contribution to unmet housing needs arising from the City. There would of course be substantial infrastructure requirements to bring a site of this size forward for development. However, there are clear and realistic mechanisms to deliver this infrastructure in a timely and co-ordinated fashion. There are no fundamental constraints to the development. These are very significant benefits which outweigh the adverse impacts.

295. The Council accepted at the hearings that it is likely that there would be a build-up in the rate of completions on the site and adjusted its estimated trajectory accordingly. This envisages 50 completions in 2020/21 followed by 150 in 2021/22 and then 230 in following years. Whilst I acknowledge that such annual rates of completions are ambitious, they are also realistic given the potential for multiple sales outlets and the strength of the market. I am satisfied that the site is viable and deliverable on the timescale envisaged by the Council.
296. In light of the above and my wider conclusions in relation to land to the south of Coventry there are exceptional circumstances which justify altering the boundaries of the Green Belt at Kings Hill. The proposed further site allocation (H43) put forward by the Council is required to ensure that the Local Plan is justified, effective and consistent with national policy.

Other housing sites put forward

297. Other potential housing sites were put forward in representations and discussed at the hearing sessions. They are all in the Green Belt. The housing site allocations proposed by the Council and discussed above would ensure that sufficient housing land is identified. There is no need to allocate any additional sites for housing on the edge of Coventry and exceptional circumstances for further alterations to the Green Belt do not exist.
298. A site allocation on land at Cryfield Grange would not be appropriate given the current restrictions on highway capacity referred to above. Compared to site H42, it would not be part of a comprehensive approach to Green Belt review and would have more of an impact on the gap between Coventry and Kenilworth.
299. The small site at The Moat is in different ownership to the adjacent site H42 and is not required to assist in delivering the larger development or to ensure sufficient housing land is provided.
300. On the basis of specific evidence put forward on likely traffic movements, the Council and County Council accept that highway capacity exists for the site east of Cromwell Lane to be developed for up to 130 dwellings and that a suitable access could be achieved. However, the site occupies what would be the gap between development proposed on site H42 and existing dwellings and their gardens along Cromwell Lane. Development of housing on the site would remove the gap and the separation between Burton Green and the urban area of Coventry. The separate identity of Burton Green as a village would be severely undermined.
301. The site put forward on land to the south of Baginton would not be on the edge of Coventry. Baginton is a village in its own right which is clearly separated from the built up area of Coventry by the A46. This would still be the case with the development of the proposed sub-regional employment site in the vicinity of Coventry Airport. The scale of development envisaged (up to 1,000 dwellings) would be incompatible with the character of the village and the level of services and facilities available. It would be inconsistent with the spatial strategy.

Housing site allocations – Growth Villages

302. The ten Growth Villages were identified by the Council following an objective and robust analysis of rural settlements in terms of their size, services and accessibility. Beyond the urban areas and the edge of Coventry, they provide the most suitable locations to focus development. Appropriate levels of new housing will help to sustain and enhance their roles and local services. It will also provide for a good range and choice of potential development sites in different locations to assist in deliverability and meeting local needs for affordable housing.
303. Taking into account the increased housing requirements and the need to provide for some of Coventry's unmet needs identified during the suspension of the examination, the Council updated its assessment of the potential to accommodate development in each of the Growth Villages (V18PM). This assessment includes an indicative capacity for additional dwellings in the villages concerned.
304. The Council arrived at these indicative capacities by applying a 20% increase in the number of existing dwellings and then adding to this depending on the strength of the relationship to Coventry. Whilst this approach was simplistic, it results in a consistent and rational starting point to consider appropriate levels of growth. It allows for other specific factors to be taken into account and is not intended to set a strict limit on the level of additional housing or indeed to identify the minimum amount of housing required.
305. During the suspension of the examination the Council proposed additional housing site allocations in Growth Villages and included these proposals in its suggested modifications. Along with the sites proposed in the submitted Local Plan, I consider these additional proposals from the Council in the context of the need for further site allocations to ensure an adequate supply of housing land and the modified spatial strategy. Prior to the further hearing sessions, the Council provided information on the total supply of housing land in each village taking account of completions since 2011, commitments and proposed site allocations (EXAM51A).
306. My conclusions below in relation to each Growth Village and the proposed sites would result in site allocations with a total capacity of some 968 dwellings². When combined with existing commitments (559) and completions since 2011 (126) there would be an estimated total supply of some 1,653 dwellings within the plan period, excluding any windfalls that came forward. The Local Plan does not set a figure for the amount of additional housing considered appropriate for Growth Villages, but the scale of growth that would be provided for is a significant element in overall supply in the District (approximately 9.5%). Whilst it would be marginally below the combined indicative capacities of the Growth Villages, it would ensure that they made a sizeable and adequate contribution to meeting housing requirements for the District which was consistent with the spatial strategy.

² The figure of 968 dwellings consists of 890 dwellings shown in the modified housing trajectory as village allocations plus 58 dwellings with planning permission on sites H20 and H49. It also includes 20 dwellings on site H18 (Former Aylesbury House) which is in the wider rural area.

307. I deal first with those Growth Villages not set within the Green Belt; Barford, Bishop's Tachbrook and Radford Semele.

Barford

308. Barford had a population of approximately 1,300 in 2011. The indicative capacity identified by the Council is 181 dwellings. Supply from completions since 2011 and commitments is 120 dwellings. The A429 bypass forms a strong physical and visual feature which contains existing and potential further development to the west of the village.
309. The proposed site allocation south of Barford House (H20) is a small area of land which is well contained within the existing built form of the village. It has full planning permission for 8 dwellings.
310. The site at the former Sherbourne Nursery (H21) has full planning permission for 60 dwellings and development of the site was substantially complete at the time of the hearings.
311. Land off Bremridge Close (H22) has an estimated capacity of 12 dwellings. Development on the site would not extend the village beyond the existing built form including the recently developed houses on Bremridge Close. A suitable access could also be provided through this estate. Detailed issues including drainage and the effect on existing vegetation are matters that could be addressed through specific proposals.
312. The Council put forward an additional site allocation on land south of Westham Lane (H48) during the suspension of the examination. It is estimated that it has capacity for 45 dwellings. Development of the site would represent an extension of the built up area of the village onto open land to the south of Westham Lane. However, it would sit within the area contained by the bypass and would be seen in the context of the recent development on the former Sherbourne Nursery site on the north side of Westham Lane which has extended the built form of the village close to the bypass. Suitable access could again be achieved through Bremridge Close and specific proposals would address detailed matters relating to site layout and design.
313. There are no fundamental constraints to the development of sites H20, H22 and H48 and I am satisfied that they are viable and deliverable within the timescales envisaged by the Council. They would make a valuable contribution to housing requirements and would help to sustain and enhance the role of the village. The Council resolved to grant planning permission subject to a S106 agreement for 63 dwellings on a site encompassing H22 and H48 in June 2017.
314. A site allocation on land south of Wasperton Lane (H47) was also put forward by the Council during the suspension of the examination. The Council estimated that the site could deliver 30 dwellings. Development of the site would result in a clear and significant extension of the built up area into open countryside which forms an important element in the setting and character of the village. The site is not contained within any significant physical features or strong field boundaries. Despite the potential for landscaping and planting, development would have a significant adverse effect on the character and appearance of the area.

315. Taking account of completions, existing commitments and the other proposed site allocations referred to above, the supply of housing land in Barford would total some 177 dwellings. This would be only just below the indicative capacity of 181 dwellings and represents an increase of nearly 30% in the number of dwellings in the village (606 in 2011).
316. Barford is not affected by the Green Belt and is rightly identified as a Growth Village. Furthermore, as noted above, the indicative capacity should not be seen as a strict limit on the number of dwellings. However, these factors do not mean that there is necessarily potential to accommodate additional housing in Barford and they must be balanced against the need to ensure that development remains in keeping with the scale and character of the village and the impacts of specific sites. The consideration of additional sites also needs to take account of the ability to meet the District's housing requirements at other locations in the District in line with the spatial strategy.
317. It is not necessary to allocate the site south of Wasperton Lane (H47) in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District. The adverse impacts of development would outweigh the benefits.
318. For the above reasons the proposed site allocations south of Barford House (H20) and on land off Bremridge Close (H22) are justified, effective and consistent with national policy. Also for these reasons the proposed further site allocation on land south of Westham Lane (H48) put forward by the Council is required to ensure that the Local Plan is justified, effective and consistent with national policy.
319. To ensure that the Local Plan is effective in reflecting the progress with planning permission and development, the proposed site allocation at the former Sherbourne Nursery (H21) should be deleted.

Other housing sites put forward in Barford

320. Other potential housing sites were put forward in representations and discussed at the hearing sessions. There is no need to allocate sites in addition to the three referred to above in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.
321. Land east of Wellesbourne Road and south of Barford House was subject to appeals in 2013 and 2014 which were both dismissed due to the impacts on the significance of the listed building at Barford House, its setting and the Conservation Area. Notwithstanding the lack of need for additional sites, the allocation of this land would be inappropriate for this reason.
322. Whilst development on additional land south of Westham Lane (to the west of site H48) would sit within the area contained by the bypass and would be seen in the context of the recent development on the former Sherbourne Nursery site, there is insufficient evidence to suggest that it could be accessed satisfactorily. The promoter of the site also accepts that there are still land ownership issues to resolve and the site is not currently available.

323. Development of a larger site including site H47 and additional land would result in a clear and very substantial extension of the built up area into open countryside. Despite the potential for landscaping and planting, development would have a significant adverse effect on the character and appearance of the area.

Bishop's Tachbrook

324. Bishop's Tachbrook had 737 dwellings and a population of approximately 2,500 in 2011. The indicative capacity identified by the Council is 184 dwellings.
325. The site on land south of the School (H23) has full planning permission for 150 dwellings and development of the site was significantly progressed at the time of the hearings.
326. The Council put forward an additional site allocation at Seven Acre Close (H49) during the suspension of the examination. At the time the Council estimated the capacity of the site to be 30 dwellings. The site subsequently received outline planning permission for up to 50 dwellings. Development of the site would represent a significant extension of the built up area of the village into surrounding countryside. However, it would be seen to some extent in the context of existing buildings fronting onto Mallory Road on either side and detailed layout and design could assist in softening the visual impact of development. There are no significant constraints to development and I am satisfied that it is viable and deliverable within the timescale envisaged by the Council. It would make a valuable contribution to housing requirements and would help to sustain and enhance the role of the village.
327. These two sites which both benefit from planning permission and in one case is substantially complete would provide for 200 dwellings in total. Combined with completions since 2011, the supply would be 202 dwellings. This would be above the indicative capacity of 184 dwellings and would see an increase in the number of dwellings of some 27% since 2011. The two sites would ensure that sufficient housing land is provided for in Bishop's Tachbrook.
328. For these reasons the proposed further site allocation at Seven Acre Close (H49) put forward by the Council is required to ensure that the Local Plan is justified, effective and consistent with national policy although the estimated capacity should be 50 dwellings to reflect the planning permission.
329. To ensure that the Local Plan is effective in reflecting the progress with planning permission and development, the proposed site allocation on land south of the School (H23) should be deleted.

Other housing sites put forward in Bishop's Tachbrook

330. For the same reasons that apply to Barford, although Bishop's Tachbrook is a Growth Village not affected by Green Belt this does not mean that it is appropriate or necessary to accommodate additional housing beyond the sites already discussed. Other potential housing sites were put forward in representations and discussed at the hearing sessions however there is no need to allocate further sites in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.

331. Development of the sites south of Mallory Road and to the south of site H23 would result in large extensions of the built up area into open countryside, significantly altering the form of the village and adversely affecting the character and appearance of the area. This would also be the case with the site on land east of Oakley Wood Road. The road forms a strong and well-defined boundary between the village (including site H23) and the countryside beyond and development here would be physically and visually disconnected from the main body of the village.

Radford Semele

332. The population of Radford Semele was approximately 1,890 in 2011 and there were 803 dwellings. The indicative capacity identified by the Council is for 201 dwellings.
333. The site north of Southam Road (H38) was proposed as a site allocation in the submitted Local Plan with an estimated capacity of 50 dwellings. It received planning permission for 60 dwellings and development of the site was substantially progressed at the time of the hearings.
334. To ensure that the Local Plan is effective in reflecting the progress with planning permission and development, the proposed site allocation on land north of Southam Road (H38) should be deleted.
335. Including this site, other commitments and completions since 2011, the supply of housing land in the village would be 317 dwellings. This would be significantly above the indicative capacity of 201 dwellings and would see an increase in the number of dwellings of some 39% since 2011.
336. The level of housing growth which is already committed will result in a very substantial expansion of the built form of the village and subsequent increase in its population in a relatively short space of time. Significant sites on the edge of the village have recently been granted planning permission for housing to the north of site H38 (150 dwellings) and at Spring Lane (65 dwellings). There is very limited, if any, capacity at the school and no realistic prospect of it being expanded on site or a new school being provided in the village under current circumstances. There is no need to allocate further sites in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.
337. Again, for the reasons that apply to Barford and Bishop's Tachbrook, although Radford Semele is one of the Growth Villages not affected by the Green Belt and the indicative capacity should not be seen as a strict limit on the number of dwellings, this does not mean that it is necessary or appropriate to accommodate further housing allocations in addition to existing commitments.
338. A site allocation on land at Spring Lane (H52) was put forward by the Council during the suspension of the examination. The Council estimated that the site could deliver 60 dwellings. The site is immediately to the south of a site granted planning permission on appeal for up to 65 dwellings. Development of the site (H52) would result in a further clear and substantial extension of the built up area into open countryside. Whilst there would be a limited effect on the gap to Sydenham and despite the potential for landscaping, development

would have a significant impact on the scale and form of the village and on the character and appearance of the area.

339. It is not necessary to allocate the site on land at Spring Lane (H52) in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District. The adverse impacts of development would outweigh the benefits.

Other housing sites put forward in Radford Semele

340. Again, whilst other potential housing sites were put forward in representations and discussed at the hearing sessions there is no need to allocate any of them in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.
341. Development on the sites east of Church Lane, south of Southam Road and at The Valley would represent substantial extensions of the built up area into surrounding open countryside. It would significantly alter the scale and form of the village and adversely affect the character and appearance of the area. The site east of Church Lane also raises significant concerns in relation to the impact on the setting of the listed Church.

Growth Villages set within the Green Belt

342. Of the seven Growth Villages concerned, only Cubbington is currently excluded from but surrounded by the Green Belt. Hampton Magna and Kingswood are washed over by the Green Belt but have a village envelope defined. Baginton, Burton Green, Hatton Park and Leek Wootton are washed over by the Green Belt and do not have a village envelope defined.
343. The submitted Local Plan proposed that all of these Growth Villages should be removed from the Green Belt and have defined village envelopes. Given their role within the spatial strategy as focal points for some growth and the scale of overall housing requirements, along with their form and character, this approach is justified and consistent with national policy. The proposed village envelopes (as amended to take account of the main modifications and to address drafting errors) reflect the existing form of the villages and potential for suitable levels of growth. They are appropriate and justified. For these reasons, there are exceptional circumstances which justify altering the boundaries of the Green Belt to exclude the Growth Villages.

Baginton

344. Baginton had a population of approximately 800 in 2011 and there were 356 dwellings. It is close to, but separated from the urban area of Coventry by the A46. Because of this proximity, the Council considers that it has a strong relationship to Coventry and identified the indicative capacity as 124 dwellings.
345. The submitted Local Plan proposed a site allocation on land north of Rosswood Farm (H19) with an estimated capacity of 35 dwellings. During the suspension of the examination, the Council proposed extending the site southwards and increasing the potential capacity to an estimated 80 dwellings. I consider it on this basis. The site is currently within the Green Belt.

346. Development of the site would extend the built form of Baginton into the surrounding countryside resulting in a loss of openness of the land concerned. However, it would be contained visually to the south by buildings at Rosswood Farm and the garden centre and plant nursery further along Stoneleigh Road. It would also be seen in the context of the large public house and areas of hardstanding on the opposite side of Coventry Road and against the wider backdrop of Coventry Airport and its associated buildings. Whilst development on the site would affect the character and appearance of the area, this could be mitigated to some extent by existing and additional landscape planting.
347. The site can be safely accessed and development on the scale proposed accommodated on the highway network. Detailed layout and design proposals would be capable of avoiding harm to the significance of the adjacent Conservation Area and other nearby heritage assets. The site is not directly in the flight path from Coventry Airport and measures could be incorporated to mitigate the effects of noise.
348. There are no significant constraints that would affect the development of the site and I am satisfied that it would be viable and deliverable in the timeframe envisaged by the Council. The proposed site allocation is necessary to ensure that housing requirements are met and it would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.
349. There are a number of constraints which affect the potential for housing development in other locations around the village including flood risk, potential contamination, landscape impacts, proximity to the A46 and the impact on the Baginton Castle site scheduled monument and other designated heritage assets.
350. For the above reasons there are exceptional circumstances which justify altering the Green Belt in this case. The proposed extended site allocation at Rosswood Farm (H19) put forward by the Council is required to ensure that the Local Plan is justified, effective and consistent with national policy.

Other housing sites put forward in Baginton

351. Including the extended site at Rosswood Farm, the supply of housing is estimated to total 81 dwellings. This is below the indicative capacity of 124. However, as discussed earlier, this is not a minimum figure to plan for and taking all of the Growth Villages together, they would make a significant and adequate contribution to meeting housing requirements for the District which would be consistent with the spatial strategy. The scale of growth proposed for Baginton would still be significant (a 23% increase in the number of dwellings since 2011) and in the light of constraints that apply to potential sites is reasonable and justified. There is no need to allocate any further sites in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District and exceptional circumstances for further alterations to the Green Belt do not exist.
352. A site at Friends Close was put forward in representations and discussed at the hearing sessions. It is entirely within the Green Belt. Development of this site would represent an extension into surrounding countryside and would be out of keeping with the linear form of the village in this locality. The site is close

to the Baginton Castle site scheduled monument and development potential would be affected by the former use of land as a quarry and landfill site and the presence of protected trees.

Burton Green

353. Burton Green had a population of approximately 640 in 2011 and there were 263 dwellings. It is connected to the urban area of Coventry through ribbon development along Cromwell Lane but has retained its separate identity as a village. It has its own school and village hall. Because of this proximity, the Council considers that it has a strong relationship to Coventry and identified the indicative capacity as 92 dwellings.
354. The submitted Local Plan proposed a site allocation on land at Burrow Hill Nursery (H24) with an estimated capacity of 60 dwellings. During the suspension of the examination, the Council proposed increasing the potential capacity to an estimated 90 dwellings to take into account that the original intention to relocate the village hall onto the site was no longer being pursued. The site boundary would remain the same. I consider the proposed site allocation on this basis. The site is currently within the Green Belt.
355. The site is a disused former plant nursery which contains some buildings and structures and areas of hardstanding along with areas formerly used for plant cultivation. It sits at the junction of Cromwell Lane, Red Lane and Hob Lane to the south of the main body of the village. Beyond the site along Hob Lane are the village school, farm buildings and a number of residential properties fronting the road. A ribbon of residential development also extends beyond the site further along Red Lane. Existing hedgerows and trees provide some screening of the site from the surrounding area.
356. This context, along with the potential for additional landscaping and planting would help to reduce the effect of development on the openness of the Green Belt in this locality and the appearance of encroachment into the countryside. Subject to sensitive design and layout there would not be a significant impact on the character and appearance of the area.
357. Although the proposed route of HS2 runs to the north of the site, dissecting Burton Green via a tunnel, the site itself would not be directly affected by construction and evidence supports the view that dwellings on the site would not be unduly affected by noise.
358. The site can be safely accessed and development on the scale proposed accommodated on the highway network. Other detailed matters could be dealt with through specific proposals.
359. There are no significant constraints that would affect the development of the site and I am satisfied that it would be viable and deliverable in the timeframe envisaged by the Council. The development of 90 dwellings would make an important contribution to meeting housing needs including those for affordable housing. The proposed site allocation is necessary to ensure that housing requirements are met and it would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.

360. Combined with completions and commitments the supply of housing land in Burton Green would total 126 dwellings, above the indicative capacity of 92. However, a significant proportion of the completions were for “park homes” on land opposite site H24 on Red Lane. In any event the indicative capacity is not intended to be a strict limit. In this case the opportunity to accommodate additional dwellings on the proposed site allocation without any significant additional impacts has justifiably been taken.
361. For the above reasons there are exceptional circumstances which justify altering the Green Belt in this case. The proposed site allocation (with an estimated capacity of 90 dwellings) at Burrow Hill Nursery (H24) is justified, effective and consistent with national policy.

Other housing sites put forward in Burton Green

362. Other potential housing sites were put forward in representations and discussed at the hearing sessions. They are all in the Green Belt. There is no need to allocate any of them in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District and exceptional circumstances for further alterations to the Green Belt do not exist.
363. Development on land to the rear of the public house/restaurant on Cromwell Lane would represent an uncharacteristic and sizeable encroachment of the built form of Burton Green into the surrounding undeveloped countryside. It would significantly affect the openness of the Green Belt. This part of the village follows a linear pattern along Cromwell Lane. Whilst the large site proposed as a housing allocation in the Coventry Local Plan is to the north, this would be an extension to the main urban area, rather than to a ribbon of development.
364. The land at Hodgetts Lane/Cromwell Lane could be accessed satisfactorily, dwellings would not be unduly affected by noise from HS2 and development would be screened to a large extent by existing houses and vegetation. However, it would again represent an uncharacteristic and sizeable encroachment of the built form of Burton Green into the surrounding undeveloped countryside, significantly affecting the openness of the Green Belt. Existing development follows a linear pattern along Cromwell Lane and Hodgetts Lane.
365. An extended site H24 with additional land to the south would see a further and unnecessary encroachment of development into surrounding countryside. Land on the opposite side of Red Lane would not be realistically deliverable due to the construction requirements and route of HS2.

Cubbington

366. Cubbington had a population of some 2,200 and 980 dwellings in 2011. The indicative capacity identified by the Council was for 294 dwellings. The submitted Local Plan included two proposed housing site allocations, both in the Green Belt. No potential housing sites have been identified within the existing built up area of the village.

367. Development on the site on Allotment Land, Rugby Road (H25) would, as the name suggests, involve the loss of allotments. The intention is that these would be replaced to at least an equivalent size and standard on a site nearby. The Council estimates that the site has capacity for 35 dwellings. Development would involve the loss of the openness of the site and see an extension of the built up area into the surrounding countryside, changing the character and appearance of the site. However, it would be seen in the context of existing residential and commercial development which already extends north along Coventry Road from the junction with Rugby Road. There is scope within the site to significantly strengthen boundary planting to create a well-defined edge to built development.
368. The proposed site allocation on land opposite Willow Sheet Meadow (H26) is immediately to the north of site H25. The Council estimates that it has a capacity for 65 dwellings. The two sites are being promoted by the same developer and could potentially be brought forward as one scheme. Development on site H26 would again involve the loss of the openness of the site and see an extension of the built up area into the surrounding countryside, changing the character and appearance of the site. However, the extent of development northwards along Coventry Road would be broadly in line with existing residential on the opposite side of the road and it would be seen in this context. The Council's estimate of capacity is based on 50% of the site area being developed which would allow for substantial landscaping to create a strong edge to built development.
369. Having reconsidered the matter at the hearing session, the Council estimated that completions on site H26 could occur from 2019/20 onwards (45 and 20 annual completions) and on site H25 from 2020/21 onwards (25 and 10 annual completions). There are no significant constraints to development and I am satisfied that it would be viable and deliverable within this timescale.
370. The development of 100 dwellings on the two sites would make an important contribution to meeting housing needs including those for affordable housing. The proposed site allocations are necessary to ensure that housing requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.
371. For the above reasons there are exceptional circumstances which justify altering the Green Belt in this case. The proposed site allocations at the Allotment Land, Rugby Road (H25) and on land opposite Willow Sheet Meadow (H26) are justified, effective and consistent with national policy.
372. Cubbington is a sizeable settlement that has a reasonable range of local services and good accessibility to the urban area of Leamington Spa. The Council's assessment identifies it as the second most sustainable village. However there are a number of factors which affect the potential to accommodate additional housing sites on the edge of the village. Although physically connected to the urban area by development along Rugby Road, Cubbington is a village in its own right with its own identity. There is a need to maintain this identity and a key factor is the areas of open land to the west of the village which provide a gap to the urban area. There are also landscape constraints and the need to respect the form and character of the village and its relationship with surrounding countryside.

373. A site allocation on land east of Cubbington (H50) was also put forward by the Council during the suspension of the examination. The Council estimated that the site could deliver 95 dwellings. Whilst the site was shown as covering land both to the north and south of Rugby Road, the Council clarified at the hearing session that only land to the south of Rugby Road was intended to be developed and that the proposed site allocation should reflect this. This was on the basis of significant concerns regarding the landscape impact of development to the north of the road. The estimated capacity remained at 95 dwellings however. I have considered the site on this basis.
374. There is currently a distinct and well-defined edge to the built up area formed by housing on either side of Rugby Road. Beyond this housing there is open countryside on both sides of the road. Development of the site (south of Rugby Road) would result in a prominent and substantial encroachment of housing into this open countryside along one side of the road. It would have a substantial impact on the openness on the Green Belt in this locality. Housing on the site would be poorly related to the existing pattern of development and would significantly alter the scale and form of the village. Despite the potential for landscaping and the proximity of the route of HS2 to the east, development would have a substantial adverse effect on the character and appearance of the village and the surrounding area. Whilst it would make a significant contribution to the supply of housing, the adverse impacts of development would outweigh the benefits.
375. Including the two sites proposed in the submitted Local Plan (H25 and H26) along with completions and commitments, the supply of housing in Cubbington is estimated to total 119 dwellings. This is significantly below the indicative capacity of 294.
376. As I have set out above however, this is not a minimum figure to plan for and considering all of the Growth Villages together, they would make a significant and adequate contribution to meeting housing requirements for the District which would be consistent with their role in delivering the spatial strategy. In the light of constraints that apply to potential sites, the estimated supply of 119 dwellings in Cubbington is reasonable and justified. It is not necessary to allocate the site on land east of Cubbington (H50) in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District. The adverse impacts of development would outweigh the benefits and exceptional circumstances for altering the Green Belt do not exist in this case.

Other housing sites put forward in Cubbington

377. Two other sites were put forward in representations and discussed at the hearing session; they are both in the Green Belt.
378. The allotments and equestrian centre/riding school site is in part previously developed land. It was clarified at the hearing session that the intention was to retain the allotments on the site. Given this, housing development would be well set back from Coventry Road. Existing trees along the boundaries and within the site would provide some screening. Subject to the removal of vegetation to improve sight lines and other mitigation measures, the site could be suitably accessed.

379. However, whilst the site contains a number of buildings, much of it is open land used for equestrian purposes. The existing housing to the south of the site and the access track to the equestrian centre form a distinct edge to the village. Development of the site for housing would result in the loss of openness of the Green Belt in this locality and an encroachment of the built up area of the village into the surrounding countryside. Housing on the site would project significantly further to the north than existing or proposed development on site H26. It would be poorly related to the existing pattern of residential development and would significantly alter the form of the village. It would adversely affect the character and appearance of the area.
380. Development of housing on land adjacent to Bungalow Farm would encroach into the open land which forms part of the gap between Cubbington and Leamington Spa and an area of sensitive landscape. It would adversely affect the character and appearance of the area and would also raise concerns in relation to a safe access.
381. It is not necessary to allocate either of these additional sites to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District. The adverse impacts of development would outweigh the benefits and exceptional circumstances for altering the Green Belt do not exist.

Hampton Magna

382. Hampton Magna has a good range of local facilities including shops, a doctor's surgery and a school and has good accessibility to the urban area of Warwick. It was assessed as the most sustainable of the Growth Villages by the Council. The village had a population of approximately 1,400 and 602 dwellings in 2011. The indicative capacity identified by the Council was for 180 dwellings.
383. No potential housing sites have been identified within the existing built up area of the village. There are a number of factors which affect the potential to accommodate additional housing sites on the edge of the village. Although close to Warwick, Hampton Magna is a distinct village with its own identity. A key element in this is the physical and visual separation from the urban area due to the areas of open, undeveloped land to the east and north east of the village. There are also landscape constraints and the need to respect the form and character of the village and its relationship with surrounding countryside. The village is contained by Old Budbrooke Road to the west and north. This provides a strong and well-defined edge to the village and marks a clear distinction between the built up area and the surrounding countryside.
384. The submitted Local Plan proposed a site allocation on land currently in the Green Belt south of Arras Boulevard (H27). The Council originally estimated the capacity of the site as 100 dwellings. This estimate increased to 130 dwellings in the light of further information relating to the potential for off-site sustainable drainage works. I have considered the site on this basis.
385. Housing on the site would result in an extension of built development into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. However, built development would not extend any further south or east than existing residential areas adjoining the site and it would be seen in this context. It

would be well located in relation to services and facilities in the centre of the village.

386. A site allocation on land south of Lloyd Close (H51) was also put forward by the Council during the suspension of the examination. The Council estimated that the site could deliver 115 dwellings. Development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. Again however, the development would not extend further south or east than adjoining residential areas and would be seen in this context.
387. Whilst both of the proposed site allocations would extend the village, they would not substantially undermine its overall form and character. Development of the sites would not encroach onto the open land which forms a gap to the urban area of Warwick.
388. Both sites could be suitably accessed and the surrounding highway network has capacity to accommodate the level of development proposed. Given land ownership arrangements, potential exists for construction traffic to use a temporary access across land to the south and avoid existing residential areas. Other detailed matters could be dealt with through specific proposals.
389. Having reconsidered the matter at the hearing session, the Council estimated that completions on site H27 could occur from 2019/20 onwards and on site H51 from 2021/22 onwards. There are no significant constraints to development on the sites and I am satisfied that it would be viable and deliverable within this timescale, taking account of the estimated combined rate of development as construction overlapped.
390. In each case the development of the sites would make a significant contribution to meeting housing needs including those for affordable housing. The proposed site allocations are necessary to ensure that housing requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.
391. Whilst the combined supply of housing on the two sites (245 dwellings) would exceed the indicative capacity of 180 dwellings, this is not a strict limit. In this case, the benefits of additional housing supply in a sustainable Growth Village and the contribution to the District's housing requirements outweigh the adverse impacts.
392. For the above reasons there are exceptional circumstances which justify altering the Green Belt. Subject to a modification to reflect up to date estimates of dwelling capacity, the proposed site allocation south of Arras Boulevard (H27) is justified, effective and consistent with national policy. The proposed further site allocation on land south of Lloyd Close (H51) put forward by the Council is required to ensure that the Local Plan is justified, effective and consistent with national policy.

Other housing sites put forward in Hampton Magna

393. Two other sites were put forward in representations and discussed at the hearing session, they are both in the Green Belt.

394. Although some of the land at Maple Lodge is previously developed, it is predominantly open, undeveloped land. Development of the site for housing would represent a substantial encroachment of the built up area of the village into this open countryside on the other side of Old Budbrooke Road. It would adversely affect the character and appearance of the area and would have a significant and harmful effect on the form and character of the village.
395. The site on land at Old Budbrooke Road is to the north-east of the existing built up area of the village. Development of the site for housing would represent a significant encroachment into open countryside, altering the form of the village. Although the railway line and the A46 would remain as clear physical boundaries, development would substantially reduce the gap to the urban area of Warwick and undermine the separate identity of the village.
396. There is no need to allocate either of these sites in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District and exceptional circumstances for further alterations to the Green Belt do not exist.

Hatton Park

397. Hatton Park consists largely of housing built in the 1990s on the site of a former hospital in the Green Belt. It has relatively few services and facilities in the village itself and is ranked as the least sustainable of the Growth Villages by the Council. It had a population of just over 2,000 and 798 dwellings in 2011. The Council identified an indicative capacity of 240 dwellings.
398. No potential housing sites have been identified within the existing built up area of the village. There are a number of factors which affect the potential to accommodate additional housing sites on the edge of the village. There are landscape constraints and there is a need to respect the form of the village and its relationship with surrounding countryside. Whilst there are pockets of development including some groups of houses south of the road, the A4177 Birmingham Road provides a strong and well-defined edge to the built up area and the village is essentially contained to the north of it. The A4177 provides an appropriate boundary between the village and the Green Belt. Brownley Green Lane and Ugly Bridge Road provide readily recognisable and permanent boundaries to the village to the west and east respectively.
399. The site allocation on land north of Birmingham Road (H28) was proposed in the submitted Local Plan and the Council estimated that it had a capacity of 80 dwellings. During the suspension of the examination the Council proposed extending the boundary of the site northwards and increasing the estimated capacity to 120 dwellings. Following discussions at the hearing session the Council accepted that the site boundaries would more logically follow the existing strong physical features of the woodland at Smith's Covert to the north and Ugly Bridge Road to the east and that a further extended site area would allow for suitable buffers and landscaping. I share this view and have considered the site on this basis. The Council estimates that the capacity of this extended site would be 150 dwellings.
400. Development of housing on the site would extend the built up area onto adjoining farmland, it would remove the current openness of the land and significantly affect its character and appearance. However, the site is well

contained by physical features on all sides. It adjoins existing residential development to the west and is bounded to the south by the A4177 and vegetation along the roadside. Smith's Covert is a substantial area of woodland enclosing the site to the north and Ugly Bridge Road and the significant line of trees and other vegetation associated with it runs down the eastern boundary. The site could be suitably accessed and the layout and design of development would be able to accommodate significant additional landscaping and provide adequate buffers to Smith's Covert and Ugly Bridge Road and address other detailed matters.

401. There are no fundamental constraints to development on the site and I consider that it would be viable and deliverable within the timescale and at the rate estimated by the Council which would see completions occurring from 2018/19 onwards. Development of the site would make a significant contribution to meeting housing needs including those for affordable housing. The proposed site allocation is necessary to ensure that housing requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.
402. For the above reasons there are exceptional circumstances which justify altering the Green Belt. Subject to a modification to reflect an increased site area and estimated dwelling capacity, the proposed site allocation on land north of Birmingham Road (H28) is justified, effective and consistent with national policy.
403. The Council also put forward a proposed site allocation on land currently in the Green Belt at Brownley Green Lane (H53) during the suspension of the examination. The Council estimated that the site could deliver 55 dwellings. Development of housing on the site would represent an encroachment of the built up area onto adjoining farmland, it would remove the current openness of the land and significantly affect its character and appearance. There are substantial issues with the proposed access to the site given the change in levels, the presence of the car park to the Village Hall and the stance of the landowner.
404. The Council accepted that under current circumstances, the site was not deliverable due to the difficulties of achieving access. It suggested putting back the estimated timescale for completions to 2024/25 onwards. Given the evidence I consider that the site is not deliverable and there is not a reasonable prospect that it could be viably developed, even towards the end of the plan period. There are not exceptional circumstances to justify altering the Green Belt in this case and the site allocation put forward by the Council would not be justified, effective or consistent with national policy.

Other housing sites put forward in Hatton Park

405. Taking account of the extended site H28 and completions since 2011, the estimated supply of housing land in Hatton Park would total 163 dwellings. This is significantly below the indicative capacity of 240.
406. Again this is not a minimum figure to plan for however and taken together the Growth Villages would make a significant and adequate contribution to meeting housing requirements for the District. In the light of constraints that apply to potential sites, the estimated supply of 163 dwellings in Hatton Park

is reasonable and justified. It is not necessary to allocate any other sites in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.

407. The sites at Hatton Hill and Oaklands Farm are both south of the A4177. Development of housing on these sites would not respect the existing form of the village and be physically and visually disconnected from it. The adverse impacts of development would outweigh the benefits and exceptional circumstances for further alterations to the Green Belt do not exist.

Kingswood

408. Kingswood had a population of some 2,100 and 381 dwellings in 2011. The Council identified an indicative capacity of 95 dwellings.
409. The site west of Mill Lane (H33) was proposed as a site allocation in the submitted Local Plan with an estimated capacity of 5 dwellings. It received planning permission for 8 dwellings and development of the site was substantially complete at the time of the hearings.
410. To ensure that the Local Plan is effective in reflecting the progress with planning permission and development, the proposed site allocation west of Mill Lane (H33) should be deleted.
411. The sites at Meadow House (H29) and Kingswood Farm (H30) were proposed as separate housing allocations in the submitted Local Plan, each with a capacity estimated at 10 dwellings. The Council considered the opportunity to combine the sites, allowing for an improved layout and increased total capacity of 30 dwellings and put forward this proposal during the suspension of the examination. I have considered a single site (H29/H30) on this basis.
412. There are some existing buildings on the site and it is well contained physically and visually by the canals and railway line on three sides along with trees and other vegetation around the boundaries and existing residential development. Development of housing on the site would not result in a significant encroachment into the countryside, nor would it have a significant effect on the openness of the Green Belt. Detailed issues could be addressed through layout and design.
413. The sites south of the Stables (H31) with an estimated capacity of 6 dwellings and to the rear of Brome Hall Lane (H32) with an estimated capacity of 12 dwellings were also proposed in the submitted Local Plan. Development of housing on these small sites would sit well within the context of the existing built form of the village and be well related to existing residential areas. It would not result in a significant encroachment into the countryside, nor would it have a significant effect on the openness of the Green Belt. Again detailed issues could be addressed through layout and design.
414. There are no significant constraints to development on these three sites and I consider that it would be viable and deliverable within the timescales estimated by the Council. Development of the sites would make an important contribution to meeting housing needs including those for affordable housing. The proposed site allocations are necessary to ensure that housing

requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.

415. For the above reasons there are exceptional circumstances which justify altering the Green Belt. Subject to a modification to reflect the combined site and increased estimated dwelling capacity for site H29/H30, the proposed site allocations at Meadow House and Kingswood Farm (H29/H30), south of the Stables (H31) and to the rear of Brome Hall Lane (H32) are justified, effective and consistent with national policy.

Other sites put forward in Kingswood

416. Taking account of the above site allocations, commitments and completions since 2011, the estimated supply of housing land in Kingswood would total 83 dwellings. This is just below the indicative capacity of 95 dwellings. However, this is not a minimum figure to plan for and it is not necessary to allocate any other sites put forward in representations in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.
417. Development of housing on the sites opposite Gowan Bank, south of Old Warwick Road and east of Station Lane would not sit well within the context of the existing built form of the village, impacting on the openness of the Green Belt. It would adversely affect the character and appearance of the area.
418. Housing on the site at Priory Farm/North of Rising Lane would represent a substantial encroachment of built development into surrounding countryside, out of keeping with the current form of the village and the character and appearance of the area.
419. The adverse impacts of development on these sites would outweigh the benefits and exceptional circumstances for further alterations to the Green Belt do not exist.

Leek Wootton

420. Leek Wootton had a population of some 915 and 381 dwellings in 2011. The Council identified an indicative capacity of 114 dwellings.
421. The submitted Local Plan included three proposed housing site allocations at The Paddock (H34), east of Broome Close (H35) and the Former Tennis Courts (H36). During the suspension of the examination the Council proposed that these sites should be included within a larger site covering the former Police Headquarters and associated land. It also proposed that a separate policy be introduced (DSNEW3) to set out specific requirements and guidance for development. The Council estimated that the larger site would have a capacity for 115 dwellings. I have considered the site on this basis.
422. The site (DSNEW3) includes the Grade II Listed Woodcote House, other buildings and structures and areas of hardstanding and car parking. It also incorporates areas of open land and woodland. The site includes a locally listed park and garden and a very small part of the Leek Wootton Conservation Area covers the eastern part of the site. There was limited use of the buildings and the site generally at the time of the hearings as a decision had

been taken to relocate the activities associated with the Police Headquarters and significantly scale down operations.

- 423. Policy DSNEW3 sets out the need to develop the site in line with an agreed masterplan and provides a comprehensive and robust policy basis in relation to the layout and design of development including to ensure that the impacts on the significance of heritage assets and landscape character are fully taken into account. The intention is that although the site would be considered comprehensively, built development would be limited to distinct parts of it and much would be left undeveloped. The Council suggested an amendment to the wording of the policy to clarify the requirement for a comprehensive approach to the conversion of Woodcote House and restoration of its setting in association with development on greenfield parts of the site.
- 424. There would inevitably be some loss of openness of the Green Belt and an extension of built development into currently undeveloped areas. The character and appearance of the site would be affected. However, built development would be reasonably well contained by topography and existing landscaping which could be supplemented by additional planting. It is intended that development is focussed on the area of existing buildings to the west of the site and the area closest to the main part of Leek Wootton to the east.
- 425. The redevelopment of the site provides the opportunity to sustain a viable use for the listed building and improve its overall appearance and setting through the removal of extensions and nearby buildings and structures. In addition to making a significant contribution to meeting housing needs, it would also provide the opportunity to allow public access to significant areas of open space.
- 426. There would be some impact on the significance of the listed building and park and garden but the harm would be less than substantial. The public benefits outlined above would outweigh this harm.
- 427. There are no fundamental constraints to development on the site and I consider that it would be viable and deliverable within the timescale estimated by the Council. Development of the site would make a significant contribution to meeting housing needs including those for affordable housing. The proposed site allocation is necessary to ensure that housing requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.
- 428. For the above reasons there are exceptional circumstances which justify altering the Green Belt. The proposed extended site allocation at the former Police Headquarters (DSNEW3) and Policy DSNEW3 put forward by the Council are required to ensure that the Local Plan is justified, effective and consistent with national policy.
- 429. The submitted Local Plan also proposed an allocation on land occupied by a car park east of The Hayes (H37). This small site has an estimated capacity of 5 dwellings. Development would be reasonably well contained visually by existing buildings, trees and the road to the Golf Course. It would have a limited impact on the openness of the Green Belt and not result in a significant extension of built development into the countryside. I am satisfied that it

would be viable and deliverable on the timescale estimated by the Council. It would make a small but important contribution to housing needs and add to the variety and choice of sites available. The proposed site allocation is necessary to ensure that housing requirements are met and would help to sustain and enhance the role of the village. These benefits would outweigh the adverse impacts of development.

430. For the above reasons there are exceptional circumstances which justify altering the Green Belt. The proposed site allocation at the car park east of The Hayes (H37) is justified, effective and consistent with national policy.

Other sites put forward in Leek Wootton

431. The supply of housing from these two site allocations would be an estimated 120 dwellings, just over the indicative capacity of 114 dwellings identified by the Council. It is not necessary to allocate any other sites put forward in representations in order to ensure sufficient housing growth in the village or to meet the overall housing requirements for the District.
432. Housing on the sites at the Golf Club and Home Farm would be significant and prominent incursions into the open countryside and be poorly related to the existing form and character of the village. It would significantly undermine the openness of the Green Belt and the character and appearance of the area.
433. Development of housing on the site east of Leek Wootton at Hill Wootton Road would extend the built up area of the village into surrounding countryside, taking it very close to the A46. It would significantly affect the openness of the Green Belt. The open land and trees along the road frontage form an important part of the approach to and setting of the village and contribute to its overall character.
434. The adverse impacts of development on these sites would outweigh the benefits and exceptional circumstances for further alterations to the Green Belt do not exist.

Other rural sites

435. The submitted Local Plan also proposed a housing site allocation at the former Aylesbury House (H18) with an estimated capacity of 20 dwellings. It is a previously developed site and it is not intended to remove the land from the Green Belt. Although not in a settlement the site is close to Hockley Heath in Solihull Borough. The site allocation is intended to promote redevelopment on the site in accordance with national policy on the Green Belt and to facilitate the viable re-use of a listed building. The proposed allocation would make a small but important contribution to housing supply and for the above reasons is justified, effective and consistent with national policy.
436. A number of other sites adjacent to limited infill villages and in other locations beyond the urban areas and the Growth Villages were put forward in representations. There is no need to allocate housing sites in addition to those discussed above in order to meet the housing requirements for the District. Furthermore, the allocation of sites in these other locations would be inconsistent with the spatial strategy.

Main modifications relating to housing site allocations

437. I have set out above my conclusions in respect of the housing site allocations proposed in the submitted Local Plan and the additional sites put forward by the Council during the suspension of the examination. In the light of these conclusions main modifications **MM8** and **MM12** are necessary to ensure that Policies DS11 and DS15 are justified, effective and consistent with national policy. Also in light of the above conclusions main modifications **MM18**, which would introduce a new Policy DSNEW2 dealing with safeguarded land and **MM19**, which would introduce a new Policy DSNEW3 relating to the former Police Headquarters at Leek Wootton are necessary to ensure that the Local Plan is justified, effective and consistent with national policy. Main modification **MM7** is required so that Policy DS10 is effective in reflecting the modified spatial strategy and the distribution of housing site allocations.

Issue 4 – Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy

438. The housing requirement for the District (including the contribution to unmet needs in Coventry) is 16,776 dwellings between 2011 and 2029. The submitted Local Plan set out a potential total supply of 12,964 dwellings for this period. It follows therefore that the approach towards the supply and delivery of housing land set out in the submitted Local Plan is not justified, effective or consistent with national policy.
439. The Council accepted that the supply of housing land would need to increase substantially and as set out above it put forward significant additional housing site allocations to address this situation.
440. Taking into account the main modifications relating to housing site allocations and adjustments as a result of discussions at the hearing sessions, the Council estimates that the net supply of housing land between 2011 and 2029 would be 17,139 dwellings. This is made up of a number of components.
441. Completions between 2011/12 and 2015/16 total 2,051 dwellings. This includes what I consider to be reasonable and justified assumptions for dwellings released back into the supply as a result of additional bed spaces in new care homes and purpose built student accommodation (see Appendix 2 to HO05).
442. The estimated completions from commitments (sites with planning permission) from 2016/17 onwards would total 7,158 dwellings. This includes 225 dwellings granted planning permission in April and May 2016. It also includes a number of proposed site allocations where planning permission has been granted as set out above. Again reasonable and justified assumptions are made in relation to the net effect on supply from care homes and purpose built student accommodation.
443. The proposed site allocations (as a result of the main modifications) are estimated to contribute 6,454 dwellings in the remainder of the plan period. This figure excludes those sites with planning permission to avoid double counting. The estimated dwelling capacity on each site has taken account of particular circumstances and specific information where appropriate. However as a general approach the Council has assumed a density of 35 dwellings per

hectare for greenfield sites and 50 per hectare for urban brownfield sites. The net developable area for edge of village sites and most brownfield sites is generally assumed as 66% of the gross site area and for strategic greenfield sites this falls to 50% to reflect the additional infrastructure and strategic landscaping which is likely to be needed. I have considered each proposed site allocation in more detail above. Whilst I consider that the Council has taken a cautious approach to estimating capacity on the sites, it is realistic and justified.

444. It is important to bear in mind however that the estimates are not upper limits on the number of dwellings that could come forward, notwithstanding the particular issue of current highway capacity in the Westwood Heath area. It may be that suitable schemes for higher density development or a higher net developable area come forward. The Council acknowledges that the number of dwellings on particular sites could potentially exceed the estimated capacity. There are examples referred to above where the promoters of the site have identified potential schemes for a higher number of dwellings.
445. For commitments and site allocations it is generally assumed that completions would start to take place within about two years of outline planning permission being granted and about one year for full permission/reserved matters. On larger sites it is estimated that in the order of 45/50 dwellings per outlet would be delivered per year and that in some cases a number of outlets would operate from the same overall site. For a number of sites however the lead in times and annual rate of completions estimated also take account of particular circumstances and information available. For example the lead in time for completions on the proposed site allocation at Kings Hill on the edge of Coventry reflects the scale and complexity of the site and the need for significant infrastructure. The Council has taken into account potential competition and overlap between sites in close proximity and adjusted its estimates accordingly.
446. The Council is devoting resources to assisting site delivery and working proactively with site promoters, developers and other organisations to resolve issues such as the provision of infrastructure and to address matters prior to applications being submitted. There is a strong housing market in the District and evidence of significant progress on sites already under construction. The mix of affordable and market housing on committed and proposed sites will assist in boosting overall completion rates.
447. The Council provided yearly estimates of completions for all individual commitments on sites of ten or more dwellings and all proposed site allocations. For commitments on sites for less than ten dwellings it combined the figures and assumed completions would occur equally in each of the three years from 2016/17 onwards. This is a justified and proportionate approach.
448. Taking account of the above factors I consider that the estimated lead in times and annual completion rates for commitments and proposed site allocations are realistic and where necessary take account of specific circumstances.
449. Evidence shows that very few planning permissions for housing in the District lapse (just over 4% since 2011). Even then, applications will in some cases be resubmitted. There is evidence of good viability for development.

Excluding those commitments on sites which are also site allocations or where some completions have already taken place, the Council estimated in its hearing statement that a 5% discount would only result in a reduction of some 31 dwellings from the potential supply. In light of the above, there is insufficient basis to apply a standard percentage discount to commitments.

450. I consider therefore that the estimates of supply from commitments and proposed site allocations are realistic and justified.
451. The Council has identified four areas of traditional employment uses within the urban areas which have high vacancy rates or are in need of significant investment. In some cases they have already been partly redeveloped for housing. Whilst not specifically proposed as site allocations in this Local Plan, the Council considers them suitable in principle for some housing development and intends to allocate sites in the Canalside Development Plan Document programmed for submission in 2019. It estimates that the combined capacity would total 200 dwellings with completions occurring predominantly towards the end of the plan period. The loss of the employment land has been factored in to the assessment of future needs and these sites provide an opportunity to utilise previously developed land in the urban areas and make an important contribution to the supply and choice of housing sites available. For these reasons the estimated supply from such sites is realistic and justified.
452. The Council has identified a number of sites within the urban area, largely through the SHLAA process, which have estimated capacity for between 5 and 50 dwellings. Such sites are too small to allocate in the Local Plan but too large to include in the allowance for windfall sites under the Council's revised definition. In some cases the sites now have planning permission but they have not been double counted as commitments. The total estimated capacity of these sites is 295 dwellings although the Council considers it appropriate to apply a 10% discount to reflect the fact that not all of the sites may come forward as expected. The Council's approach is reasonable and justified and the estimated supply from such sites (266 dwellings) and the timescales for delivery are realistic.
453. One of my key concerns following the initial hearings in 2015 was the significant allowance that had been made for windfall sites. I considered that the allowance included substantial overlap with urban sites identified in the SHLAA and with sites with planning permission in terms of timing. During the suspension of the examination the Council reconsidered its approach to estimating a windfall allowance, taking on board my concerns.
454. The Council's revised approach (set out in HO29PM) considers past trends and makes reasonable adjustments to take account of policy changes and potential uncertainty. It avoids an overlap and therefore double counting with urban sites identified in the SHLAA and sites with planning permission. Following the minor correction of some calculations (EXAM 136), it is estimated that 101 dwellings would be delivered each year from 2019/20 onwards. A total of 1,010 dwellings from windfall sites in the plan period. This is a realistic allowance which is justified by evidence.

455. The updated housing trajectory would see total annual completions rising significantly above past rates, peaking at over 1,800 per year between 2019 and 2021. This would require a step change in housing delivery. However, it must be borne in mind that there is a strong housing market and evidence of significant future growth in population and households. A key element in the supply of housing land will be sites currently in the Green Belt in locations where up until now very limited opportunities for new housing have existed. Evidence shows that completions in 2016/17 will be significantly greater than in previous years, an estimated 1,159 dwellings. Taking this into account I consider that whilst such high annual rates of delivery are optimistic, they are also realistic.
456. Given the above and taking account of the main modifications, the Council's estimate that the overall supply of housing land in the plan period would be 17,139 dwellings is realistic and justified. This would be sufficient to meet the housing requirement of 16,776 dwellings.
457. I have explained in relation to Issue 3 that the five year housing requirement as of 2017/18 is 6,174 dwellings. Based on the Council's estimates and taking account of the main modifications the supply for this five year period would be 8,006 dwellings.
458. Again I consider that the Council has used reasonable and justifiable assumptions in terms of whether sites are deliverable within the five year period. A significant proportion of the five year supply would be made up of commitments (4,531 dwellings). I consider that subject to the main modifications relating to site allocations the Local Plan would provide for a five year supply of housing land while addressing the shortfall to date within the first five years and providing a 5% buffer. I am satisfied that a five year supply of housing land can be maintained.
459. I appreciate that based on these figures the degree of flexibility in the supply for the plan period compared to requirements would be limited (363 dwellings or just over 2%).
460. I also acknowledge that the main modifications I recommend include the deletion of the proposed housing site at Red House Farm (H04) which would have contributed an estimated 250 dwellings and that I have not recommended the inclusion of five additional sites put forward by the Council during the suspension of the examination which would have boosted the supply by an estimated 490 dwellings. I have explained the reasons for my conclusions that these sites should not be included in the Local Plan as allocations. In reaching those conclusions I have taken into account the effect on overall housing land supply and the level of flexibility that would be provided.
461. The context for the potential to identify additional housing land is that the majority of the District is within the Green Belt and there are a number of other key constraints.
462. As I have said, the Council has taken what I consider to be a cautious approach in terms of the estimated capacity of proposed site allocations. Whilst this is reasonable and justified, it may be that in some cases suitable detailed proposals come forward for a greater number of dwellings.

463. The proposed site allocation at Kings Hill (H43) has a total capacity estimated at 4,000 dwellings and the Local Plan would not restrict the number of dwellings in the plan period to the 1,800 included in the calculation of supply. The site allocation would provide flexibility for additional dwellings to come forward and contribute to overall supply therefore.
464. There is also potential for some as yet unidentified sites for 5 or more dwellings in the urban areas to come forward for development. These would be in addition to the specifically identified urban SHLAA sites and the windfall allowance.
465. The policies of the Local Plan (as modified) would set out a positive framework to assess additional housing proposals both in urban areas and Growth Villages and for affordable housing on rural exception sites.
466. There would be a considerable amount of flexibility in the initial five year period following adoption. The estimated supply of 8,006 dwellings as of 2017/18 substantially exceeds the five year housing requirement of 6,174 dwellings.
467. Policies DS20 (as modified) and new policy DSNEW1 would make a clear commitment to take account of housing delivery and consider reviewing the Local Plan by March 2021 and in any event review the situation in relation to the direction for growth south of Coventry within five years of adoption. On this basis, there would be clear mechanisms in place to address any shortfall in delivery well before the end of the plan period.
468. Taking all of these factors into account the Local Plan as modified would provide sufficient flexibility in terms of the supply of housing land.
469. Main modification **MM4** would ensure that Policy DS7 sets out the components of housing supply that would be sufficient to meet housing requirements and that the Local Plan includes a housing trajectory which reflects this. Along with other main modifications relating to site allocations it is necessary to ensure that the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Issue 5 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the economy and employment land

470. I deal specifically with issues relating to wider employment land requirements and the proposed site allocation for a sub-regional employment site under Issue 6.
471. Policy DS8 of the submitted Local Plan sets out a commitment to provide for a minimum of 66ha of employment land to meet local needs during the plan period, based on the Employment Land Review Update of 2013. This figure includes 36ha of additional employment land, 13.5ha to replace existing employment areas likely to be redeveloped for housing and 16.5ha to provide flexibility and choice in the potential supply. It is estimated that 36ha of additional land would provide for some 7,500 jobs in Class B uses (between 2011 and 2030). Given employment in other sectors, this broadly corresponds with estimates of jobs growth based on Warwick's own OAN for housing.

472. I consider that the figure of 66ha is based on robust evidence and is necessary to ensure sufficient employment land to meet local needs taking account of the likely loss of some existing sites to housing and the need to provide for flexibility and choice. It compares well with recent take up rates. Subject to main modification **MM5**, which would clarify that it is not necessarily the Council itself who would be making provision for employment land, Policy DS8 is positively prepared, justified, effective and consistent with national policy.
473. In the order of 47ha of employment land has been developed since 2011 or is already committed. Policy DS9 of the submitted Local Plan proposes employment land site allocations totalling 19.7ha at Thickthorn, Kenilworth (8ha) and Stratford Road, Warwick (11.7ha). In addition it is estimated that the sub-regional employment site under Policy DS16 would contribute some 6.5ha to local needs. The potential supply of employment land for local needs would total approximately 73ha. Existing commitments include land at the Former Honiley Airfield which is being developed for specialist automotive industry use. With this in mind and given that the figure of 66ha is a minimum, the scale of additional site allocations proposed is justified and necessary to ensure an adequate supply of land with sufficient flexibility and choice.
474. The proposed employment land site allocation at Thickthorn, Kenilworth (E2) is currently in the Green Belt. It is adjacent to the proposed housing site allocation (H06) and sits next to the Thickthorn roundabout at the junction of the A46 and A452.
475. As one of the urban areas, Kenilworth is a key location for future employment growth. As discussed above the town is tightly surrounded by Green Belt. The Common Lane Industrial Estate has been identified as suitable for redevelopment for housing. No alternative employment sites within the built up area have been identified.
476. Development of the site would result in a prominent and substantial extension of the built up area into adjoining countryside which is in agricultural use. It would result in the loss of openness and affect the character and appearance of the area.
477. However, as with the proposed housing site allocation, it is contained to the south-east by the A46. This is a strong physical and visual feature which would enable a well-defined and defensible edge to the extended built up area to be provided.
478. The site can be suitably accessed and the Council along with the County Council are taking a comprehensive approach to transport mitigation and improvements in the wider area as a result of development proposals. Detailed issues relating to layout and design could be addressed through specific proposals.
479. I have concluded above that the proposed housing site allocation at Thickthorn (H06) is justified. The proposed employment land site allocation would be seen in this context and offers the potential for a comprehensive and co-ordinated approach to the development of this area. The employment site has good accessibility to the town centre and is well located in relation to the wider transport network. I am satisfied that it would be viable and deliverable.

480. The proposed employment land site allocation is necessary to ensure that sufficient employment land of a suitable quality is available in the District and that Kenilworth fulfils its role as a focus for growth within the spatial strategy. These are significant benefits which outweigh the adverse impacts that would occur.
481. For the above reasons there are exceptional circumstances which justify altering the boundaries of the Green Belt in this case.
482. Warwick, as one of the urban areas, is also a focal point for future employment growth. There are very limited opportunities for additional employment land and as with housing, the potential for development on the edge of the urban area is affected by the Green Belt and other significant constraints.
483. The proposed site allocation at Stratford Road (E4) lies to the south of the built up area of Warwick near Junction 15 of the M40. It is not in the Green Belt. A significant element of the site is previously developed and it contains a number of buildings. The large committed employment site at Tournament Fields is on the opposite side of Stratford Road and there is a concentration of development including hotels between the proposed site and the motorway junction. Within this context and subject to detailed proposals, the development of the site for employment uses would not have a significant effect on the character and appearance of the area.
484. The proposed site is very well located in relation to the wider transport network and I am satisfied that detailed issues including access arrangements, flood risk and proximity to the sewage treatment works could be addressed through specific proposals and that development would be viable and deliverable.
485. The proposed employment land site allocation is necessary to ensure that sufficient employment land of a suitable quality is available in the District and that Warwick fulfils its role as a focus for growth within the spatial strategy.
486. For the above reasons Policy DS9 and the proposed employment land site allocations at Thickthorn, Kenilworth (E2) and Stratford Road, Warwick (E4) are justified, effective and consistent with national policy. Main modification **MM6** is required to ensure that the explanatory text is effective in reflecting the policy.
487. Combined with completions to date and existing commitments, these two site allocations would ensure a sufficient supply of available employment land to meet local needs within the District including a reasonable amount of flexibility. There is no need to allocate additional sites or to identify reserve sites.
488. Policy EC1 sets out a range of criteria to consider proposals for new employment development. Given the evidence in relation to the limited availability of deliverable sites in the town centres, the policy is justified in also allowing for office development in established, committed and proposed employment areas.

489. In applying a sequential approach to other forms of employment development outside of such areas or the town centres, the policy is not justified and lacks sufficient flexibility however. Main modification **MM21** would address this concern and would also provide necessary clarity to the detailed wording of the policy. Subject to this main modification Policy EC1 is justified, effective and consistent with national policy.
490. Policy EC2 sets out an approach to the diversification of rural businesses which is justified, effective and consistent with national policy.
491. Policy EC3 provides a strong and justified level of protection for existing and committed employment sites whilst giving sufficient flexibility to allow for redevelopment to other uses in particular circumstances. Given that the exceptional circumstances for altering the Green Belt at the sub-regional employment site and Thickthorn relate to employment land needs, it would be inappropriate to allow for the loss of such land for other uses. Main modification **MM22** is necessary to clarify the approach in this respect. Subject to this main modification Policy EC3 is justified, effective and consistent with national policy.

Issue 6 – Whether the sub-regional employment site proposed in Policy DS16 is justified, effective and consistent with national policy

492. Policy DS16 of the submitted Local Plan proposes to allocate land in the vicinity of Coventry Airport as a major employment site for B1, B2 and B8 uses. The land is currently in the Green Belt. In total the proposed site allocation covers 235ha although it is intended that 111ha of this would remain as undeveloped land in the Green Belt to provide open space and strategic landscaping. It is proposed to remove 124ha from the Green Belt therefore. The land identified for built development would be split into two distinct areas, one to the north of the Airport land and one to the south.
493. The land in question was the subject of planning applications submitted in 2012 for employment development, associated uses, infrastructure and landscaping. The proposals included highway works in Coventry City Council's administrative area. The applications were called in for determination by the Secretary of State in July 2013 and an Inspector held an inquiry in April and May 2014. In February 2015, the Secretary of State agreed with the Inspector's recommendation that planning permission should be refused.
494. The Secretary of State considered that the proposals would give rise to substantial Green Belt harm and that whilst a strong case had been made for development, evidence did not establish that the need for the proposal was such that a decision on the future of the Green Belt should be taken ahead of the Local Plan process. He went on to conclude that the harm to the Green Belt was not clearly outweighed and that very special circumstances to justify allowing inappropriate development did not exist.
495. A planning application was submitted in February 2016 by Jaguar Land Rover and Coventry City Council for employment (offices, research and development and light industrial) and associated uses, infrastructure and landscaping on the site referred to as "Whitley South". This largely corresponds with the northern area of the proposed site allocation but also includes land for highway works within Coventry. Both Councils resolved to approve the application in April

2016 subject to a S106 agreement and the Secretary of State confirmed that the application was not being called in. I understand that the S106 agreement has now been signed and planning permission has been granted.

496. Development of the type and scale envisaged on the proposed site allocation would result in a significant reduction in the openness of the Green Belt in this locality. It would represent a substantial extension of the built up area and an encroachment into the countryside. It would reduce the gap between the edge of Coventry and Baginton and between existing built development at Middlemarch Business Park and Bubbenhall although it would not result in the merging of settlements.
497. The land is not covered by any national or local landscape designations and forms part of the urban fringe. The immediate area contains a range of large buildings and infrastructure uses and the site itself includes a former sewage treatment works and areas of landfill. Notwithstanding this, and the potential for significant screening and landscaping, the development of the site would affect the character and appearance of the area through the introduction of large scale employment related development and associated infrastructure. There would be a loss of some best and most versatile agricultural land.
498. There would be some impact on the setting of the scheduled monument at Lunt Fort but given the separation and potential for screening and landscaping, the harm to the significance of this heritage asset would be very limited and less than substantial.
499. Due to the distances involved, the visual inter-relationships and potential screening and landscaping, there would be no harm to the significance of the Conservation Areas at Baginton, Bubbenhall and Stoneleigh or Stoneleigh Abbey or other designated or non-designated heritage assets.
500. The site is well located in relation to the strategic transport network and evidence shows that it can be suitably and safely accessed with mitigation and enhancement measures although there would be a significant increase in traffic and some harm would occur as a result of the change in character of Bubbenhall Road.
501. Detailed proposals would be able to satisfactorily address issues in terms of flood risk and contamination and with suitable mitigation there would not be significant impacts on biodiversity, air quality, noise or public safety.
502. The Council put forward the proposed allocation on the basis of a need for a sub-regional employment site. It acknowledges that the land would make some contribution to local employment land requirements in the District (6.5ha) but predominantly the Council's case rests on sub-regional employment land needs and the specific requirement for a large strategic site in such a location.
503. The circumstances and evidence in relation to employment land requirements and the land in question have changed significantly since the Secretary of State's decision in early 2015. As referred to above, the northern part of the proposed allocation is now subject to a planning permission.

504. The CBRE study of 2015 concludes that between 500Ha and 660Ha of employment land is required in Coventry and Warwickshire and that sites should be identified for the upper end of this range to provide flexibility and choice. The upper end of this range is based on strong recent take up rates.
505. The Employment Land Study for Coventry City Council published in December 2015 identifies a need for 215ha of employment land between 2011 and 2031 in Coventry. In addition, the City Council has identified some 64ha of existing employment land as potentially suitable for housing development. A further 90ha of employment land has been redeveloped or has planning permission for other uses due to factors which constrain its continued use for employment purposes. The existing stock of employment land is likely to be depleted by some 154ha therefore. On this basis, the total requirement for Coventry is in the order of 369ha. The City Council's assessment of potential supply within its area concludes that there would be a shortfall of some 241ha.
506. The Coventry and Warwickshire authorities have accepted this position and agreed a distribution of employment land which includes accommodating all of the unmet need from Coventry. This is set out in the Employment Land MoU of July 2016 which has now been endorsed by all of the authorities. The employment land requirements within the MoU are based on specific assessments undertaken for each authority. For Warwick this is the 66ha referred to above. In total the requirement for the authorities is identified as 714ha.
507. The MoU considered commuting flows between Coventry and the other authorities and the agreed distribution of housing set out in the Housing MoU. It then took account of evidence relating to market signals, unemployment patterns and urban regeneration issues. This stage in the process indicated a figure of 105ha for Warwick.
508. Adjustments were then made to take account of land take up since 2011, existing commitments and potential allocations. An important factor in this is that there are two significant sites in Rugby Borough but close to Coventry which are already being developed and have committed capacity for further growth. This also affects the redistribution to Nuneaton and Bedworth given the location of the sites in question.
509. Taking all of these factors into account the MoU sets out a redistribution of employment land from Coventry to Nuneaton and Bedworth (26ha), Rugby (98ha) and Warwick (117ha). The total figure for employment land provision in Warwick is therefore 183ha (66ha plus 117ha).
510. The MoU takes a reasonable and pragmatic approach to the redistribution of unmet employment land needs from Coventry. It takes the existing functional relationships between authorities as a starting point but rightly factors in the agreed future distribution of housing, economic evidence and market signals. The redistribution then takes account of existing commitments and the realistic potential to deliver additional growth. Its conclusion that 183ha of employment land should be provided for in Warwick to meet its own needs and to ensure that the needs of the sub-region are met is justified. The proposed site allocation is necessary to ensure that adequate provision for employment land is made in Warwick.

511. The proposed site allocation is strongly supported by the CWLEP. It has identified the site, known as the Coventry and Warwickshire Gateway, as the priority employment site for delivery in its SEP. Evidence from the CBRE Study and the West Midlands Strategic Employment Sites Study provides support for the allocation in terms of the need and demand for a site of this scale to accommodate the intended uses and locational factors. It has been put forward in the light of the consideration of potential alternative strategic employment sites.
512. The site is well located in relation to the strategic transport network and established employment locations, particularly Jaguar Land Rover at Whitley. The planning application at Whitley South demonstrates the potential for the proposed allocation to support substantial investment and expansion of existing businesses which play a key role in the local and national economy.
513. The potential for job creation on the site is very significant. The Inspector who considered the called in applications concluded that it was likely that several thousand jobs, possibly up to 7,800, could be created.
514. The level of housing in the District (932 dwellings per year) and the associated population increase is estimated to support a growth in the workforce of some 22,500 between 2011 and 2031. Taken together with employment land for local needs and given employment in other sectors, the proposed site allocation would enable a reasonable balance between workforce and jobs growth. It will help to ensure a good level of synergy between housing and employment land provision.
515. The site is close to the urban area of Coventry and would make a significant contribution to addressing the need for additional employment. The development of the site would bring substantial investment to the local economy both through construction and in the longer term. It would also have some benefits in terms of the remediation of land and the provision of publically accessible open space. I am satisfied that the development of the site would be viable and deliverable.
516. Given the locational criteria and constraints to development elsewhere in the District, no realistic and deliverable alternatives have been identified to accommodate development on this scale within built up areas, on land outside of the Green Belt or elsewhere within the Green Belt.
517. Taking all of the above into account there is a very strong case in favour of the proposed site allocation and I consider that the substantial benefits set out above would outweigh the adverse impacts. Exceptional circumstances exist to justify altering the Green Belt and allocating the site for employment development in the Local Plan.
518. To ensure that Policy DS16 is fully effective in clearly stating that the site is allocated in the Local Plan main modification **MM13** is necessary. Subject to this the sub-regional employment site proposed in Policy DS16 is justified, effective and consistent with national policy.

Issue 7 – Whether the proposed site allocations for education, a country park, a community stadium and associated uses and outdoor sport are justified, effective and consistent with national policy

Land for education

519. Policy DS12 of the submitted Local Plan proposes site allocations for educational use at Myton (ED1) and Southcrest Farm, Kenilworth (ED2).
520. As explained above in relation to the proposed housing site west of Europa Way it was initially envisaged that the existing school at Myton would be extended to provide additional capacity for the area. However, this is no longer considered appropriate given the significantly increased scale of housing commitments to the south of Warwick and a new school is now required in addition to retaining and expanding the existing facility.
521. The provision of additional education capacity in this locality is necessary and appropriate given the significant additional housing proposed. The site is well related to the new housing that will come forward and sits within what will be the expanded urban area.
522. I discussed the proposed allocation at Southcrest Farm in relation to housing sites in Kenilworth. Current secondary and sixth form provision in Kenilworth is insufficient to accommodate the growth in housing planned. The existing school sites are not realistically capable of expansion or redevelopment on the scale required and the buildings are in any case in need of significant investment and the split site arrangement causes operational difficulties. Evidence supports the approach of relocating to a single site and building a new school and sixth form facility.
523. No suitable alternative sites have been identified in the built up area and the Green Belt surrounds Kenilworth in all directions. Taking into account locational requirements and constraints that exist elsewhere, the proposed site at Southcrest Farm is an appropriate location for the new school. The development of the school would result in the current openness of this part of the Green Belt being lost and would represent an extension of the built up area into surrounding countryside. It would also affect the character and appearance of the area. However, the significant benefits in terms of improved and increased educational facilities and the need to make suitable provision to match housing growth outweigh these adverse effects. There are exceptional circumstances which justify altering the Green Belt in this case.
524. As I have set out in relation to the proposed housing site east of Kenilworth (H40) it is appropriate and justified that the proposed allocations overlap.
525. Main modification **MM9** is necessary to ensure that Policy DS12 is effective in providing flexibility towards the inclusion of primary school provision on the sites concerned, the potential for some housing on land at Southcrest Farm and to clarify the need for the site at Myton to include a new school. Subject to this Policy DS12 and the proposed site allocations for education are justified, effective and consistent with national policy.

Land for a country park

526. Policy DS13 of the submitted Local Plan proposes the allocation of land for a country park to the south of the proposed housing site allocation at Harbury Lane (H02). The Green Infrastructure Study identifies the need for a significant area of accessible natural green space in this broad locality. There will be a substantial amount of additional housing to the south of the urban area and a country park will help to ensure that adequate and accessible green space is provided. The country park will also run along the southern edge of the housing site and reinforce a clear edge to the urban area and help to maintain a clear separation between the urban area and Bishop's Tachbrook. Planning obligations relating to the housing site will make significant contributions to the provision of land and funding for the country park.
527. The Council confirmed its intention to modify the Policies Map to ensure that the boundaries of the country park correlate with the areas included within planning permissions and that the boundary of the urban area runs to the north of the country park.
528. To ensure that Policy DS13 is fully effective in clearly stating that the site is allocated in the Local Plan main modification **MM10** is necessary. Subject to this Policy DS13 and the proposed site allocation for a country park is justified, effective and consistent with national policy.

Land for a community stadium and associated uses

529. Policy DS14 (as set out in the Focussed Changes) proposes the allocation of land for a community stadium and associated uses within the larger site allocation on land west of Europa Way (H01). The community stadium is included within the outline planning permission for the larger site. It is intended that the site will provide for the relocation of Leamington FC from its current facility on Harbury Lane. The site provides an appropriate location for such a facility which is well related to areas of proposed new housing and the site for the new school at Myton.
530. Main modification **MM11** is necessary to ensure that the Local Plan is effective in clarifying the intended uses on the site and the relationship with the wider housing site allocation. Subject to this Policy DS14 and the proposed site allocation for a community stadium and associated uses is justified, effective and consistent with national policy.

Land for outdoor sport

531. During the suspension of the examination the Council proposed an additional policy (DSNEW4) and site allocations for outdoor sport uses in Kenilworth at Castle Farm (SP1) and Warwick Road (SP2). It is proposed to retain both sites in the Green Belt and for development to be consistent with paragraph 89 of the NPPF.
532. The Council's playing pitch assessment identifies quantitative and qualitative deficiencies in the provision of facilities for football, cricket and rugby in Kenilworth. The additional housing development proposed will exacerbate this situation. Existing sports facilities at Thickthorn would be affected by the proposed housing site allocation (H06). The proposed site allocations for

outdoor sports uses would address existing and future issues in provision and provide the opportunity to replace the existing sports pitches and facilities at Thickthorn with those of at least equivalent quantity and quality in a suitable location.

533. Policy DSNEW4 and the proposed site allocations for outdoor sport uses are required to ensure that the Local Plan is justified, effective and consistent with national policy. Main modification **MM20** is necessary therefore.

Issue 8 – Whether the approach towards retail and town centres is justified, effective and consistent with national policy

534. The Council's Retail and Leisure Study update of 2014 identifies only minimal capacity (170sqm) for additional convenience retail floorspace in the District by 2029. For comparison goods a capacity for 16,674sqm is identified in Leamington Spa (including an element for current "overtrading") with no capacity identified in Warwick and Kenilworth. Updated analysis provided for the Council in October 2016 (Appendix to Council's hearing statement) indicates that the comparison goods capacity estimate for Leamington Spa may need to be reduced. This is due to planning permissions that have been granted since 2014 and concerns that the estimate of overtrading may no longer be justified.
535. The Council recognises the difficulties in estimating retail capacity over the longer term and is committed to reviewing the situation. However, evidence currently available does not point to significant needs for additional retail floorspace.
536. The Retail and Leisure Study identifies some modest needs for additional health and fitness, food and drink and cinema uses, again focussed on Leamington Spa.
537. The retail and town centre policies in the submitted Local Plan provide a comprehensive approach to this issue. However, there is a lack of clarity given the Council's broader definition of town centres which in the case of Leamington Spa and Warwick include areas of residential and other uses around the retail areas. Although it is appropriate to identify particular areas on the edge of the retail areas of Leamington Spa and Warwick as providing potential for development following a sequential assessment, it is not justified or consistent with national policy to apply a sequential preference to these areas over other edge of retail area sites in Policy TC2.
538. Whilst the approach to protecting retail frontages in Policies TC6 and TC7 is justified, the policies lack sufficient flexibility to take account of long term vacancies and evidence of marketing.
539. The approach to the Warwick Café Quarter and the Leamington Spa Restaurant and Café Quarter set out in Policies TC8 and TC9 is appropriate and justified although there is a lack of sufficient clarity in terms of the relationship with Policy TC7.
540. Whilst Policy TC11 sets out an appropriate and justified approach to the mixed use area of Warwick Town Centre, it is insufficiently clear that the sequential approach set out in Policy TC2 would apply.

541. Policy TC12 is justified in seeking to protect specific areas of employment uses within the wider areas identified as town centres given the need to retain such uses to contribute towards employment opportunities in the District and to recognise the important role that they play in the wider town centre.
542. Taking account of the need for clarification of policy wording referred to above, the boundaries for the primary retail frontages, retail areas and town centres are appropriate and justified.
543. The Retail and Leisure Study provides a justifiable basis for the requirement in Policy TC2 for impact assessments for proposals above 500sqm outside of the retail areas. This also relates to specific requirements for infrastructure on strategic housing sites set out in Policy DS15 (as modified).
544. Policy TC4 proposes the allocation of a site at Chandos Street in Leamington Spa for retail and other appropriate main town centre uses. It is currently in use as a surface car park. The Council's proposal to relocate its offices to the site at Covent Garden is also intended to incorporate replacement parking to compensate for spaces lost at Chandos Street. The site at Chandos Street has a long history and there were clearly issues with detailed proposals previously put forward. However, it is well located on the edge of the Retail Area and very close to the Primary Retail Frontages. Subject to other policy considerations, it provides a suitable location to accommodate additional retail floorspace and other main town uses and the proposed allocation is justified.
545. Main modification **MM23** would provide necessary clarity in terms of the definition of retail areas and the wider town centres and the application of the sequential approach. It would ensure that Policy TC2 is justified and consistent with national policy in these respects. Main modification **MM24** is necessary to ensure a sufficiently flexible approach to the change of use of retail frontages and main modification **MM25** is required to provide clarity on the relationship of Policies TC8 and TC9 to Policy TC7. Main modification **MM26** would provide necessary clarity on the application of the sequential approach to the mixed use area of Warwick Town Centre.
546. Subject to these main modifications the approach towards retail and town centres set out in Policies TC1 to TC18 is justified, effective and consistent with national policy.

Issue 9 – Whether the approach towards culture, leisure and tourism is justified, effective and consistent with national policy

547. The submitted Local Plan sets out a comprehensive approach to culture, leisure and tourism development. This is within the context of the broader approach to town centres and main town centre uses referred to above.
548. Policy CT1 is appropriate in seeking to focus new culture, leisure and tourism development in town centres. The Retail and Leisure Study provides a justifiable basis for the requirement in Policy CT1 for impact assessments for proposals above 500sqm outside of town centres. Main modification **MM27** is required however to ensure that the scope of the policy and the application of a sequential approach is clearly set out and effective.

549. Whilst Policy CT3 is justified in seeking to protect existing visitor accommodation within town centres from redevelopment or changes of use, main modification **MM28** is necessary to provide adequate flexibility for proposals above ground floor level and consistency with town centre and retail policies.
550. There is a lack of evidence in relation to quantifiable deficiencies in cultural facilities or public art and no specific basis for determining the scale of appropriate contributions from developments. Policy CT5 is not justified or effective therefore and main modification **MM29** would delete the policy.
551. Policy CT7 sets out a comprehensive approach to potential development at Warwick Castle and St Mary's Lands (including Warwick Racecourse) and along with other policies would ensure suitable protection for heritage assets. Main modification **MM30** is required however to provide necessary clarity to the policy wording and sufficient flexibility to deal with proposals not included in approved masterplans.
552. Subject to these main modifications the approach towards culture, leisure and tourism set out in Policies CT1 to CT7 is justified, effective and consistent with national policy.

Issue 10 – Whether the approach towards the University of Warwick and major sites in the Green Belt is justified, effective and consistent with national policy

University of Warwick – Policy MS1

553. The campus of the University of Warwick straddles the boundary between Coventry City and Warwick District. The part of the campus within Warwick District is currently within the Green Belt and identified as a Major Developed Site in the extant Local Plan; it contains student residences and other University buildings. It is subject to an agreed masterplan and there have been a series of planning permissions for built development. At the time of the hearings there were some buildings under construction and some further development permitted but not yet started. It adjoins other parts of the campus and the main urban area of Coventry.
554. As a consequence the land within Warwick District is now predominantly developed and there are limited areas of openness. It no longer makes any meaningful contribution to the purposes of including land within the Green Belt. The University is a major asset which makes a very significant contribution to the economy of the local area and the wider sub-region. Removing the land from the Green Belt would facilitate further growth within the existing boundaries of the campus. For these reasons there are exceptional circumstances which justify altering the boundaries of the Green Belt and removing land at the University of Warwick, as proposed in the submitted Local Plan.
555. Main modification **MM31** would provide necessary clarity in relation to the requirements for a new masterplan and sufficient flexibility to deal with proposals not included in the approved masterplan. Subject to this main modification the approach towards the University of Warwick set out in Policy MS1 is justified, effective and consistent with national policy.

Major sites in the Green Belt – Policy MS2

556. Policy MS2 of the submitted Local Plan identifies the former Honiley Airfield, Stoneleigh Park and Stoneleigh Deer Park (Abbey Business Park) as major sites in the Green Belt.
557. The three sites are set within the open countryside, well away from any settlement. Although containing buildings and other development, they have retained significant areas of open land. Their continued inclusion in the Green Belt is justified and there are not exceptional circumstances to alter the boundaries of the Green Belt.
558. The Council acknowledged that it would be unlikely that further development beyond that already permitted would be acceptable at Stoneleigh Deer Park and that on reflection this site should be excluded from Policy MS2.
559. Policy MS2 is justified in recognising the important and specific contribution that the sites at the former Honiley Airfield and Stoneleigh Park make to the economy and that there may be potential to accommodate further development in addition to that already permitted, within the context of Green Belt policy. The Council accepted that the boundary of the site at the former Honiley Airfield should be amended to include the test track area.
560. Main modification **MM32** would remove reference to Stoneleigh Deer Park, provide necessary clarity as to the policy approach and future uses and ensure sufficient flexibility to deal with proposals not included in the approved masterplan at Stoneleigh Park as a result of the impact of HS2. Subject to this main modification the approach towards major sites in the Green Belt set out in Policy MS2 is justified, effective and consistent with national policy.

Issue 11 – Whether the housing policies are justified, effective and consistent with national policy

561. I have considered Policy H0 and the need for main modification **MM33** under Issue 1 and Policy H1 and the need for main modification **MM34** under Issue 2.
562. The 2015 SHMA identifies a need for 280 affordable houses per year in Warwick and a need for 600 affordable houses a year in Coventry (some 28% of its OAN). The Council has worked with Coventry City Council to agree a commitment to accommodate 94 affordable houses per year from the need identified in Coventry and the authorities have produced a statement of common ground. This figure represents approximately 28% of the 332 dwellings per year from Coventry which the Council has agreed to accommodate through the MoU. Although the relationship between affordable housing needs and provision across boundaries is complex, the agreed approach is pragmatic and justified. The Council is committed to providing for a total of 374 affordable houses per year therefore. This represents some 40% of the total housing requirement identified.
563. Policy H2 sets out the approach to delivering affordable housing as part of market housing schemes. Given the scale of affordable housing needs identified and evidence on viability, the policy is justified in seeking 40% affordable housing on such schemes. It would allow for the impact on the

viability of the development to be taken into account when negotiating the provision of affordable housing.

564. However, it is not consistent with national policy in relation to the site size threshold for seeking affordable housing or the definition of affordable housing and mechanisms for delivery. It lacks sufficient clarity and flexibility in terms of the approach to the proportion of affordable housing that will be sought. Main modification **MM35** would address these concerns and also provide necessary clarity regarding the scale of affordable housing needs and the commitment to meeting some needs from Coventry.
565. I am satisfied that given the approach set out in Policy H2 (as modified), it is not necessary to increase the overall housing requirement in the District in order to deliver the required amount of affordable homes.
566. Policy H3 concerns affordable housing on rural exception sites. Whilst the approach set out in the policy is broadly appropriate, it is not justified in seeking to discourage outline planning applications and reducing the time limit for commencement on detailed schemes to two years. It is also not justified in setting a specific limit of 40% for the proportion of market homes that would be acceptable to cross-subsidise affordable housing. Main modification **MM36** is necessary to address these concerns and provide sufficient clarity in relation to the occupation of such dwellings.
567. Along with Policy H0, Policy H4 sets out an appropriate approach to the provision of a mix of housing types and sizes to meet the needs of all groups within the community. However, it lacks clarity and justification in terms of requirements for a specific proportion of age friendly and/or adaptable homes on strategic sites. Main modification **MM37** would address this concern. Whilst Policy H5 sets out a justified approach to the provision of specialist housing for older people, main modification **MM38** is required to provide clarity that such developments would not normally be appropriate in the open countryside or in limited infill villages.
568. There is robust and up to date evidence relating to the need for additional accommodation for Gypsies and Travellers set out in the Gypsy and Traveller Accommodation Assessment of 2012 and the update of 2016. There is an identified need for 31 permanent pitches over the plan period (25 of which in the first five years) and a transit site for 6-8 pitches. There are no existing sites in the District. There is an existing yard for travelling showpeople which is sufficient to meet identified needs over the plan period. Subject to main modification **MM39** which would ensure that it fully reflects the up to date evidence, Policy H7 sets out a clear, positive and proactive commitment to meeting all of the identified needs through the production of a Gypsy and Traveller Site Allocations Plan and determining planning applications in line with criteria in Policy H8. It will enable a 5 year supply of deliverable sites to be achieved. The Council envisage that the Site Allocations Plan will be published for consultation in November 2017.
569. Policy H8 sets out appropriate and justified criteria to assess proposals for Gypsy and Traveller sites. Main modification **MM40** is required however to provide clarity that access to emergency services is an important factor and

that the co-location of permanent and transitory pitches will be avoided. It will also provide necessary additional flexibility as to the size of sites.

- 570. The requirements in Policy H10 for a collaborative approach to the design, layout and scale of housing on allocated sites in Growth Villages and for the phasing of such sites involving 50 or more dwellings are not justified and would lack sufficient flexibility. Main modification **MM41** would address these concerns.
- 571. Policy H11 sets out effective and justified criteria relating to housing in limited infill villages in the Green Belt. Main modification **MM42** is required however to clarify that such villages are shown on the Policies Map.
- 572. The criteria set out in Policy H12 provide an effective approach to housing for rural workers which is consistent with paragraph 55 of the NPPF. Main modification **MM43** is required to remove the unjustified reference to a specific maximum permitted size for rural workers dwellings in paragraph 4.83 however.
- 573. The requirements of criteria a) and b) of Policy H13 in relation to replacement dwellings in the open countryside are not justified and are inconsistent with national policy. Main modification **MM44** would address these concerns.
- 574. Main modification **MM45** would introduce a new policy HNEW1 which is necessary to ensure that the Local Plan sets out an effective and positive approach to custom and self-build housing which is consistent with national policy.
- 575. Subject to these main modifications the housing policies are justified, effective and consistent with national policy.

Issue 12 – Whether the other policies are justified, effective and consistent with national policy

- 576. I set out below my consideration of other policies in the Local Plan which are not addressed specifically elsewhere in my report.
- 577. Policy DS18 is not effective as it lacks clarity regarding the approach towards development within or in close proximity to the Lillington Local Shopping Centre. It is not justified and is also inconsistent with national policy and other policies in the Local Plan relating to main town centre uses. Main modification **MM14** is necessary to delete the policy.
- 578. Policy BE1 sets out a comprehensive set of criteria relating to the layout and design of development. However main modification **MM46** is necessary to ensure that it is fully consistent with national policy, consistent with other policies in the Local Plan in relation to building design, water management and flood risk and sufficiently flexible in terms of design guidance.
- 579. Policy BE2 sets out a comprehensive and justified approach towards the development of significant housing sites. Main modification **MM47** would introduce necessary flexibility in terms of the approach to design guidance and development briefs and clarity regarding the effect on the historic environment.

580. Whilst it is appropriate to encourage developments to include broadband infrastructure, the approach set out in Policy BE5 which would require such provision above certain thresholds is not justified. This would be addressed by main modification **MM48** which would introduce necessary flexibility.
581. Main modification **MM49** would introduce a new policy BE6 and is necessary to ensure that the Local Plan provides a clear policy framework for electronic communications which is consistent with national policy.
582. To ensure that Policies HS6 and HS8 are sufficiently clear and effective, main modifications **MM55** and **MM56** are required.
583. Main modification **MM57** is necessary to ensure that Policy CC2 takes an effective approach to the impact on heritage assets and is consistent with national policy in relation to wind energy.
584. In relation to Policy CC3, main modification **MM58** is required to ensure that it is consistent with national policy on housing standards and avoids overlap with building regulations. It is also necessary to ensure that the requirements of the policy are justified and sufficiently flexible.
585. Policies FW1 to FW4 set out the approach to flooding and water. Following close co-operation with the Environment Agency and joint working with the other Warwickshire authorities, the Council put forward a modified section of the Local Plan relating to flooding and water. This took into account the findings of the updated Water Cycle Study 2016 (EXAM141). Main modification **MM59** would replace the section of the Local Plan relating to flooding and water and is necessary to ensure that it is justified in light of updated evidence, effective in setting out a clear policy framework and consistent with national policy. Evidence in relation to water stress and the effect on viability provides a clear local need for the approach set out in modified Policy FW3 of requiring a water efficiency standard of 110 litres per person per day for new dwellings.
586. In relation to the historic environment, Policies HE1 to HE6 lack sufficient clarity and are not fully consistent with the NPPF in terms of the approach towards heritage assets. Main modifications **MM60** to **MM65** are necessary to ensure that the approach towards the historic environment is effective and consistent with national policy.
587. Policies NE1 to NE5 and NE7 provide a justified approach to the natural environment which is consistent with national policy. However, main modifications **MM66**, **MM67** and **MM68** are necessary to ensure that Policies NE2, NE3 and NE5 are sufficiently clear and therefore effective. Main modification **MM69** is required to ensure that Policy NE6 sets out an effective policy approach to development resulting from HS2 which reflects the reality of the planning regime.
588. In relation to neighbourhood planning, the Council accepted that the inclusion of Policies NP1 and NP2 was not necessary or justified as they simply restated the role of development plans in decision making and the Council's support for community led planning. Main modifications **MM70** and **MM71** are required to delete these policies.

589. The Council also accepted that it was inappropriate and unjustified to include Policies W1 and W2 as it is not the waste authority and such matters are dealt with by the Waste Core Strategy produced by the County Council. Main modifications **MM72** and **MM73** are necessary to delete these policies.
590. Subject to these main modifications the other policies not addressed specifically elsewhere in my report are justified, effective and consistent with national policy.

Issue 13 – Whether the approach to transport is justified, effective and consistent with national policy

591. The projected increase in population and households and the associated growth in new housing will clearly have significant implications for traffic levels and transport infrastructure. The Council, in association with the County Council has undertaken a series of Strategic Transport Assessments (STA) throughout the preparation of the Local Plan and during the suspension of the examination. These provide thorough and robust evidence in terms of the impacts of the scale and distribution of the growth planned and the specific effects of proposed site allocations including the main modifications (see TA14PM).
592. The spatial strategy as modified will focus most growth and new development on the urban areas and the edge of Coventry, where accessibility to services and facilities and public transport networks are greatest. This will help to reduce the need to travel and provide sustainable transport choices.
593. Whilst significant mitigation and improvements to existing transport infrastructure will be required, the Council and County Council have taken a comprehensive and co-ordinated approach and set out clear proposals for such mitigation and infrastructure provision. There has been close co-operation with other organisations including Highways England and Coventry City Council. The Infrastructure Delivery Plan (IN07PM) identifies a series of transport improvement projects and packages with clear assessments of costs and likely funding sources.
594. Taking account of the potential for a 15% modal shift for housing site allocations i.e. a shift to non-car use, and with appropriate mitigation and enhancements to transport infrastructure, the STA concludes that the scale and distribution of growth proposed can be satisfactorily accommodated.
595. The updated Air Quality Assessment of 2016 (A04PM) considered the scale and distribution of proposed growth including that resulting from the main modifications. It concludes that taking account of improvements in vehicle emission controls, there will be a negligible impact on air quality.
596. The proposed site allocations for housing and employment development have been put forward by the Council in the light of the implications for traffic and transport infrastructure. Subject to appropriate mitigation, the policies of the Local Plan (as modified) will ensure they can all be accessed safely and can be satisfactorily accommodated within the transport network.
597. Policy TR1 sets out a justified set of principles relating to access and choice. However main modification **MM50** is required to ensure that it is effective in

clarifying the need for access by emergency services and to ensure that it is sufficiently flexible and consistent with national policy in terms of facilities for charging plug-in and other ultra-low emission vehicles.

598. Policy TR2 provides a justified approach to the consideration of the impacts of traffic generation from developments. Main modification **MM51** would ensure that the policy is effective in providing clarity that it relates to both residential and non-residential development and flexibility in terms of requirements for transport statements and travel plans.
599. The principle of seeking contributions from developments which would lead to the need for transport mitigation measures is well established and adequately dealt with elsewhere in the Local Plan. Seeking contributions from all development simply because it would lead to traffic increases is not justified. Given this the inclusion of Policy TR3 is not justified and main modification **MM52** is necessary to delete it.
600. Criterion a) of Policy TR4 requires development to avoid making parking provision which encourages unnecessary car use. It is not clear how this would be defined or implemented and in this respect the policy is not effective. Main modification **MM53** would address this concern.
601. Policy TR5 is justified in safeguarding land for key transport infrastructure projects although given the progress with Kenilworth Station which is expected to be operational by late 2017, it is no longer necessary to include this within the policy. Main modification **MM54** would address this issue and also provide necessary clarity in terms of the areas of search for park and ride at Warwick/Leamington Spa and reflect the up to date situation relating to the inclusion of a scheme as part of the approved development at the Asps.
602. The two areas of search to the north of Warwick/Leamington Spa are those included in the submitted Local Plan. The further changes to the Policies Map published by the Council alongside the main modifications in March 2017 unfortunately included an additional area of search north of Milverton. The Council subsequently clarified that this was an error, added a note to its website and sought to contact those who made representations on the matter. I have amended the detailed wording of main modification **MM54** to provide additional clarity as to the location of the areas of search. For the avoidance of doubt, the two areas of search for park and ride facilities north of Warwick/Leamington Spa are those that were included in the submitted Local Plan. The land in question remains in the Green Belt and the Council envisage that proposals would come forward in line with paragraph 90 of the NPPF.
603. Subject to these main modifications the approach to transport is justified, effective and consistent with national policy.

Issue 14 – Whether the approach to infrastructure (other than transport), delivery and monitoring is justified, effective and consistent with national policy

604. As with transport, the scale and distribution of development proposed will have significant implications for other social, community and physical infrastructure. Again, the modified spatial strategy will focus most development on those locations with good accessibility to existing services and

facilities. However, there will be a need for substantial investment in new and improved infrastructure, particularly as a result of the amount of new housing proposed.

605. The Council has taken a comprehensive and co-ordinated approach to the assessment of infrastructure needs arising from new development, including those site allocations subject to main modifications. It has set out clear proposals for infrastructure provision. There has been close co-operation with a wide range of other organisations and infrastructure providers. The Infrastructure Delivery Plan (IN07PM) identifies a range of projects with clear assessments of costs and likely funding sources. The policies of the Local Plan (as modified) will ensure that suitable and adequate infrastructure is provided to support the level of growth planned.
606. Policies DM1 and DM2 set out a justified and effective approach to seeking the provision of or contributions towards infrastructure from development which is consistent with national policy.
607. There are clear mechanisms to effectively monitor the implementation of the Local Plan and delivery of policies and specific proposals within it and the Council is committed to reviewing the situation. Main modification **MM16** is necessary to ensure that the approach to reviewing the Local Plan is clear and justified. Main modification **MM74** is required to ensure that the Delivery and Monitoring section of the Local Plan reflects the specific commitments for a review and to clarify the status of Neighbourhood Plans and their relationship with this Local Plan. Subject to these main modifications the approach to infrastructure (other than transport), delivery and monitoring is justified, effective and consistent with national policy.

Assessment of Legal Compliance

608. My examination of the compliance of the Local Plan with the legal requirements is summarised in the table below. I conclude that the Local Plan meets them all other than in terms of setting out which policies from the extant Warwick District Local Plan will be superseded by policies in this Local Plan. Main modification **MM75** would rectify this.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with the Council's LDS (February 2016). Although there will be some slippage in the timetable for adoption, the content of the Local Plan is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2016 and consultation on the Local Plan and the main modifications has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment	The Habitats Regulations Screening Report (March 2016) sets out why Appropriate Assessment is not necessary. Natural England supports this.
National Policy	The Local Plan complies with national policy except where indicated and main modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations other than in terms of setting out which policies from the extant Warwick District Local Plan will be superseded by policies in this Local Plan. Main modification MM75 would rectify this.

Overall Conclusion and Recommendation

609. The Local Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
610. The Council has requested that I recommend main modifications to make the Local Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Warwick District Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Kevin Ward

INSPECTOR

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

Appendix 5 Report on the Examination of the Stratford-on-Avon Core Strategy

Report to Stratford-on-Avon District Council

by Pete Drew BSc (Hons), Dip TP (Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 20 June 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE STRATFORD-ON-AVON CORE STRATEGY

Document submitted for examination on 30 September 2014

Hearings held between 6 and 29 January 2015 and 12 and 21 January 2016

Accompanied site inspections made on 2 and 3 February 2015 and 21 January 2016

File Ref: J3720/429/2

Contents

Topic	Page
Table of abbreviations used in this report	3
Non-Technical Summary	4
Introduction and Background	5
Assessment of Duty to Co-operate	8
Assessment of Soundness	8
Main issues	8
Issue 1: Objectively Assessed Need	9
Issue 2: Sustainability Appraisal	27
Issue 3: Development strategy, including whether the allocated housing sites are sound	43
Issue 4: Economic development	83
Issue 5: Housing land supply	92
Issue 6: Affordable housing	118
Issue 7: Housing mix and type	123
Issue 8: Green Belt	129
Issue 9: Historic environment and design	131
Issue 10: Climate change and natural environment	133
Issue 11: Retail development	136
Issue 12: Miscellaneous policy issues: (i) special landscape areas; (ii) areas of restraint; (iii) the area strategies; (iv) accommodation for gypsies, travellers and travelling showpeople; (v) tourism and leisure development; (vi) healthy communities; (vii) transport and communications; (viii) developer contributions; and, (ix) the evening and night-time economy	138
Issue 13: Delivery, monitoring and review	148
Assessment of Legal Compliance	150
Overall conclusion and recommendation	151

Table of Abbreviations Used in this Report

AML	Aston Martin Lagonda
BUABs	Built-Up Area Boundaries
CRT	Canal & River Trust
CCG	Clinical Commissioning Group
CIL	Community Infrastructure Levy
CS	Core Strategy
CSH	Code for Sustainable Homes
CW	Coventry & Warwickshire
DMC	Development Management Consideration
DtC	Duty to Co-operate
dpa	dwellings per annum
EHO	Environmental Health Officer
EPB	Economic Prosperity Board
ELS	Employment Land Study
EA	Environment Agency
GLH	Gaydon Lighthorne Heath
ha	hectares
HE	Highways England
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
IC	Interim Conclusions
JLR	Jaguar Land Rover
LEP	Local Economic Partnership
LSV	Local Service Village
LPA	Local Planning Authority
LMA	Long Marston Airfield
LRBS	Large Rural Brownfield Sites
LWS	Local Wildlife Site
MM	Main Modification
MoU	Memorandum of Understanding
MRC	Main Rural Centre
NE	Natural England
NP	Neighbourhood Plan
OAN	Objective Assessment of Housing Need
PAS	Planning Advisory Service
PPA	Planning Performance Agreement
SA	Sustainability Appraisal
SAP	Site Allocations Plan
SEP	Strategic Economic Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
STA	Strategic Transport Assessment
STC	Southam Town Council
STP	Stratford Transport Package
STW	Severn Trent Water
SWRR	South-Western Relief Road
the 2004 Act	Planning & Compulsory Purchase Act 2004 (as amended)

the 1990 Act	Planning (Listed Buildings and Conservation Areas) Act 1990
the Act	Town and Country Planning Act 1990 (as amended)
the Council	Stratford-on-Avon District Council
the Framework	National Planning Policy Framework
the Guidance	Planning Practice Guidance
the 2004 Regulations	The Environmental Assessment of Plans and Programmes Regulations 2004
the 2012 Regulations	The Town & Country Planning (Local Planning) (England) Regulations 2012

Non-Technical Summary

This report concludes that the Stratford-on-Avon Core Strategy provides an appropriate basis for the planning of the District, providing a number of main modifications are made to the Plan. Stratford-on-Avon District Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. However, where necessary, I have amended detailed wording to reflect the representations made by participants and/or added consequential modifications. I recommend their inclusion after considering the representations from other parties on these issues, including those made in response to the consultation in the Spring of 2016.

The MMs can be summarised as follows:

- To increase the Plan's housing requirement to reflect the further work that has been done since the original Hearings and my interim conclusions;
- To make additional site allocations, including a new settlement at Long Marston Airfield [LMA] associated with a new bypass for Stratford-upon-Avon, and significant additional allocations at Stratford-upon-Avon and Southam, in order to help to meet the increased housing requirement;
- To update other site allocations, including a new settlement at Gaydon Lighthorne Heath [GLH], in the light of changed circumstances, including an additional employment allocation to meet the needs of Aston Martin Lagonda [AML];
- To delete one site allocation for employment land [SUA.3, East of Birmingham Road] in respect of which exceptional circumstances have not been shown in order to justify its release from the Green Belt;
- To introduce one site allocation for employment land [SUA.5, Atherstone Airfield] which is considered to be necessary to provide for the Council's ambition to redevelop the Canal Quarter;
- To provide effective mechanisms to address any failure in the delivery of the development sought by the Plan and to meet other housing needs as they are identified, including a new policy for a Plan review and more detail on the approach to the release of reserve sites; and,
- A number of changes to a range of policies in order to ensure that they are positively prepared, justified, effective and consistent with national policy.

Introduction and background

1. This report contains my assessment of the Stratford-on-Avon Core Strategy [CS] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) [the 2004 Act]. It briefly comments on the Duty to Co-operate [DtC], but focusses on whether the Plan is sound and compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework [the Framework] makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption the Local Planning Authority [LPA] has submitted what it considers to be a sound plan. The basis for the examination is the submitted draft plan, i.e. the *Stratford-on-Avon Core Strategy Proposed Submission Version*¹. This was the subject of consultation in July 2014, as a result of which a number of modifications were proposed that form part of the main modifications [MMs]. I have had regard to the *Proposed modifications in response to the Inspector's Interim Conclusions*² insofar as it seeks to substantially revise three key policies in the Plan, allied to which a number of additional housing allocations have been identified.
3. Hearings were originally held in January 2015 but, after the issue of Interim Conclusions [IC] in March 2015, the examination was suspended. The IC gave reasons why the legal duty to co-operate in the preparation of the Plan had been met and found that the employment land requirement figure set out in submitted Policy CS.21 was soundly based. However it found shortcomings in the approach taken to the assessment of the housing requirement and problems with the Sustainability Appraisal [SA]. The suspension allowed the Council to produce further evidence in relation to housing and to revisit the SA. This evidence was produced during 2015. The new evidence along with the Council's proposed changes to relevant parts of the Plan was the subject of further consultation for six weeks between 13 August to 25 September 2015. Hearings were re-convened in January 2016 during which the need for further MMs was identified. Comments were invited from participants on selected documents that were submitted during and immediately after the resumed Hearings and these have been taken into account.
4. My report deals with the MMs that are needed to make the Plan sound and legally compliant and these are identified in bold as **[MM]**. In accordance with section 20(7C) of the Act, Stratford-on-Avon District Council [the Council] requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. The MMs relate to the policies and the principal changes to the reasoned justification. This report needs to be read in conjunction with the IC, which is at Appendix 1, which covers some points in detail that are not repeated. The updated Schedule of MMs is set out in Appendix 2. The updated Infrastructure Delivery Plan [IDP] is set out in Appendix 3. The updated Schedule of Infrastructure Projects is set out in Appendix 4.
5. The MMs that are necessary for soundness all relate to matters that were discussed at the examination Hearings. Following these discussions, the

¹ Document Ref. ED.1.1.

² Document Ref. ED.11.1.

Council prepared a schedule of proposed MMs and this schedule has been subject to public consultation for six weeks from 31 March to 12 May 2016. I have taken account of the consultation responses in coming to my conclusions in this report and in this light some amendments to the detailed wording of the MMs have been made and consequential modifications have been added where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary these amendments are highlighted in the report.

6. The MMs are set out under detailed headings in what follows. Where appropriate additional modifications³, such as minor changes to the reasoned justification, including factual updates and changes to figures and percentages that are necessary as a result of this report, as well as updates to policy and paragraph numbering to reflect the MMs appended to this report, are properly matters for the Council to update prior to adoption [see also **9** below]. There is no need to identify them in a separate schedule although if the Council wishes to do so, as a matter of good practice and/or for audit trail purposes, that is to be encouraged. Amongst other things it has been stated that there are anomalies between the schedule of MMs and the consolidated 2016 CS⁴, which need to be resolved prior to adoption. However there are a number of generic MMs that have been advocated during the course of the examination that are briefly addressed here.
7. Concerns have been expressed regarding the Development Management Considerations [DMCs], which the Council say are an appropriate means of providing important information regarding the interpretation of policies. The Council has reviewed the DMCs to ensure that they do not add to policy or set requirements and with these changes the DMCs are appropriate in principle, although they are reviewed, where necessary, under the various topic areas.
8. Concerns have also been expressed as to whether it is appropriate for reference to be made to a Supplementary Planning Document [SPD] in a policy rather than the reasoned justification. However the Glossary definition of SPD accords with that in the Framework and so the suggestion that placing such a cross-reference in the policy implies a greater weighting of significance than would be appropriate appears to be misplaced. It is important that there is a cross-reference between the Development Plan and the SPD in order to flag up the existence of the SPD to a developer. The Council says that removing the reference to SPD would create ambiguity and uncertainty; I agree. Accordingly I recommend no MM is required in this respect. The Council undertook a review of definitions in the Glossary at an early stage in the examination and I recommend these changes as a MM because I am satisfied that the definitions are consistent with the Framework [**MM92**].
9. The IDP and the Schedule of Infrastructure Projects, which together comprised Appendix 1 to the Submission Version of the CS, have been kept under review and updated⁵. The latest versions were issued as appendices to the Schedule of MMs during the May 2016 consultation. The IDP and associated Schedule is

³ Applying the test in section 23(3)(b) of the 2004 Act.

⁴ See for example representation 0048, dated May 2016, regarding extra-care.

⁵ See for example Document Refs. ED.13.11 and ED.13.11a, respectively.

intended to be a working document that will be updated over the life of the CS and I recommend the content of the latest version [but subject to **494**] to ensure the Plan is effective [**MM89, MM90**]. However the Council might wish to consider whether it should be retained as an appendix or set up as a freestanding document. Many people now work online and that version can be kept up-to-date but if hard copies of the adopted CS are issued incorporating the IDP and associated schedule as an appendix there might be the potential for confusion at a later point in time once it is revised. The counter argument is that it would act as a benchmark against which subsequent changes can be assessed but that could be addressed by a clear audit trail of revisions online. On balance this is something that the Council should deliberate upon because any such change can be treated as an additional modification as it would not alter the substantive content but goes to its presentation.

10. The Council is required to maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan⁶. The adopted Policies Map currently comprises the Proposals Maps of the adopted Stratford-on-Avon Local Plan Review 1996-2011. When submitting a Local Plan⁷ for examination, a Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the Local Plan⁸. This exercise is explained in the text in section 8 of the CS and by reference to the OS based plans that follow.
11. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it⁹. However, a number of the MMs require further corresponding changes to be made to the Policies Map. Those further changes to the Policies Map were also published alongside the schedule of MMs for the purpose of consultation in March 2016. When the CS is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all of the identified changes, including those identified in this report.
12. References in the report are, unless otherwise stated, to documents that are available on the examination website at:
<https://www.stratford.gov.uk/planning/core-strategy-examination-2.cfm>
These include Examination Documents [ED], Council Documents [CD], Hearing Documents [HD] and Hearing Statements [HS] that are individually referenced in the footnotes. As a matter of convention, numbers in **bold** in [square brackets] refer to paragraphs elsewhere in the report.

⁶ Regulation 9 of The Town & Country Planning (Local Planning) (England) Regulations 2012 [the 2012 Regulations].

⁷ Regulation 6 of the 2012 Regulations.

⁸ See Article 22(1)(b) of the 2012 Regulations and the definition of 'submission policies map' in Article 2(1) of the 2012 Regulations.

⁹ See definition of 'local plan' in Article 2(1) of the 2012 Regulations.

Assessment of Duty to Co-operate

13. Section s20 (5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed by section 33A of the 2004 Act in relation to the Plan's preparation. The IC set out reasons for finding that the duty had been met and I have neither seen nor heard anything to change my view that there has been and continues to be engagement on a constructive, active and on-going basis. There is clear evidence of continuing dialogue between the Council and other authorities in the Coventry and Warwickshire [CW]¹⁰ Housing Market Area [HMA] as well as with Birmingham City Council¹¹. Whilst this continues to be an evolving situation, which will be considered in more detail in the context of the assessment of Objectively Assessed Need [OAN], there are a number of mechanisms that are built into the CS to address the housing needs arising in the wider area. In addition to the flexibility in the housing supply pipeline of around 9 %¹², the CS includes a policy commitment to identify reserve sites in the Site Allocations Plan [SAP] and, as a last resort, a Plan review. Taken together it represents a policy framework that is able to respond flexibly to changing circumstances, as required by paragraph 153 of the Framework. It is difficult to envisage what else could be proposed in order to deliver the Plan-led system whilst being open and responsive to change.
14. As noted at the resumed Hearing in January 2016 the other significant change that has taken place since the IC was published in March 2015 is the Ministerial Statement dated 21 July 2015. It says: "*a commitment to an early review of a Local Plan may be appropriate as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan's soundness or legal competence as a whole*". Given that a review is just one of the levers that are available to the Council in order to respond on a positive basis to meeting the unmet housing needs of others, the fact that agreement has not been reached on the final distribution of housing within the CW HMA is not a barrier to reaching a finding of soundness. The Minister's letter to The Planning Inspectorate says: "*it is critical that inspectors approach examination from the perspective of working pragmatically with councils towards achieving a sound Local Plan*"¹³. An approach that required full agreement to be in place would be the antithesis of this advice because the final numbers, in this instance for Coventry, might only be known after they have been tested through the examination process. However it would be very difficult to co-ordinate examinations across the HMA to this extent and so it is appropriate for a Council, such as Stratford-on-Avon, to be a front runner and proceed to adoption whilst the quantum of unmet need crystallises.

Assessment of Soundness

Main Issues

15. Taking account of all the representations, written evidence and the discussions that took place during the examination Hearings in 2015 and 2016, I have identified 13 main issues upon which the soundness of the Plan depends.

¹⁰ See Document Ref's. ED.13.10 and ED.13.10a.

¹¹ See Document Ref. CD.12.

¹² See Consolidated Schedule of Further Proposed Modifications – Part 1, dated January 2016, which remains fair even after the MMs set out in this report; see [395].

¹³ Source of quote: Document Ref. HD.76.

Issue 1: Whether the CS makes adequate provision to meet the full OAN for market and affordable housing in the District.

16. Reasons were given in the IC as to why it was difficult to arrive at a firm conclusion about the level of OAN. However in indicating that the Strategic Housing Market Assessment's [SHMA] original higher end assessment of 600 dwellings per annum [dpa], to allow for a proportionate uplift to support the expected growth in the workforce, might need to be surpassed, the IC set out some interim findings on relevant issues. This final report revisits those findings to take account of representations that have been made at the resumed Hearings and in response to the consultation in May 2016.

Demographic modelling

17. The Planning Practice Guidance [the Guidance] says the household projections published by DCLG should provide the starting point estimate of overall housing need and that, wherever possible, local needs assessments should be informed by the latest available information¹⁴. The most up-to-date estimate of future household growth is the 2012-2037 Household Projections, which were published on 27 February 2015, after the first set of Hearings had closed. However these have been taken into account in the latest assessments at the CW HMA¹⁵ and District¹⁶ level.
18. The Guidance continues by saying that household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The assessment will therefore need to reflect the consequences of past under delivery of housing. The trends that underpin household projections may not reflect unmet housing need and so LPAs should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply.
19. The starting point is therefore to ask whether there has been past under supply of housing or worsening affordability? The evidence from Pegasus¹⁷ is seductive as it appears to show completions running at under 55 % of the column entitled "*CLG SNHP (Annualised 2011-2031) households only*", but given the title the weight to be attached to the pre-2011 figures should be limited. The Council indicated in the Hearing that for the period 2001-2011 some 433 dpa have been delivered and whilst the figure for the period 2001-2015 might be closer to 415 dpa¹⁸ it is well above the post 2006 analysis¹⁹. The Council says 4,298 homes were built between 2001 and 2011 and this: *"...represents an average of 90% of its housing supply measured against the Local Plan target and 114%, measured against the RSS, clearly exceeding the housing requirement for that period"*²⁰. Given short term policy changes, post

¹⁴ Paragraphs ID 2a-015-20140306 and 2a-016-20150227.

¹⁵ Paragraph 1.14, Document Ref. ED.14.3.2.

¹⁶ Document Ref. ED.13.5.

¹⁷ Table 1, HS.25 Matter A statement, December 2015.

¹⁸ See 'Built' row of Figure H1a, ED.5.3a, updated to include 2014/15.

¹⁹ Pegasus Table 1 to Hearing Statement HS-25 Matter A, December 2015, averages 314 dpa.

²⁰ Paragraph 1.8, Document Ref. ED.5.3a.

2006, it is appropriate to look at this longer period and this analysis suggests there has not been under supply of housing in Stratford District over the medium term.

20. However the Planning Advisory Service [PAS] advice²¹ explains that '*under-supply*' and '*under-delivery*' at paragraph 015 of the PPG should be interpreted to mean that house building was less than demand or need. It says evidence that past delivery was in line with targets does not demonstrate that in the past period planning was not a constraint, but one manifestation would be a steep fall in migration over the period, as people were prevented from moving into the district by a lack of housing. However Table 2.1 of the latest ERM study²² shows that in all but one year net migration into Stratford has been positive and the long term 10-year average is almost 1,000 in-migrants per annum. Lower net migration in the latter part of this decade does coincide with lower completions but it was also a period of recession and so the trend is not determinative. For example in 2010/11 the District saw the lowest level of completions and yet net migration was 914, broadly in line with the 10-year average of 956. Accordingly the pattern of in-migration reinforces the view that no upwards adjustment is justified.
21. The evidence regarding affordability was reviewed in the IC and, whilst the analysis is updated below, it set out reasons for finding that the rate of change in Stratford appears to have been less than for the Birmingham HMA, Coventry HMA and England over a 15-year period. For these reasons there has not been worsening affordability of housing in Stratford over the medium term.
22. Very recent analysis of the latest projections concludes: "*...the 2012-based household formation rate projections form a reasonable basis for purposes such as planning for housing*"²³. This is against a background that, overall, household formation rates are projected to increase in the latest projections. The main '*losers*' are couples under 35 but, even in the most vulnerable 25-34 age group, the analysis suggests that over the period 2011-2031 the household formation rate in Stratford would increase²⁴ with the 15-24 age group largely unchanged by comparison to the 2008-based projection.
23. There remains a gap between the household formation rates in the 25-34 age group in the 2012-based projections compared to the 2008-based projections. However as the latest analysis suggests: "*...there have been much longer-term trends in declining household formation (mostly among younger households), starting in the early 1990s, which were not fully reflected in the 2008 projections*"²⁵. On this analysis the aspiration of a number of parties to return to the 2008-based household formation rates appears to be misplaced. The more recent projections are: "*more immediately relevant and more strongly based than earlier estimates*"²⁶ and conversely: "*The CLG 2008 HRRs are no*

²¹ "Objectively Assessed Need and Housing Targets Technical advice note", PAS, Second Edition, July 2015 [HD.77].

²² Page 10, Document Ref. ED.13.5.

²³ Source of quote: section 5, Conclusions, page 19, *Town & Country Planning Tomorrow Series Paper 17: New Estimates of Housing Requirements in England, 2012 to 2037*, by Neil McDonald and Christine Whitehead, published November 2015.

²⁴ See relevant chart at Appendix 1 to Matter A Hearing Statement HS-30, December 2015.

²⁵ Source of quote: key headline 3, page 2, Neil McDonald and Christine Whitehead, Ibid.

²⁶ Source of quote: key headline 4, page 2, Neil McDonald and Christine Whitehead, Ibid.

*longer helpful because they are based on very old evidence*²⁷. For the 25-34 and 35-44 year age groups the 2012-based projections represent a middle course between the 2011 and 2008-based projections. In that context the PAS advice is relevant in saying: *"Where this is the case, and emerging plans are well advanced, these 'midway' scenarios probably remain fit for purpose"*²⁸. This appears to be a reference to the 'part return to 2008 trend' scenarios prepared by consultants in the period after publication of the 2011-based interim projections before the 2012-based CLG projections came out.

24. Accordingly neither macro factors, such as the recession or international migration, nor local factors, such as the supply of housing or affordability, suggest an adjustment to household formation rates is justified in the particular circumstances of Stratford District. So whilst the Council acknowledged in the resumed Hearing that it might have been better to test alternatives, acknowledging other parties have done this to some extent, the need for an adjustment has not been: *"clearly explained and justified on the basis of established sources of robust evidence"* as required by the Guidance²⁹.
25. Paragraph 18 of the IC endorsed a 3 % vacancy and second homes rate on the basis that it is a widely used assumption and that view is corroborated by the reference to it in the most recent analysis³⁰. However since reaching that finding a High Court case³¹ was delivered on 9 July 2015 that underlines the need for a more rigorous approach based on empirical data and distinguishing a 'policy on' component arising from a strategy that seeks to reduce vacancy. The Council has a Corporate Strategy: *"...to bring empty properties back into use"*³², but that is not quantified as a source of supply³³ and in any event, adopting the approach of Dove J., that is not the first stage of the process. So whilst noting the additional submission of CPRE on this point, including the financial penalties embedded in the structure of Council Tax for empty properties, it is, as CPRE acknowledge, a: *"policy aim"*³⁴ to reduce vacancy.
26. Participants have pointed to various sources of empirical data. CPRE point to a figure of 1.5 % in Solihull but, even if the socio-economic make up of that area might be similar, that is not a sound basis for applying it to Stratford. The 2011 census figure for Stratford was 5.3 % but given the corporate strategy it might have changed in the intervening 5-years. The most recent figure, taken from the DCLG Live Tables, is 3.85 %, comprising of 2.72 % vacancies and 1.13 % second homes³⁵. Although it was claimed Council Tax

²⁷ Source of quote: paragraph 6.41, PAS, Ibid.

²⁸ Source of quote: paragraph 6.40, PAS, Ibid.

²⁹ Paragraph ID 2a-017-20140306.

³⁰ Section 5, Conclusions, page 18, Neil McDonald and Christine Whitehead, Ibid.

³¹ *Borough Council of Kings Lynn and West Norfolk v SSCLG and Elm Park Holdings Ltd* [2015] EWHC 2464 (Admin).

³² Source of quote: first priority under addressing local housing need, ED.5.2.

³³ The Council has referred to its Empty Homes Strategy 2012-15, but this encompasses the period covered by the latest live tables and so whilst it refers to what appears to be an aspirational figure of 700 it is unclear to what extent some of those dwellings might be included in the reduction in the vacancy rate that has been achieved since the 2011 census.

³⁴ Source of quote: second page of Document Ref. HD.94.

³⁵ BW evidence to the relevant Hearing session, where the vacant figure is taken from Table 615 and the dwelling stock taken from Table 125, and the figure for second homes is taken from the Council Tax base. The vacancy figure was agreed by CPRE in the Hearing.

returns can undercount, and hence be unreliable, any such reservation is outweighed by the fact that this source of empirical data is the latest available and is a species of actual data that can properly be taken into account in the calculation of OAN. The revised calculation, based on the rate of 3.85 % and agreed at the resumed Hearing, gives rise to a new OAN of 730 dpa or 14,600 over the 20-year period³⁶. In the circumstances this appears to be a more robust, empirically based, figure, which, reflecting the discussion at the resumed Hearing, should be used going forward.

27. The IC gave reasons for endorsing a net migration assumption based on the 10-year average for the period from April 2003 to March 2013 and no party has given a sound basis for revisiting that approach. CPRE³⁷ suggest that the level of migration in the period from 2004 to 2007 was anomalous and unconvincing, and if it were taken in isolation that might be true. However the converse applies and if CPRE's claim that it would be appropriate to take the data from 2008 onwards was applied this might present an unduly negative result because it would coincide with a period of recession as well as the moratorium. That is why the IC endorsed an approach that encompassed both periods, the boom and the bust, so as to give rise to an informed approach.
28. Accordingly it is concluded that the respective figures given in Table 2.2 of the latest ERM study³⁸ should be adjusted to reflect the revised vacancy/second homes figure but otherwise given substantial weight as a sound estimate of the demographic housing need in Stratford. Applying the latest empirically based figure of 3.85 %, the 2012 Household Projection figure is 462 dpa³⁹ and the 10-year migration variable figure is 577 dpa⁴⁰. This change will have implications at the HMA level⁴¹ and, noting that paragraph 2.25 of the latest ERM study says that the best estimate of demographic housing need for Stratford is given by the 10 year migration variable projection, it shows a need for 11,534 dwellings over the CS period⁴². I recommend these revised figures should be incorporated into the reasoned justification as appropriate [MM34].

Economic and employment growth

29. The economic projections in the SHMA Update⁴³ have been superseded because, as paragraph 3.19 thereof makes clear, the projections have modelled household formation based on a '*part return to trend*' scenario. PAS advice⁴⁴ explains why such part return to trend projections should not be used. It is acknowledged that one party says they remain relevant to '*sense check*' the latest projections but the Council has explained that they are not comparable because the latest projections represent a new run of projections.

³⁶ Calculation undertaken by BW and agreed by Mr Gilder, of ERM, in the resumed Hearing is $724 \div 1.03 \times 1.0385 = 730 \text{ dpa} \times 20 [\text{years}] = 14,600 \text{ dwellings over the life of the CS.}$

³⁷ Document Ref. HD.94.

³⁸ Document Ref. ED.13.5.

³⁹ $458 \div 1.03 \times 1.0385 = 462 \text{ dpa.}$

⁴⁰ $572 \div 1.03 \times 1.0385 = 577 \text{ dpa.}$

⁴¹ At the Hearing the Council acknowledged that paragraph 20 of the IC made sense and similarly the change in assumptions here need to be placed on a consistent basis with any calculation at the HMA level before counting against any 'minimum' figure for the HMA.

⁴² $572 \times 20 = 11,440 \div 1.03 \times 1.0385 = 11,534.$

⁴³ Document Ref. ED.4.3.1.

⁴⁴ Paragraph 6.41, PAS, Ibid.

In the subsequent analysis the economic activity rates that underpin the latest projections are considered and this is a more appropriate way of testing them.

30. In the IC reasons were given for concluding that the jobs growth figure of 12,100 appears to be a reasonable estimate. As Table C2 of the latest ERM study⁴⁵ shows it lies roughly in the middle of the range of forecasts that were before the examination at the time of the first Hearings in January 2015. In the words of the Guidance, it represents a reasonable: "...assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate"⁴⁶. Although account has been taken of more recent forecasts that have been provided during the subsequent 12 month period, it has not been clearly demonstrated that the jobs growth figure of 12,100 is not robust.
31. First it is appropriate to record that the Council's assertion that the Cambridge Econometrics forecast, which underpins Table 16 of the more recent GL Hearn study⁴⁷, has merely shifted jobs from post to pre-2014 and does not represent a material change from the earlier projection, from which the figure of 12,100 was derived by adjustment and extension, is not disputed. Pegasus refer to a more recent Cambridge Econometrics forecast from April 2015, but Table 4 of its submission shows that 84 % of the projected employment growth for the period 2011-2031 is said to occur up to 2016⁴⁸. It follows that the rate going forward from 2016 in this, the most recent projection, must be very modest.
32. Although Gladman/Regeneris criticise the latest ERM study⁴⁹ for suggesting that up to a third of the jobs growth has already occurred this appears to be more conservative than the most recent Cambridge Econometrics forecast. The most recent BRES data for 2014 does shows a marked increase in jobs in the District, but the Council has suggested this was due to a re-classification by one major employer and might not be reliable. Taken together it is clear that there has been a significant level of job growth in the District, but the most recent Cambridge Econometrics forecast is heavily skewed by the period up to 2016 and so the possibility that it, in turn, has been influenced by such an anomaly cannot be ruled out. On balance it would be unwise to adopt the most recent Cambridge Econometrics forecast in preference to the ERM figure.
33. This conclusion is reinforced by the latest comparison of relevant projections that has been provided by the Council⁵⁰, which still places the annual cumulative growth rate of 0.875 %, which underpins the ERM figure of 12,100, in the middle of the pack. Of particular note is the comparison to the Experian January 2015 figure of 0.88 %, which underpins the PBA estimate of 12,430 jobs over the same period⁵¹; the PBA report gives reasons why the Experian forecast should be preferred. The Council was careful not to dismiss criticism that some caution should be exercised in reliance on the PBA report because it is seen to be a closed model, which seeks to balance the numbers. However it

⁴⁵ Page C14, Document Ref. ED.13.5.

⁴⁶ Paragraph ID 2a-018-20140306.

⁴⁷ Page 64, Document Ref. ED.14.3.2.

⁴⁸ Page 16 of the updated Chelmer Model Report shows job growth of 14,200 from 2011 to 2016 which, expressed as a percentage of the total jobs growth from 2011-2031 of 16,900, represents 84 % of total jobs growth being projected by Cambridge Economics.

⁴⁹ Paragraph 3.29, page 22, Document Ref. ED.13.5.

⁵⁰ Table 4.1, HS.33 Matter A statement.

⁵¹ Table 7.1, page 45, Document Ref. ED.14.3.3.

is beyond dispute that the outputs are broadly similar and tend to corroborate the view that the ERM estimate of the jobs growth figure of 12,100 is robust. So whilst the Gladman/Regeneris claim that jobs growth in the car industry might be higher is acknowledged, the projection of 12,100 excludes the Jaguar Land Rover [JLR] allocation at Gaydon. If it came forward the job implications might trigger a Plan review if it cannot be addressed by the reserve [see 67].

34. Figure 3.4 of the latest ERM study⁵² shows a sectoral breakdown and apart from information and communication the big growth areas are seen to be: administrative and support activities; accommodation and food services; and arts, entertainment and recreation. These 3 sectors are also seen to be large growth areas in the only other sectoral analysis before the Examination⁵³. It is notable that these sectors comprise 3 out of the 4 lowest paying sectors in the UK⁵⁴. As noted in the IC, Stratford-upon-Avon is a focus for certain forms of economic activity and jobs in the District, such as tourism and retail, and the town has a national reputation for arts and entertainment. This might help to explain the relative concentration of lower paid jobs in the District now⁵⁵ and going forwards. All 3 sectors are characterised by part-time working patterns. So whilst there is no reason to doubt that high profile employers, such as JLR and AML, require a highly skilled workforce, which is well paid, at the District level it is reasonable to conclude that the make-up of the new jobs will largely reflect the existing sectoral breakdown, with a large, dominant service sector.
35. Nevertheless, as ERM acknowledged at the Hearing, the concerns that have been raised about the composition of the new jobs to be created are rendered somewhat academic. This is because the Council says that the OAN has been estimated without reference to pay with the underlying assumption being that if the jobs emerge a matching demand for housing will be present. This could be said to give rise to concerns about affordability, but the latest ERM study⁵⁶ suggests that the estimated level of affordable housing need from newly forming households is lower in percentage terms than was identified in the original SHMA⁵⁷ at the District and HMA level. However the absolute number has gone up, from 296 to 383, and so there appears to be no contradiction in the Council's position. Accordingly there is no reason to doubt the broad composition of the anticipated 12,100 new jobs or its implications for the OAN.
36. Against this background it is appropriate to consider the economic activity rates that underpin the Council's projections. The IC identified this as a particular problem and identified that the basis for the figures was opaque. In that context it is perhaps surprising that the updated analysis remains something of a '*black box*', which should not be taken as a criticism of ERM because it was said that the work was done by GL Hearn at the SHMA level. However the outputs from the modelling, together with an explanation for how they have been arrived at, are set out in the latest ERM study⁵⁸. The Guidance says: "*Plan makers should make an assessment of the likely change in job*

⁵² Page 25, Document Ref. ED.13.5.

⁵³ Reproduced as Table C1, page C13, Document Ref. ED.13.5.

⁵⁴ Table D2, page D3, Document Ref. ED.13.5.

⁵⁵ For example compare figure 28, page 28, ED.13.5 with figure 37, page 62, ED.14.3.2.

⁵⁶ Table F8, page F14, Document Ref. ED.13.5.

⁵⁷ Table 61, page 131, Document Ref. ED.4.3.3.

⁵⁸ Annex B, ED.13.5; see in particular Table B5 and Figures B4 and B5, respectively.

*numbers based on past trends and/or economic forecasts*⁵⁹. At the Hearing no party dissented from the view that, at a minimum, this has been done.

37. The key output from the model is that the overall employment rate in 2031 is identified to be 58 %⁶⁰, which is acknowledged to be slightly higher than the SHMA Update. Judging by Figure B5 that appears to be broadly in the middle of the range by that end date and whilst it is a fair to say that for a long part of that time, up to around 2027 on my estimate, it is above the trend line for England and the West Midlands, what matters is the end point. Moreover from roughly 2016 on it is below the Experian projection and in that context one participant has observed that the overall increases: "...seem modest"⁶¹. So whilst it is acknowledged that the latest census release⁶² contains a more detailed dataset of economic activity by age and sex at a ward level, which might give rise to a more detailed projection going forward, this in itself is not a sound basis upon which to refer the matter back to the Council for review.
38. Experian published a paper "*Employment Activity and the Ageing Population*"⁶³ that underpins its approach to participation rates. The regional breakdown identifies a figure of 59.7 % for the West Midlands in Quarter 1 of 2030 which, acknowledging there is no District breakdown, is materially higher than the ERM output for 2031. It cites various reasons for increasing participation rates across all older bands for men and women, which include improved health and longevity, the financial imperative to keep working in order to fund a longer retirement and, for females, that those born in later generations have a higher propensity to work. These are rational arguments from a leading forecasting house that support the reasonableness of the headline output from the ERM model. Although ERM's claim⁶⁴ that there are no up-to-date forecasts from Government about how employment rates might change was disputed⁶⁵, this does not sit easily with the statement in the Kent forecast that the last set of national activity rate projections was published by the ONS in 2006⁶⁶.
39. In the context of this finding ERM emphasise that the overall global change to employment rates is fixed to implicit assumptions in national forecasts and so it says it is inappropriate to focus on individual age groups. However the conventional economically active population, i.e. those aged 16-64, falls⁶⁷ and hence participants, perhaps understandably, want some assurance as to how this would be offset. For the 65+ age group the Hearing was advised that a rate was applied to the 65-74 age group with an allowance for people 75 + who are in employment taken from the 2011 census. In the context of the

⁵⁹ Paragraph ID 2a-018-20140306.

⁶⁰ Paragraph 4.8, page 33, Document Ref. ED.13.5.

⁶¹ Source of quote: paragraph 5.21 of report entitled "*Critique of Stratford on Avon Housing Needs Evidence*", prepared by GVA, which was appended to consultation response 7404.

⁶² Table CT0535, which was published by the ONS in November 2015.

⁶³ May 2015, Document Ref. HD.81.

⁶⁴ Paragraph B16, page B8, Document Ref. ED.13.5.

⁶⁵ By Gladman/Regeneris, who said that the Office for Budget Responsibility had provided these for more than one year, but ultimately agreed that the figure of 58 % was 'ok', albeit that it would have been helpful to see, and hence test, a breakdown of this figure.

⁶⁶ See page 1 of Kent report "*Activity Rate Forecasts to 2036*" at Appendix D to Chelmer Model Report, submitted as part of the September 2015 consultation response 7394.

⁶⁷ See for example the 18 % decline in the 30-44 age group evident in Table 7, page 35, Document Ref. ED.14.3.2, which is consistent with earlier findings in the IC.

Experian rationale for older persons working later in life the increases for this age group⁶⁸, from the 2011 base, seem reasonable for men and women, even though direct comparison to the equivalent figures for Kent is not possible⁶⁹. For the 16-24 age group the employment rate is projected to fall for men and women, which reflects the increase in the age that young persons are required to stay in education as a result of the Education and Skills Act 2008.

40. Acknowledging that the male figures for participation rates in the 2011 census are already high, nevertheless the increases projected to 2031 appear to be reasonable. The most significant increase is in the 50-64 age group where the employment rate in 2011, 79.7 %, is lower than other age groups, which gives significant scope for an increase in view of the census activity rate in 2011⁷⁰. Comparison to the Kent figures shows the employment rates are not dissimilar and, by way of example, for the 25-34 age group in 2031 Kent cites figures of 0.91/0.92 whereas ERM quote a lower figure of 90.8 %⁷¹. Due to the Kent breakdown by 5-year cohort comparison between older age groups is not that straightforward, but it is fair to say that they are in the same ballpark.
41. The breakdown for women shows that the projected increase is more marked for all age groups between 25 and 64. For females aged 50-64 the increase can be explained by the increase in the state pension age. Experian say: "*An increase in the female participation rate for those aged 60-65 can be seen in the historical LFS [Labour Force Survey] data from around 2011*"⁷² [*emphasis added*]. Accordingly that would not be evident in the 2011 census data, but would be likely to show up as a large % increase by 2031. The equivalent data for Kent is 0.86/0.76/0.60, which might average lower than ERM's figure of 80.1 %, but the difference is not inconceivable⁷³. Table B6⁷⁴ shows that between 2001 and 2011 the economic activity rate in Stratford for females aged 50-64 increased from 60.5 % to 67.3 %, even before the state pension changes took effect. This tends to reinforce the view that this age group will continue to be a major source of the increase in the District's future workforce.
42. Although this raises a legitimate concern about a potential mismatch between employment growth and the characteristics of its resident workforce it must be in prospect that young in-migrants move to fill jobs in emerging technologies. This might leave older workers who have a financial imperative to work to fill lower paid part-time roles in the big growth areas [34] that better match the flexible work/life balance that someone who is semi-retired might seek. It is acknowledged that this is not a definitive answer, but in an era in which the minimum wage will increase to a living wage, lifestyle choices are likely to be made that transcend the traditional debate about low paid, part-time jobs.
43. The biggest variations are for younger females, namely 0.81/0.79 for 25-34 year olds, compared to ERM's figure of 90.8 %, and 0.78/0.81/0.88 for 35-49

⁶⁸ See Table 4.1, page 33, Document Ref. ED.13.5.

⁶⁹ See pages 11 and 13 of Kent report, Ibid, which are only expressed as activity rates for the 65-74 age group.

⁷⁰ 82.6 %, Table B6, page B12, Document Ref. ED.13.5.

⁷¹ See page 11 of Kent report, Ibid, which is broken down for each 5-year cohort, in comparison to Table 4.1, page 33, Document Ref. ED.13.5.

⁷² Source of quote: page 3, Document Ref. HD.81, Ibid.

⁷³ See page 13 of Kent report, Ibid, in comparison to Table 4.1, Document Ref. ED.13.5.

⁷⁴ Page B12, Document Ref. ED.13.5.

year olds, compared to ERM's figure of 91.1 %⁷⁵. Table B6⁷⁶ shows that between 2001 and 2011 the economic activity rate in Stratford for females aged 25-49 increased from 80.6 % to 85 % or more and in that context the ERM employment rates, which relate to a 20-year period rather than 10-years appear to be achievable. It is acknowledged that the respective figures are put on a slightly different base: an activity rate measures the % of people who are active in the economy, including those who are looking for work, whereas the employment rate measures those who have a job. However as the economy appears to be moving ever closer to what economists consider being 'full employment'⁷⁷, comparison for this purpose is not inappropriate. The equivalent employment rates from the 2011 census figures are 82.1 % and 82.8 %, respectively⁷⁸, which materially increased to 83.8 % and 84.4 %, respectively⁷⁹, in 2014. This is evidence of a continuing trend of increased female participation in the local workforce, which has been extended to 2031.

44. It should be acknowledged that there appears to be an anomaly between the ERM figures for females aged 25-34 and 35-49, of 90.8 % and 91.1 %, and the equivalent GL Hearn figures of 87.4 % and 87.7 %, respectively⁸⁰. ERM has attempted to explain this on the basis of rebasing from 2011 to 2014, to take account of the mid-year population estimates⁸¹, but this explanation is not entirely satisfactory because it remains slightly unclear. However with this single relatively minor reservation about female employment rates, the ERM analysis appears to be sound and this view is broadly corroborated by one participant who has observed that the assumptions in Table 4.1: "...seem appropriate"⁸². Given ERM's position that the age specific employment rates have been developed for the purpose of modelling whilst seeking to maintain the overall rate to be consistent with economic forecasts, the one reservation about female participation rates is not of overriding importance. ERM says that, in principle, the national total rate could be achieved by different combinations of age specific rates. It is noted, by way of example, the ERM figure for males in the 25-34 age group is lower than the Kent equivalent. On this basis, even if the female participation rates for the 25-34 age group should be slightly lower, for example to account for fertility, there would appear to be scope for this to be redistributed, for the purpose of modelling, whilst still achieving the overall employment rate of 58 % in 2031. For these reasons there is no reason to conclude that the working age population that is economically active would be inadequate to meet the projected job growth. As such, there is no need to consider locational implications, although the distribution of dwellings will be considered in any event in due course.
45. Finally the claim that the Kent figures are at the very least equally valid and can be applied on a national basis is questionable. The report is expressly

⁷⁵ See page 13 of Kent report, Ibid, in comparison to Table 4.1, Document Ref. ED.13.5.

⁷⁶ Page B12, Document Ref. ED.13.5.

⁷⁷ Normally taken to be a point when only frictional unemployment exists, that is everyone who wishes to work at the going wage-rate for their type of labour is employed, but because it takes time to switch from one job to another there will at any one moment be a small amount of unemployment.

⁷⁸ Source: Table B5, page B11, Document Ref. ED.13.5.

⁷⁹ Source: Table 22, page 68, Document Ref. ED.14.3.2.

⁸⁰ Compare Table 4.1, Document Ref. ED.13.5 with Table 22, Document Ref. ED.14.3.2.

⁸¹ Full explanation at paragraphs 7.9 and 7.10 of the Council's HS.33 Matter A statement.

⁸² Source of quote: paragraph 5.21 of GVA report, Ibid.

labelled a draft: the graphs from page 15 onwards appear to show a revised forecast as against an original forecast and, particularly for women and older people, the increases appear to be marked. A number of subsequent revisions are identified to be required on page 9 and the conclusions on the same page identify areas of uncertainty. The '*Introduction*' says it uses the activity rates from the 2011 census but it must follow that is unique to Kent. To illustrate this narrow point the male activity rate for the 16-24 age group in Kent is 0.67 in 2011 compared to 61.9 % in Stratford⁸³. The Kent report highlights a factor influencing activity rates to be the local labour market, which is self-evidently different in the SE to the West Midlands. For these reasons the submission that Kent's rates are no more valid than those set out in the ERM report is accepted and might indeed be an understatement. The ERM work, building on the GL Hearn analysis, albeit with a minor reservation arising from Table 22, is to be preferred because it is specific to the unique circumstances of Stratford.

46. The outputs from the employment led projections are set out in Table B7⁸⁴, which shows the ERM model to be firmly in the middle of the Experian and Cambridge Economics projections. The output of 14,486 dwellings, adjusted for the revised vacancy and second homes figure of 3.85 % [26], would be 14,606, but this would still round down to 730 dpa⁸⁵. As a sense check one party has observed the difference between the demographic and economic projections suggests every extra dwelling generates 1.5 additional employed residents per extra household, which is seen to be a: "*reasonable*" figure⁸⁶. Accordingly the employment led projection and the employment rates that underpin it are a sound basis of the assessment of the District's housing need.

Market signals and affordability

47. The IC found that an upward adjustment in housing numbers was not justified in terms of market signals or affordability. However that is challenged on the basis that: i) the IC failed to examine absolute levels of market signals; and ii) the rate of change in more recent data should be considered.
48. In absolute terms it is acknowledged that house prices and rents in Stratford are above the national and regional averages and there is evidence that they have risen comparatively more strongly in absolute terms. One factor that is identified by GL Hearn is the housing mix⁸⁷, because Stratford has a higher than average proportion of the most expensive dwelling type, namely detached houses⁸⁸. The lower quartile affordability ratio, at 8.89⁸⁹, is high in absolute terms compared to the HMA and national average. However Stratford is typical of large swathes of central and southern England and there is no clear evidence of a worsening trend in any of these absolute indicators.
49. In terms of recent data there is evidence that house prices have fallen in real

⁸³ See page 11 of Kent report, Ibid, in comparison to Table 4.1, Document Ref. ED.13.5.

⁸⁴ Page B12, Document Ref. ED.13.5.

⁸⁵ $14,486 \div 1.03 \times 1.0385 = 14,606 \div 20 \text{ [years]} = 730.27$, which rounds down to 730.

⁸⁶ Source of quote: paragraph 1.17 of Regeneris report, at Appendix 3 to original Gladman submission 4987.

⁸⁷ Table 31, page 89, Document Ref. ED.14.3.2.

⁸⁸ Figure 41, page 81, Document Ref. ED.14.3.2.

⁸⁹ Figure 46, page 87, Document Ref. ED.14.3.2.

terms since 2008⁹⁰, but it is acknowledged that finding might not take account of more recent changes. However even taking account of the most recent Land Registry data⁹¹ the median price would appear to be largely reflected in the GL Hearn work⁹² and even if there has been some increase it is not indicative of a worsening trend. Similarly the Regeneris evidence does not clearly show a worsening trend in the lower quartile affordability ratio over the last decade, taking account of the period up to and including 2015 as an extension of the GL Hearn evidence⁹³. Affordable housing is dealt with below. Rate of development was addressed in the IC and there are clear signs that the level of completions is now materially increasing in the District.

50. For these reasons there is not a sound basis to make an adjustment for market signals or affordability, but even if this brief analysis might be said to be inadequate any adjustment required would be adequately reflected in the proposed housing requirement arising from the employment led projection. In this respect the Guidance is clear in saying the: *"...housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals"*. It continues: *"A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections"*⁹⁴ [*emphasis added*]. This interpretation accords with that of experienced participants⁹⁵. For this reason, acknowledging that GL Hearn advocated an adjustment in Stratford for affordability of 9 dpa⁹⁶, or 180 dwellings overall, any such minor adjustment is fully taken on board in the employment led projection because it represents a significant increase over the base assessment of demographic need.
51. Under this heading it is appropriate to deal briefly with continuing reference to the Barker Review and the proposition that an uplift in housing land supply would have a discernable effect on reducing house prices and/or rents. It is material to point out that a housing requirement of 730 dpa represents, to paraphrase paragraph 47 of the Framework, a very significant boost to the housing supply for the District against the previous Local Plan target of 475 dpa and even more so against the RSS moratorium target of 225 dpa. It represents the significantly higher level of housing growth that a number of participants have sought. If that magnitude of uplift were repeated across just some of England's Districts then there might well be a discernable impact at the national scale which, in turn, might have an effect on local house prices.
52. It does not follow, for reasons that are articulated⁹⁷, that a further uplift in land supply would have a discernable effect on reducing house prices and/or rents. Even if the housing requirement were to be doubled the effect on local house prices might still not be discerned because, given the District's excellent communication links, in-migrants might still be attracted to the area from elsewhere. Even the main proponent of this approach⁹⁸ fairly recognises that

⁹⁰ Table 31, page 89, Document Ref. ED.14.3.2.

⁹¹ Table 1.5, page 14 of Regeneris report, at Appendix 3 to Gladman submission 4987.

⁹² Figure 40, page 80, Document Ref. ED.14.3.2.

⁹³ Figure 47, page 87, Document Ref. ED.14.3.2.

⁹⁴ Source of quotes: Paragraph ID 2a-019-20140306 and 2a-020-20140306, respectively.

⁹⁵ See for example Matter A Hearing Statements HS-14 and HS-29, December 2015.

⁹⁶ Table 51, page 126, Document Ref. ED.14.3.2.

⁹⁷ See amongst other things paragraph 6.1.36 of ED.4.3.2a.

⁹⁸ See Matter A Hearing Statement HS-09, December 2015.

Stratford would be expected to continue to be a higher priced area given its attractive qualities as a residential location, such that it would take a step change in housing supply as part of a much wider effort in order to tackle price inflation. It is not appropriate to treat Stratford as the testing ground for a macro-economic theory that potentially has significant environmental effects.

Affordable housing as a component of the housing requirement

53. The affordable housing need assessment identifies a net affordable housing need of between 233 and 310 dpa⁹⁹, depending on the proportion of income households might reasonably be expected to spend on housing. At a proportion of between 30 % and 35 % of income this estimate of the range of need appears to be sound and there is no reason to find that spending 35 % of income would be unreasonable.
54. The Council's unchallenged figures are that between April 2011 and April 2015 a total of 531 affordable dwellings were completed and paragraph F53 of the assessment records a development pipeline of 2,257 affordable dwellings, as part of a total commitment, including completions of 8,138 units¹⁰⁰. This determines that the Council is delivering affordable housing at over 34 %, which is broadly in line with the plan's target. Policy CS.17 has a 35 % affordable housing target which, applied to the annual housing requirement of 730 dpa, could be expected to deliver 256 dpa of affordable housing going forward. Although smaller schemes might not deliver because of the Plan's affordable housing thresholds, some affordable housing schemes might deliver 100 %, and the Council's track record to date would tend to confirm that view.
55. For these reasons there would appear to be no need to consider increasing the housing requirement to meet the District's requirement for affordable housing, as envisaged in the Guidance¹⁰¹. The difference between the estimate of need, of up to 310 dpa, and the potential delivery of affordable housing, at around 256 dpa, only arises on an assumption that households spend 30 % of their gross income on housing costs. However I maintain that spending 35% of income on housing costs is reasonable. Whilst it is unnecessary to express a view on whether a higher spend of 40 % would be '*reasonable*', as claimed by ERM, that scenario does illustrate that the net need would be significantly exceeded at that level. It follows that the CS makes adequate provision to meet the full, assessed need for affordable housing in the District.
56. In the circumstances the claim¹⁰² the Council is relying on the private rented sector in order to provide for its affordable housing need has not been made out. It is acknowledged that ERM does refer to the role of the private rented sector in its latest study and that might have given rise to some confusion. In the '*real world*' some households might depend on the private rented sector because they are unable to access affordable housing that fully meets their needs. That is not a sound basis upon which to proceed, but it is clear in the particular circumstances of Stratford the Council makes no such assumption.

⁹⁹ Annex F, as summarised in Tables 5.1 and F12, Document Ref. ED.13.5.

¹⁰⁰ See Matter A Hearing Statement HS-33, December 2015.

¹⁰¹ Paragraph ID 2a-029-20140306.

¹⁰² Matter A Hearing Statement HS-31, December 2015.

Dealing with unmet housing needs from outside the District

57. There is a marked difference of opinion between i) the Council and other LPAs; and ii) the development industry, as to how this should be dealt with. In short the Council and its partner authorities argue that anything above the basic demographic need is 'surplus' to the District's requirements and available to meet the unmet needs of others, i.e. Birmingham and Coventry. The Council argues that across the Country as a whole all that is required is a level of housing that meets the demographic need and hence any additional dwellings to meet economic needs are effectively meeting the unmet needs of others. Hence anything above the basic demographic need [28] would contribute towards meeting those unmet needs, which include migrants to the wider HMAs who would otherwise live in the cities and commute into the District. Pursuant to this rationale there is a Memorandum of Understanding [MoU] between the Councils of Stratford, Birmingham, Solihull, Redditch and Bromsgrove that records Stratford will take 165 dpa of Birmingham's need [3,300 homes] on that basis¹⁰³. There is a draft MoU with all the Warwickshire LPAs in which Stratford says it will take just over 100 dpa from Coventry¹⁰⁴.
58. At the other end of the spectrum, representatives of the development industry submit that the OAN meets the needs of the District and that the unmet needs of others should be in addition to that assessment. Discussion at the resumed Hearing sought to explore whether there might be any middle ground, given the acknowledgement by one participant that: *"there is a logic to the Council's proposition, as the purpose of the uplift to align with economic growth is to provide homes for additional workers to move into the District who may well come from elsewhere in the HMA"*¹⁰⁵. There was no agreement at the Hearing.
59. Echoing the point made by PAS¹⁰⁶, there appears to be a lack of guidance as to how to deal with this issue, which is only beginning to crystallise in the West Midlands as a result of emerging plans reaching a more advanced stage. In particular Birmingham's unmet need is now quantified at 37,900 dwellings¹⁰⁷ following issue of the Inspector's report into the examination of that Plan. The only independent source of advice to which reference has been made is the updated PAS advice. Figure 4.1 thereof 'Assessing needs and setting targets' comprises a flow diagram in which 'Cross-boundary unmet need' is identified as a policy and supply factor that needs to be taken into account after the OAN has been quantified. Its stated rationale is: *"Cross-boundary imported need belongs below the line, for two main reasons. One reason for this is that unmet need in neighbouring authorities results from a policy change in neighbouring authorities: if those authorities supply less development land than they did in the past demand in the subject authority will rise above past trends, resulting in cross-boundary unmet need. Another reason is that how much of that need the subject authority should accommodate depends partly on its own constraints, including policy constraints"*¹⁰⁸.
60. In considering the spectrum, with the Council at one end and the development

¹⁰³ Document Ref. CD.12.

¹⁰⁴ Document Ref. ED.13.10a.

¹⁰⁵ Source of quote: Matter A Hearing Statement HS-14, December 2015.

¹⁰⁶ Paragraph 4.4, PAS, Ibid, HD.77.

¹⁰⁷ Paragraph 2.1, Document Ref. CD.12.

¹⁰⁸ Source of quote: third bullet-point, paragraph 4.5, PAS, Ibid, HD.77.

industry at the other, the PAS rationale suggests that the starting point must be that any unmet needs should be in addition to the assessment of the OAN. The economic led projection, whilst well above the basic demographic need, is required to meet the level of jobs being created and so meets the needs of the District. Nevertheless it is reasonable to say a: “*very modest*”¹⁰⁹ component of the OAN would contribute to the unmet needs of others. If it were otherwise there would be no purpose in an assessment being conducted at the HMA level: the District could simply focus on meeting its own needs. However the demand for housing transcends administrative boundaries for a number of reasons, such as those identified in the Guidance¹¹⁰. To give an example, a person who works in Birmingham might choose to live in Stratford because of family, cultural or environmental reasons. The housing need strictly arises in Birmingham but is met in Stratford and the census and travel to work data can estimate the scale of that functional relationship. Since a proportion of the existing housing stock is meeting the needs of others this could be used as a proxy for the proportion of the new stock that would be similarly used.

61. The Council says that any soundly based method for allocating unmet need should take account of the strength of the functional relationship between potential recipient LPAs and the ‘*deficit areas*’; I agree. To take an extreme example there is no point trying to meet the unmet needs of Birmingham in Glasgow because the socio-economic links would be lost. A co-ordinated approach under the DtC needs to agree the precise parameters for any relationship but, as the PAS guidance infers, this needs to take account of policy and practical constraints. For example some Greater Birmingham authorities might not be able to fulfil their share of the unmet need arising from an approach that simply considered the functional relationship, whether because they are substantially built-up, and hence have the same capacity constraint as Birmingham, or for policy reasons, such as Green Belt.
62. On the evidence before this examination it would appear that a comprehensive approach has yet to be agreed in the Birmingham HMA. The MoU says: “*As at the date of this statement the necessary technical work required to reach a collective agreement on the way forward is being progressed but is not complete*”¹¹¹. Accordingly there appears to be some way to go before the relevant proportion of Birmingham’s unmet need can be quantified for Stratford. A holistic response is required by the DtC rather than chipping away at the total. The MoU has identified a figure but this is based on an incorrect assumption that everything over and above the demographic need is ‘*surplus*’ and available to meet the needs of others. Given that misconception it would not be appropriate to hold the Council to the figure in the MoU. Moreover it is unclear whether the Council has agreed with other members of the CW HMA¹¹² how to address the Birmingham HMA shortfall because, as noted elsewhere [57], it is not signed by other members of the CW HMA. It is material that Fig 4.1 of the PAS advice is pitched at the HMA level and hence any: “*Cross-boundary unmet need*” feeds in at that level, not to each District, even if only certain Warwickshire Districts are within both HMAs.

¹⁰⁹ Source of quote: Matter A Hearing Statement HS-14, December 2015.

¹¹⁰ Paragraph ID 2a-012-20140306.

¹¹¹ Source of quote: paragraph 2.3, Document Ref. CD.12, dated December 2015.

¹¹² As per Policy CS.xx and its reasoned justification.

63. The position in Coventry is the opposite in the sense that the mechanism for distribution within the HMA appears to have a large measure of agreement and the basis for the split, which under the DtC is ultimately a matter for the Councils concerned, appears to be founded on sound principles¹¹³. However, whilst Table 53 of the SHMA Update¹¹⁴ identifies that roughly half of the HMA OAN is in Coventry, this figure has yet to be tested at examination. Moreover there might be policy or other constraints that restrict the capacity of the City to accommodate its housing need within its administrative boundary more severely than is currently envisaged. In short, whilst the mechanism is broadly agreed the precise scale of Coventry's unmet need that Stratford might have to accommodate is not known at the present time.
64. In light of the above it is not possible for me to identify what PAS, in Figure 4.1, describe as the housing provision target because the quantum of unmet needs arising from elsewhere is not precisely known at present. At the CW HMA level there is a good evidence base but that 'target' will be refined over time as a result of future examinations particularly because, as envisaged in Figure 4.1, a proportion of the unmet needs of Birmingham will have to be added to that total. However, applying the pragmatic approach that the Government seeks, this is not a reason to find the Plan unsound because it contains mechanisms to address the unmet need at the point that it is known. Firstly the Council has planned for a level of housing supply above the housing requirement, which is examined in Issue 5. Second there is a proposed Plan review policy and third is the reserve sites policy, which are examined in turn.
65. Policy CS.16D commits the Council to bringing forward a review of the Plan, in accordance with Policy 'CS.xx', if it is clear that the level of unmet need is beyond that which can be addressed by other mechanisms. Whilst focussed at the CW HMA part b. of Policy 'CS.xx' envisages other evidence of housing need arising from outside of the HMA, which is reinforced by the [unnumbered] last paragraph of the reasoned justification¹¹⁵. It is therefore a comprehensive approach which, following the PAS advice, is correctly focussed at the HMA level and so I reject the view that it would be ineffective. It is, however, an approach of last resort. The fact is that the CS will have taken some 9 years to get to the point at which it might be adopted. Whilst a review might be quicker, getting a strategic plan adopted is slow and expensive. So whilst I recommend Policy 'CS.xx' and the reasoned justification as a MM [MM35] to ensure that the Plan is positively prepared, in line with paragraph 182, it is a policy response of last resort because it is not the optimum mechanism to meet the identified level of unmet need at the point at which it is quantified.
66. In the May 2016 consultation responses a number of parties did however flag that the range in the first sentence of the reasoned justification is out-of-date and should be amended to align with the latest agreed position in the HMA¹¹⁶. Because the policy arose from the Hearings in January 2015 it had not been revisited and hence this had been overlooked. I recommend it be updated and whilst the Council has referred to an absolute figure of 4,277 given that the Memorandum is a draft and there is reference in the report to a higher figure

¹¹³ See Document Ref. ED.13.10 and ED.13.10a.

¹¹⁴ Document Ref. ED.14.3.2.

¹¹⁵ The last unnumbered paragraph on page 99 of Document Ref. ED.11.2a.

¹¹⁶ See ED.14.3.2 and ED.13.10a, including paragraph 1 of the draft Memorandum.

this should contain the caveat: “*at least*”. This aligns it with the terminology of Policy CS.16 whilst also not excluding the higher figure in the report.

67. Policy CS.16D also commits the Council to allocate reserve sites in the SAP to fulfil 4 roles: i) to meet a shortfall in housing supply; ii) to meet the needs of JLR if the 100 ha site comes forward; iii) to meet the needs of the CW HMA; and, iv) to meet the needs of the Birmingham HMA. The Council has confirmed that it seeks to retain its figure of 10 % which, expressed as a proportion of the new housing requirement, would be 1,460 dwellings. The issue is whether 10 % is adequate, on the basis of existing information, to play all these roles?
68. The Council has sought to quantify its share of the unmet need from Coventry and Birmingham. It says, based on the current approach, the Council: “*would be expected to take 5.9 % of Coventry’s unmet need of 890 dpa, or 53 dpa, and 2.1 % of Birmingham’s unmet need of 1,895 dpa, or 40 dpa*”¹¹⁷. Over the 20-year life of the Plan this equals 1,860 dwellings¹¹⁸. On the basis of the Council’s own calculation it is therefore evident that a 10 % reserve would be inadequate to meet the obligations that might arise from iii) and iv). Crucially this is without building in a reserve to meet: i) any shortfall in housing supply due to unforeseen circumstances; and, ii) the potentially very significant implications of bringing forward the 100 ha JLR allocation. Acknowledging that a very modest component¹¹⁹ of the OAN might contribute towards the unmet needs of others, there can be no question that it is necessary to increase the scale of the reserve to 20 % to provide a positive and effective mechanism. Ultimately there would be no jeopardy from adopting this approach. If reserve sites are not needed to fulfil these roles they do not need to come forward, but they would be available to provide a flexible response to any identified need.
69. In this context the issue is whether it is appropriate for 2,920 dwellings to be identified in this manner. The SAP was always envisaged to be a subsidiary Plan to the CS that would take a lead from it in terms of the spatial strategy. The Options Assessment¹²⁰ is evidence that the Council is not short of options to make up this scale of reserve, even without considering non-strategic scale sites. I therefore reject the view that an increase above 10 % should trigger a strategic plan review. For various reasons the role of the SAP has diminished over time, such that its main role would be to identify reserve sites. Without this role there must be doubt as to whether the need for this additional Plan is justified having regard to paragraph 153 of the Framework. The SAP would otherwise have a limited residual role identifying opportunities for small scale business, GI assets, retail development and Built-Up Area Boundaries [BUABs] for villages. The finding that the size of the reserve needs to increase does not mean that this role cannot be effectively undertaken in that Plan. It is properly something that can be delegated to the SAP, which the Local Development Scheme¹²¹ [LDS] identifies is scheduled to be adopted in spring 2017, well within the 3-year period that is set out within the Birmingham Development

¹¹⁷ Source of quote: page 11, Matter A Hearing Statement HS-33, December 2015.

¹¹⁸ The maths are $53 + 40 = 93 \times 20$ [years] = 1,860.

¹¹⁹ I suggested that it might be 8 % but the Council has, quite properly, criticised the derivation of that figure [see Document Refs. HD.74 and HD.75, respectively]. Pending further work in this area it would only be appropriate to attach this estimate very limited weight and so it does not dissuade me from the view that the 10 % reserve is inadequate.

¹²⁰ Document Ref. ED.13.4.

¹²¹ Document Ref. ED.13.8a.

Plan¹²², and on this basis would form part of the current round of Plan making activity. In the circumstances the claim that the CS needs to set a deadline for the production of the SAP is not accepted. For reasons explored elsewhere [526] it is in the Council's own interest to identify reserve sites.

70. Although the adopted Local Plan identified 3 reserve sites it is evident from paragraph 2.4.12 of that Plan that a key factor which informed that approach was that the date of adoption was much less than 10 years from the end of the Plan period, whereas the national advice at the time was that a Plan should make provision for at least 10 years potential supply of housing. That can be distinguished from the position here, where the Plan period is to 2031, 15-years ahead, reflecting paragraph 157 of the Framework. This examination is not geared up to fulfil a similar role by identifying strategic reserve sites which, at this late stage of the examination, would delay the date of adoption.
71. In passing it is material to note that 2 of the reserve sites identified in the Local Plan have been built and the third, the land west of Shottery, has planning permission. In other words, from the land owner and developer's perspective, such a mechanism has a proven track record in this District. The point is considered further, in terms of spatial distribution, in due course [276], but for the above reasons this approach is appropriate. Accordingly I recommend that the 10 % reserve be increased to 20 % [MM33] to ensure the Plan is positively prepared in line with the Framework.

Picking up on points that were raised during the consultation in May 2016

72. A number of parties have made significant submissions at this stage. The first is CPRE but the content¹²³ appears to go over ground that was discussed in the Hearing sessions. Amongst other things this report deals with the migration assumptions elsewhere [27]. However a new report entitled "*Critique of West Midlands Housing Needs Assessments*" by what appears to be a company "*Urban & Regional Policy*" has been submitted. Paragraph 1.3 says: "*I have been commissioned...*", but there is nothing in the document to explain the author's credentials. No disrespect is intended, the author is plainly familiar with the topic, but this does mean it is appropriate to attach limited weight to the document because the author's professional qualifications are not stated. The perceived tension between the household projections and the Framework might be of academic interest but the approach in the Guidance is clear.
73. My attention has particularly been drawn to page 21 of the report but the risks of under-allocation appear to have been understated. If the supply of housing is not significantly boosted to meet the full objectively assessed need for housing, as per paragraph 47 of the Framework, households, i.e. real people, are adversely affected. If there is no demand or a scheme is not viable a site will not be developed and so an allocation in a Plan is not merely a one-way process. In short this does not appear to be a balanced, independent report and it is really of general or even academic interest rather than being of assistance in helping me to discharge my duties in this examination.
74. The second¹²⁴ seeks to justify revisiting the jobs figure of 12,100, based on

¹²² See page 9 of representation 1151, dated May 2016, for wider context.

¹²³ Reference 6075, dated May 2016, the latter comprising the new report.

¹²⁴ Reference 0448, dated May 2016.

more recent data, and using: “*the latest*” Office for Budget Responsibility economic activity rates, which is said to be supported by the Government's Local Plan Experts Group and a recent appeal decision. However the submission, quite fairly, accepts that it is necessary to draw a line in the sand. Among other things the Framework talks about using a proportionate evidence base. Noting that the data set has not been provided there was no advantage in seeking the Council's comments on this submission at this stage because it potentially opens up the whole question of housing numbers and allocations. It potentially puts the whole process back 12 months and this does not appear to be in anyone's interest as even developers need the degree of certainty that flows from an allocation in an adopted plan. As is evident from the submission of CPRE even the housing requirement that has been identified, based on the evidence that has been discussed, is disputed. For these reasons it is not appropriate to solicit this new evidence at this stage of the examination, which is a pragmatic response given the imperative to get an adopted Plan in place.

75. A number of parties¹²⁵ have put forward further changes to MM02 but they are not necessary or justified. In particular the text lifted from Birmingham MM03 would be inappropriate given that the reserve sites approach is designed, as part of this round of Plan making, to avoid a revision to a Local Plan or, using the language of the CS, avoid the need for a potentially time consuming Plan review. It is self-evident the term: “*housing need arising outside the Coventry and Warwickshire*”¹²⁶ HMA includes Birmingham and so no further reference, beyond that which is evident elsewhere in the Plan, is required in MM33.

Conclusion on the first main issue

76. For these reasons, on the first main issue, I conclude that the employment led projection, and the employment rates that underpin it, appear to be a sound assessment of the housing need in the District. Whilst there is a justification for revisiting the finding in the IC with regard to the vacancy rate, this does not materially revise the District's housing need and as it was fully discussed and agreed at the resumed Hearing there is no need to further discuss this change. The need for affordable housing has also been properly assessed.
77. The OAN of 14,600 dwellings forms the base housing requirement for the Plan and to ensure it is positively prepared this should be expressed as a minimum. Whilst a small proportion of that basic requirement might contribute to needs arising elsewhere [60] the SAP, which forms part of the present round of Plan-making activity, will identify a further 20 % [2,920 dwellings] in reserve sites. This additional quantum will be available to meet the various roles set out in Policy CS.16D, including meeting any housing needs that arise outside of the Coventry and Warwickshire HMA. Should this prove to be insufficient, Policy CS.xx also commits the Council to bring forward a review of the Plan.
78. As a result I recommend MMs to the introductory text, the Vision, Strategic Objective 14, Policy CS.16 and its reasoned justification, and Policy CS.xx, which would deliver these objectives [**MM02, MM03, MM05, MM33 and MM35**]. These MMs are necessary in order to ensure the Plan is positively prepared, justified, effective and consistent with national policy.

¹²⁵ See representations 0439, 0619 and 8027, dated May 2016.

¹²⁶ See representations 1151 and 8027, dated May 2016.

Issue 2: Is the SA a reliable evidence base in order to underpin the CS?

Background

79. In the context of the legislative and policy background, the IC identified a number of defects in the SA work that had been undertaken prior to the first set of Hearings and said further SA work was required. The IC found that other strategic sites that had emerged at a late stage needed to be considered and said that it would be wise for the Council to revisit the reasons given for selecting the preferred options and rejecting the alternative options to ensure that there is a robust justification. As a result of the issues identified in the IC the Council undertook further SA work, comprising an Interim SA Report¹²⁷ and a final SA Report¹²⁸. Table 2.1 of the final SA Report usefully sets out an abbreviated history of the SA process during the period from 2011-2015¹²⁹.
80. The SA is a key piece of evidence that underpins the selection of the spatial strategy and the sites allocated in the CS. As a result the SA has attracted a significant amount of comment, much of it highly detailed, throughout the Hearings. Accordingly it is appropriate to deal with the key comments on the SA before considering the appropriateness of the strategy. Given the terms of the IC and the subsequent iteration there is nothing to be gained by reviewing the criticisms made at the first set of Hearings and so the focus moves on to the issues raised as part of the September 2015 consultation. The key test is whether the SA is a reliable piece of evidence and it is appropriate to reiterate what is said in the IC that the scores against SA Objectives for individual sites represent a judgement that has been reached rather than a factual error.
81. A number of legal opinions were submitted to the examination at the time of the first set of Hearings. The Guidance Note that was issued ahead of the resumed Hearings permitted submission of further legal opinions but no party chose to submit one. At the resumed Hearing the Council emphasised that the absence of legal submissions was significant such that the remaining areas of disagreement were matters of planning judgement that did not infringe legal compliance. This informs the approach that is taken under this issue.
82. In this context it is appropriate to address, up front, the relationship between the Options Assessment¹³⁰ and the final SA. The IC referred to the Council's legal opinion and extant ODPM advice¹³¹, which says it is for the Council to discount the alternatives. The sequence is clear from a High Court case¹³² that post-dates the IC which held, at paragraph 88, that the focus of the SA process is on a 'preferred' plan because, in the judgement of the Authority, it best meets the policy-based objectives it seeks to attain. In addition to the preferred plan reasonable alternatives have to be identified, described and

¹²⁷ Document Ref. ED.13.1, dated July 2015.

¹²⁸ Document Ref. ED.13.2, dated August 2015, but note there was a degree of confusion at the resumed Hearing because the document on the website is wrongly numbered and so, if in doubt, reference should be made to the date to clarify which is which.

¹²⁹ Pages 18-19, Document Ref. ED.13.2, which updates the earlier summary in the IC.

¹³⁰ Document Ref. ED.13.4, dated July 2015.

¹³¹ Document Ref. HD.08 and 'A Practical Guide to the Strategic Environmental Assessment Directive', September 2005.

¹³² *R (Friends of the Earth England, Wales and Northern Ireland Ltd) v The Welsh Ministers* [2015] EWHC 776 (Admin), Document Ref. HD.80.

evaluated, but this does not include all possible alternatives. There is an evaluative judgement as to which alternatives should be included, which is primarily and in the first instance for the Authority, subject to challenge only on conventional public law grounds, such as Wednesbury unreasonableness.

83. The Options Assessment accords with this sequence. It set out to identify how the Council could meet its residual 'to find' dwelling figure. It identified and assessed a range of potential strategic options, which had been considered in the Interim SA Report. As part of the parallel work stream, a further Strategic Transport Assessment [STA]¹³³ focussed on Stratford and Southam was undertaken. This was collectively reported to the Cabinet and full Council in July 2015¹³⁴, at which Members endorsed the recommendations in the report, which, in turn, relied heavily on the Options Assessment. Table 4.2 thereof identifies the choices that have ultimately been allocated in the proposed modifications to the CS and it is clear that a key policy objective that informed that judgement was the need to identify an appropriate level of housing to meet the quantified need. The final SA considered the preferred plan options and, amongst other things, identified reasons for the rejection of other strategic options¹³⁵.
84. This part of the report will address the issues raised by various participants during the resumed Hearings and, whilst they are set out in no particular order, they broadly follow the discussion that took place at the Hearing.

Impact of the South-Western Relief Road [SWRR] on the SSSI

85. The representation made by Warwickshire Wildlife Trust [WWT]¹³⁶ said it was unknown whether harm to the Racecourse Meadow Site of Special Scientific Interest [SSSI] could be avoided or mitigated. However Natural England [NE] subsequently confirmed that it was technically feasible to construct and operate the road without damaging or resulting in potential negative effects on the SSSI¹³⁷. NE is the Government's expert body in such matters and that view must be given significant weight. On this basis there is 'certainty' over the future of the SSSI. The WWT did not submit a statement ahead of the resumed Hearing session to articulate a different concern.
86. At the Hearing the argument was put on a different footing and it was said that the option of avoiding had not been considered such that it was opaque how one even got to LMA. Noting that the author of the SA said he had to assess what he was given, the ultimate answer to this point is that even if the Options Assessment had not identified LMA the SA had to consider LMA as a reasonable alternative. It was not an option to discount LMA because it might harm the SSSI, because Policy CS.6 only imposes an outright ban on sites designated through the Habitats or Birds Directives. The Options Assessment took account of a range of factors, including biodiversity¹³⁸, and judgement was exercised in identifying LMA. For the purpose of the SA, LMA and the

¹³³ Document Ref. ED.13.6, dated July 2015.

¹³⁴ Document Ref. ED.11.3, dated 20 July 2015.

¹³⁵ Table 7.2, pages 125-127, Document Ref. ED.13.2, dated August 2015.

¹³⁶ Dated September 2015 at 6718.

¹³⁷ This is a synopsis of the Statement of Common Ground dated 22 December 2015 [Document Ref. RD.17] and is not intended to be a complete statement of its position.

¹³⁸ Page 30, Document Ref. ED.13.4.

SWRR are treated separately and assessed in combination but as there is no realistic prospect of LMA coming forward without the SWRR the option of avoiding would not arise in that scenario either.

87. For these reasons there is no error in the approach and in any event this is ultimately a criticism of the Options Assessment rather than the SA which had, at a minimum, to assess it as a reasonable alternative. However the Council also had to assess the strategic options that were put forward on a consistent basis and there is no reason to find that this was not done even handedly. As such there is no flaw in the manner in which the SWRR has been examined in the SA, which is in line with relevant legal requirements, policy and guidance. It is appreciated that the post mitigation assessment might be downgraded from '++' to '+' but that is capable of being corrected in the SA.

The significance and timing of the SPD and the Planning Performance Agreement [PPA] in relation to the assessment of GLH in the SA

88. The IC said it was essential that those who undertake the additional SA work approach it with an open mind rather than seeking to justify a decision previously reached. In that context it is claimed that in progressing the SPD¹³⁹ and entering into a PPA with the Applicant in relation to the outline application for 2,000 dwellings at GLH [No 15/00976/OUT] the Council has ignored due process and that it has not proceeded with an open mind.
89. On a strict interpretation it is pertinent to point out that the SA work has been undertaken by an independent and impartial firm of consultants. Whilst the Council has acknowledged that information within the SPD has informed the additional SA work, as the final SA Report is dated August 2015 it pre-dates the latest draft SPD. It is its content not its status that is relevant to the SA. Although the factual content of an earlier draft of the SPD was plainly taken into account there is no reason to dispute the claim that it had no impact on the outcome of the assessment. The Council says the PPA has no relevance to, or bearing on, the assessment and it is difficult to envisage why this process-driven agreement would have been provided to the consultants undertaking the SA. For this reason, whilst it is acknowledged how this might be perceived by others, there is no evidence that the PPA had any impact on the SA work.

Alleged factual errors (1): GLH

90. The Council has provided a substantial, 54-page and, with a couple of minor exceptions, comprehensive response¹⁴⁰ to comments received during the consultation on the final SA Report. Ahead of the resumed Hearing it is fair to say that the majority of the criticism was directed towards Proposal GLH by a range of participants. However the 5 main concerns articulated by FORSE but echoed by others have been succinctly dealt with in points 96-100 of the Council's response. In short the Council has given reasons why acknowledged errors are capable of being corrected and nothing that was said at the resumed Hearing suggested otherwise. Perhaps the clearest example is that Chesterton Wood is not within the development site and that such areas of ancient woodland are not accessible to members of the public. It is a clear error but, unlike for LMA in the IC, there is no fundamental consequence.

¹³⁹ Document Ref. ED.13.12.

¹⁴⁰ Appendix 1 to Matter B Hearing Statement HS-33, December 2015.

91. At the resumed Hearing FORSE raised a fresh and what it calls significant factual error to be the failure of the SA to acknowledge the proper status and importance of Lighthorne Quarry. Underpinning this claim is the letter dated 12 November 2014 from Banbury Ornithological Society¹⁴¹, but even on its face the letter does not assert that there would be a loss of this habitat. It talks instead about seeking an enhancement of the existing biodiversity value. The SPD concept masterplan identifies: "...a *managed ecological reserve on the former Lighthorne Quarry*"¹⁴² and this term is used in paragraph 5.6.200 of the final SA Report. It is true this section of the SA does not expressly refer to the quarry as a Local Wildlife Site [LWS], but that too is not a fundamental error because its status as a managed ecological reserve informs the appraisal that has been undertaken. Accordingly this issue has been significantly overstated and is capable of being corrected.
92. Another participant has alleged that the SA is incorrect in assuming that good environmental design at GLH will be controlled via the SPD, given the outline application has been considered ahead of its adoption. The first point is that the SPD has progressed since February 2015 because it was reported to the Cabinet in November 2015. Noting that 2 applications have been registered, and so the SA assumption might hold true for the second, it is still possible to attach weight to the SPD prior to its formal adoption. Moreover because it is an outline application it remains in prospect that the adopted SPD would be taken into account at reserved matters stage when there would be a focus on detailed design considerations. As such it is not a factual error but a fair assumption that the SPD, even at draft stage, is a material consideration that can help to mitigate any identified adverse effects in landscape terms.

Alleged factual errors (2): SUA.4

93. The Proposer has identified what is now acknowledged to be a 'typo' and, at point 90 of the Council's response it is agreed that the incorrect reference can be deleted. In its Hearing Statement¹⁴³ a further inconsistency is identified between the pre-mitigation assessments on pages 59 and 102 of ED.13.2. This is not picked up in the Council's response, quite possibly because it was not flagged in the original consultation response, but it is capable of being corrected. The Proposer says that these errors are not material to the assessment process and there is no reason to disagree.

Alleged factual errors (3): Miscellaneous other points and conclusion

94. The Council's response identifies a series of points, namely: 9, 10, 12, 15, 16, 26, 27, 28, 29, 30, 32, 33, 41, 43, 58, 61, 90, 96, 98, 99, 100, 101, 125, 126, 133, 137 and 138, where action is required¹⁴⁴. Of these, the only other party to address the resumed Hearing beyond those discussed, was concerned with point 29, Wellesbourne. On the narrow point Table 7.1 can be corrected. One further point appears to relate to the '- -' score against SA Objective 7 and this too might need to be corrected although paragraph 2.3.12 of the Interim SA Report does refer to 45 % of the site being agricultural land and sterilisation of

¹⁴¹ Submitted in relation to outline planning application 15/00976/OUT.

¹⁴² Source of quote: page 57, Document Ref. ED.13.12.

¹⁴³ Matter B Hearing Statement HS-29, December 2015.

¹⁴⁴ Appendix 1 to Matter B Hearing Statement HS-33, December 2015: note some refer to the same issues because more than one participant has referred to the same problem.

the minerals resource and so this is by no means clear. The broader point was made that cumulative errors have consequences, but this is not accepted. If each individual error is capable of correction then whether there is more than one does not add up to something that cannot be addressed.

95. For these reasons the only reasonable conclusion that can be drawn is that there are no factual errors in the SA that are material to a proper assessment of all of the available development options. It is acknowledged that there are a number of errors but none, individually or cumulatively, amount to major flaws that significantly undermine the reliability of the SA as an evidence base.

Has the SA identified, described and evaluated the proposals in the Plan and reasonable alternatives on a comparable basis and are sound reasons given for the decision reached?

96. These issues generated an extensive range of responses, the key points from which were aired at the resumed Hearing. It is appropriate to focus on the points that were discussed under the following broad headings, accepting that for the purpose of discussion these were treated as separate questions.

1) The final SA should have looked at a range of development options at a high level before turning to individual sites

97. Table 2.1 of the final SA Report outlines the various stages that have been gone through to date. These include: i) ED.3.12, in October 2011, options report; ii) ED.3.8, in January 2013, which considered 84 potential broad locations around the main towns; iii) ED.3.7a, in June 2013, which assessed 11 potential strategic allocations; and, iv) ED.3.7, in January 2014, which focussed on 5 strategic options. In that context it would be disproportionate to set that work aside and, effectively, start again with a high level options review. Moreover all of the sites are known, even one site that has been promoted afresh at the resumed Hearing is not unknown to the SA process.
98. It is acknowledged the OAN has increased by some margin, but the balanced dispersal approach, broadly endorsed in the IC subject only to a concern about the level of dispersal to villages, determines that there was no need to repeat the earlier high level SA work. It was therefore appropriate to focus on known sites and assess all of the options at that level. It was in prospect that the Council could have chosen a different mix that included more sites around the main towns because it did look at strategic options. Noting that this issue is raised by the Promoter of a site at Southam it is evident that a range of sites were examined in the Options Assessment and the related SA work. The focus was rightly on strategic sites as defined in footnote 36 of the final SA report¹⁴⁵ and whilst one of those was for just 65 units that is only because it is part of a large employment allocation [SUA.2]. The smallest is otherwise 300 houses.

2) The role of Stratford-upon-Avon

99. Paragraph 7.1.16 of the final SA report says: *"The District Council considers that Stratford-upon-Avon is clearly the most sustainable settlement in the*

¹⁴⁵ It says: "Sites which are critical to the delivery of the strategy over the plan period and which the District Council considers appropriate to identify in the Core Strategy..." [Source of quote: page 116, Document Ref. ED.13.2].

District. It is therefore appropriate and reasonable in the context of the new housing requirement to look first and foremost at strategic options around the town to accommodate additional housing. Due to constraints on the highway network in particular, the only realistic option for a site of strategic scale is represented by the land at Bishopton Lane". The only party to dispute this broad approach was the Promoter of Stoneythorpe¹⁴⁶. However, recognising the unique attributes of that strategic option, I share the Council's view that the starting point in any assessment of sustainability should be location. The consensus at the resumed Hearing was that strategic options around the main town are amongst the most sustainable development options; I agree. The reasonable alternative site at Stoneythorpe is considered below [116].

100. The Promoter of SE Stratford concurs with the thrust of paragraph 7.1.16 of the final SA report, but takes issue with the proposition that Bishopton Lane is the only realistic option, arguing that a lesser scheme of circa 1,000 dwellings has not been examined. However the final SA report gives reasons for its rejection in Table 7.2 and this includes the loss of an area of best and most versatile land which, it would appear, would apply equally to a lesser scheme. Even if that might be wrong the key reasoning relates to a lack of capacity on the highway network. Table 7.2 refers to the STA in which residential option 04 comprised 650 dwellings south of the river. Paragraph 7.23 says that this option appears to indicate the need for mitigation in addition to the Stratford Transport Package [STP] which would most likely comprise delivery of the Eastern Relief Road¹⁴⁷. Accordingly it is clear that sound reasons are given for the site's rejection and that in doing so a lesser scheme of 650 dwellings was considered, at least in the transport modelling, and found to be unacceptable. The situation has moved on from the original Hearing when a figure of 1,000 dwellings was discussed as a result of subsequent planning permissions.

3) Main Rural Centres [MRCs]

101. Paragraph 7.1.19 of the final SA report says: "...the Council has identified Southam as the most appropriate location for additional strategic growth based on the availability of suitable sites, lack of overriding infrastructure constraints and the opportunity to support the existing facilities provided in the town". One Participant took issue with this and argued that Kineton had not been given adequate consideration. However reference to Table 3.2 of the Options Assessment reveals that no strategic sites have been identified in Kineton and so this reinforces the point about the availability of suitable sites being an important factor. The more generic point is the scale and function of the settlement and having visited both Southam and Kineton the level of service provision appears to be markedly different. Although Kineton has a secondary school and the IC recognised that all of the MRCs are sustainable locations the Council has subsequently formed a view on the relative strength of MRCs¹⁴⁸ and on this basis the rationale for identifying Southam is sound.
102. The only other Participant to challenge the identification of Southam made a case for Bidford-on-Avon, which has suitable sites available and relatively few constraints. However Table 4.1 of the Options Assessment does not identify

¹⁴⁶ Matter B Hearing Statement HS-22, December 2015.

¹⁴⁷ There is no pagination but see paragraph 7.23, Document Ref. ED.13.6.

¹⁴⁸ Paragraphs 3.21-3.31 of the Options Assessment [Document Ref. ED.13.4].

any key differentiators for these sites and Table 7.2 of the final SA report discounts them because of the loss of best and most versatile land. The issue of service provision is also identified, which goes back to Appendix C of the Options Assessment and its finding that it supports only a modest range of shops and services. Whilst the case is made, with reference to paragraph 2.1.1 of the final SA report, that Bidford-on-Avon has not grown as much as some MRCs in the period from 1981-2011, in percentage terms it appears to have experienced higher growth than towns such as Southam¹⁴⁹. Given its relative lack of constraints, e.g. compared to Studley¹⁵⁰, the analysis tends to underline the appropriateness of focussing significant housing development at Southam. So whilst the sites at Bidford-on-Avon are a sustainable option and will doubtless need to be considered as reserve sites in the SAP, sound reasons are given why they are not preferable to a site, or sites, at Southam.

103. In this context the report deals with the competing sites at Southam at [164], but it is appropriate to record the Council acknowledged the promoted site on land '*North of Daventry Road*', whilst subject to an area of overlap, lies partly to the south of that assessed in the Options Assessment¹⁵¹. The Council indicated that the landscape appraisal might have been influenced by this error because the northern area has a higher landscape quality. However the Council considered that the outcome would be the same and so the error is capable of being corrected.
104. It is appropriate to record that one Participant sought to argue in the Southam Hearing session that Meon Vale was a reasonable alternative to Proposal SOU.3 and inherent to that argument is a dispute with paragraph 7.1.19. However the claim was not advanced in the main 'SA' session and when asked why the decision was made to oppose SOU.3 rather than SUA.4, comparable green field sites, the only reason given was that only the latter had house builders on board. That might be a distinction in terms of deliverability but it is not a good reason in SA terms. More generally the proposition that previously-developed land trumps other considerations is not a sound claim. The Framework does not advocate a sequential approach towards previously-developed sites. It is material and it does need to be weighed in the balance but so does the existence of a wide range of shops, services and schools, such as that which exists in Southam. The actual scoring, post mitigation, is very similar¹⁵² and reasons have been given for the decisions reached¹⁵³ and so whilst it was claimed that it was difficult to see on the Council's own evidence how the differing conclusions were reached, this is not a view that I share.
105. The IC found that the MRCs house more than 33 % of the resident population but are allocated around 25 % of the proposed housing and this figure has only marginally reduced¹⁵⁴. This might suggest that there is scope for them to accommodate a greater proportion of the housing numbers, but Table 3.2 of

¹⁴⁹ Appendix 1 to Matter B Hearing Statement HS-28 suggests Southam has declined and whilst that might be wrong, because paragraph 6.7.2 of the CS refers to a 26 % increase over that period, even that is well below the 54 % increase in Bidford and Salford Priors.

¹⁵⁰ That analysis shows that Studley showed a decline in population from 1981-2011, but Table 3.2 of the Options Assessment records that it is surrounded by Green Belt.

¹⁵¹ See plan on page 54 of Document Ref. ED.13.4.

¹⁵² Compare Table 16.2 with Table 16.4, Interim SA Report, Document Ref. ED.13.1.

¹⁵³ Tables 7.1 and 7.2, final SA Report, Document Ref. ED.13.2.

¹⁵⁴ Figure 1 Trajectory Table, updated as at 31 March 2016, identifies a figure of 24.2 %.

the Options Assessment gives sound reasons for discounting half of the MRCs for strategic growth. The second reason why such analysis is too simplistic is that the selected strategy identifies 2 new settlements that will effectively become new MRCs by the end of the Plan period. Table 4.2 of the Options Assessment identifies how to meet the '*to find*' figure and there is no scope for additional dwellings to be allocated to the MRCs. This, in brief, is a complete answer to those who say more houses should be allocated to the MRCs, including more than one allocation, for more than 500, at Southam.

106. Finally one Participant argues that the assessment of in-combination effects is incomplete because no proper comparative exercise has been undertaken: "*through the SA process*"¹⁵⁵ on alternative distribution options, including more development around the MRCs as opposed to a new settlement at LMA. However it was conceded at the resumed Hearing that this has been done through the SA process [*my emphasis*] and reasons are given why there is no need to repeat that exercise [98].

4) Meon Vale

107. The first point raised at the Hearing, albeit by way of example, fundamentally relates to scoring and whilst I have significant misgivings about commenting upon scores, because the exercise needs to be done holistically, this narrow point is addressed. The Promoter of Meon Vale sees no justification for the award of a '-' score against SA Objective 12 given the renewed emphasis in the CS and national policy upon the re-use of previously-developed land. It is said that this is inconsistent with other scores, such as '+' for SUA.4, which is a green field site. However reference to the SA Protocols¹⁵⁶ sets out a clear basis for the distinction between '+' and '-', and the wider policy emphasis on previously-developed land is recognised in the protocol by virtue of the difference between '-' and '- -'. Accordingly the score not only appears to be appropriate but the protocol properly reflects an appropriate differentiation. The author of the SA explained that SA Objective 12 seeks, amongst other things, to protect the integrity of the countryside. That involves a perfectly proper exercise of judgement. In the circumstances the claim at the Hearing that there has been a fundamental error of approach is not accepted and this gives no basis for the assertion that scores have been awarded inconsistently.
108. The Promoter of Meon Vale now says, paraphrasing paragraph 42 of *Ashdown Forest*¹⁵⁷, that whilst the identification of reasonable alternatives is a matter of evaluative assessment for the LPA, it does at least have to apply its mind to the question and it failed to do so because it failed to consider a scheme for less than 800 dwellings. In the email exchange¹⁵⁸ the LPA asks: "*what scale of development you propose*", to which the answer: "*please would you consider an option of up to 800 additional homes*" was given. The Promoter now stresses the words: "*up to*", but read in context those words relate to the singular: "*option*" for around 800 dwellings, as is clarified in the later email, which said: "*redevelopment could support an additional circa 800 dwellings*".

¹⁵⁵ Source of quote: Matter B Hearing Statement HS-16, December 2015.

¹⁵⁶ Appendix A to the final SA report, Document Ref. ED.13.2, see in particular page 9.

¹⁵⁷ Court of Appeal case of *Ashdown Forest Economic Development LLP v Wealden District Council & South Downs NPA* [2015] EWCA Civ 681, Document Ref. HD.79.

¹⁵⁸ Source of quotes: Appendix 3 to "*Delivering Large Scale Housing Developments Within Stratford District*" in September 2015 consultation response 0619.

This is consistent with the Promoter's critique of the SA¹⁵⁹, which does not identify an issue to be that the Council failed to test a reasonable alternative.

109. The Council rhetorically asks: if the lesser scheme was so obvious that the Council should have applied its mind to it, why was this not spelt out clearly in either the email exchange or in the September consultation response? It is clear to me that the Council did consider the single option that it was asked to examine and reached a view upon it. To retrospectively submit that it should have looked at a lesser option for up to 800 dwellings is not a fair reflection of the manner in which the site was promoted. Indeed the only indication in the voluminous representations dated September 2015 of the quantum of a lesser scheme is in the Technical Note¹⁶⁰. However it is clear from paragraph 4.3 of the conclusion, which indicates that: "*approximately 800 further dwellings could be accommodated at Meon Vale*", that this was not its original purpose. It sought to defeat the reason for rejection given in Table 7.2 of the final SA report, which was lack of capacity on the highway network, and it did so by disaggregating the 800 units into components of 102, 295 and 403 units. That might suit the Promoter's purpose now, in seeking to argue that a lesser scheme of around 400 dwellings was not tested, but it is not clear, even when looked at with hindsight, that that is what was being said even as late as September 2015. For these reasons it is clear that the Council did apply its mind to the only reasonable alternative that was put forward at Meon Vale.
110. Table 7.2 refers to the STA in which strategic scenario 04 comprised 800 dwellings at Meon Vale. Paragraph 7.23 says that this option appears to indicate the need for mitigation in addition to the STP which would most likely comprise delivery of the SWRR. The final bullet-point of paragraph 7.20 says it would be: "*highly undesirable*" to allocate strategic scenario 03, LMA, with Meon Vale¹⁶¹. This reasoning is now challenged on an incremental basis. In consideration of the disaggregated components there might be some logic to the 102 units because that would be a replacement for a component of an unimplemented planning permission for a holiday village. The Council's own report questions whether the leisure development would be viable against a background of the site having been openly marketed for a reasonable period of time. However that in itself is not of a strategic scale and the Council's concern that there might be implications for the distribution of trips, with a greater focus on the problematic peak hours, might have some substance.
111. The basis for the component of 295 dwellings is however more problematic. Acknowledging that the site is to all intents and purposes fully occupied, over the life of the CS it is not reasonable to say that no significant changes to the types of business activities on the site can be expected. By way of example it is in prospect that DCS might vacate its units at the Long Marston Depot and bring its operations together on another site within this timeframe in order to facilitate the development of the Canal Quarter. Given the scale of industrial land releases proposed in the CS at Alcester and around Stratford itself there could also be churn in the market and a different mix of occupiers, which

¹⁵⁹ "Review of the Sustainability Appraisal of the Stratford-on-Avon Core Strategy", dated 16 September 2015, in September 2015 consultation response 0619.

¹⁶⁰ "Highway Capacity for Additional Housing", Appendix 8 to "Delivering Large Scale Housing Developments Within Stratford District" in September 2015 consultation 0619.

¹⁶¹ There is no pagination but see paragraphs 7.20 and 7.23, Document Ref. ED.13.6.

might give rise to different traffic generation. So whilst there is no reason to doubt the claim that the present level of traffic generation is below the upper limit set out in the relevant planning condition, given that the limit appears to have been derived from analysis of the TRICS database, or similar, the condition¹⁶² appears to meet the tests for conditions and does not provide the spare capacity that is alleged. In reaching this view it is pertinent that the Long Marston Depot is within the Vale of Evesham Control Zone¹⁶³, which is an area that is particularly sensitive to HGV traffic. It is of course quite possible that a detailed application might suggest there is some capacity and it is noted that a 25 % uplift has been applied. Nevertheless, on the limited information before the examination, it would not be appropriate to endorse this rationale. This finding is reinforced by the Highway Authority's point that there is no agreement over the distribution of trips, which could materially change if the occupiers of the units changed in the period up to 2031, which could have potentially significant implications, as is evident from Atherstone Airfield¹⁶⁴.

112. The final component is 403 dwellings, which is said to arise from the existing capacity in the network. This component has been the subject of further work from relevant highway experts¹⁶⁵ and the consultant on behalf of the Highway Authority indicates that the work completed thus far does not indicate an explicit cap on housing numbers. However it continues by saying that model stability is reduced such: "*that further mitigation, not yet identified, is essential to ensure that the network can continue to function*"¹⁶⁶. The issue is: would it be sound to allocate Meon Vale if mitigation is essential but it is not known what that mitigation is and hence whether land is available to deliver any such scheme or what it might cost? Applying the third bullet-point of paragraph 32 of the Framework suggests not. Moreover, having given reasons for agreeing that the Council assessed the only reasonable alternative for 800 dwellings, given my concerns about the component of 295 dwellings, it follows that the reason in Table 7.2, by reference to the STA, is sound. It is possible that further work might endorse this option such that Meon Vale might be a serious candidate, in whole or in part, as a reserve site in the SAP. However, for the stated reasons, it is not a realistic strategic option in the CS because a sound reason is given for the rejection of 800 units at Meon Vale.

113. Finally the Promoter argues¹⁶⁷ that the Council has not looked at a reasonable alternative of 800 dwellings at Meon Vale, combined with development at LMA, as a means of contributing towards the timely delivery of the SWRR. Given the assurance about funding of the SWRR that was received during the course of the examination¹⁶⁸, there is no merit in this option. The delivery trajectory for LMA already extends beyond the term of the CS and so the practical effect of this scenario would be to push the trajectory at LMA even further back. The 800 dwellings would be instead of, rather than in addition to, the delivery of dwellings on LMA because the 'extra' dwellings are not needed by 2031.

¹⁶² Condition 23 of planning permission Ref. 12/00484/VARY.

¹⁶³ Where CS Policy CS.14 would apply.

¹⁶⁴ The distribution of trips appears to have been a, if not the, key factor in the change in the Highway Authority's stance with regard to Atherstone Airfield.

¹⁶⁵ See: Document Ref. ED.14.7.2, HD.89 and HD.90.

¹⁶⁶ Source of quote: paragraph 10, Document Ref. HD.90.

¹⁶⁷ Matter B Hearing Statement HS-12, December 2015.

¹⁶⁸ Matter C [LMA] Hearing Statement HS-14, December 2015.

5) GLH

114. For completeness paragraph 4.9 of the Options Assessment identified the key differentiators, including providing the critical mass to eventually create a new MRC [105] and proximity to major employers, such as JLR. These reasons are reiterated in Table 4.1 of the Options Assessment and Table 7.1 of the final SA report. Even if it might be said that some of the 6 reasons given are weaker than others, for example the degree of integration with the existing village has been questioned by some because the B4100 is so busy at peak times, taken as a whole it is evident that sound reasons are given for the selection of GLH.
115. The only point pursued at the resumed Hearing¹⁶⁹ is that there has been no consideration of the impact of the new settlement upon the operations and productivity of JLR and AML. However the fact is that neither company has sought to make this argument at the examination despite making comments in relation to other matters. It is acknowledged that JLR has sought certain assurances with regard to access in relation to the outline planning application but that suggests the issue can be properly addressed at that level rather than giving rise to a fundamental concern. This issue does not therefore undermine the finding that the SA identifies sound reasons for selecting this option.

6) Stoneythorpe

116. Turning to Stoneythorpe, there is no reason to doubt that it is unique in its content and approach. However section 2.11 of the Interim SA Report sets out a full and fair summary of the scheme, including at 2.11.11, the aspiration to achieve energy autonomy. The Options Assessment fairly summarises the site's key differentiators in Table 4.1. Nevertheless the final SA report gives reasons for its rejection in Table 7.2. In the circumstances, as the Promoter ultimately conceded at the Hearing, it is quite wrong to say that the SA is flawed because it disregards key aspects of the proposal. The issue is one of weight, which is a planning judgement, rather than the alleged failure to take the benefits of the scheme into account. The reasoning in Table 7.2 includes the site's distance from existing facilities and, noting that it would be likely to be dependent on higher order services and facilities in Southam, such as the college, this rationale is sound.
117. The Promoter identifies a fresh¹⁷⁰ consideration to be that the scheme could deliver a greater level of flood storage and river channel works, which would reduce the extent of the viaduct required for HS2, thereby saving the public purse up to £6 m, a saving that would not otherwise arise. The Hearing was advised that the petition to amend the Bill had been accepted and was being contemporaneously considered by Parliament's High Speed Rail Committee. The Council considered this to be a relatively small cost saving and, overall, it was said to be a marginal point. Given the substantive reasoning in Table 7.2, even if this factor had been weighed in the balance it is most unlikely to have made any difference to the outcome. It is therefore something that is capable of correction because it does not undermine the reasons given.

¹⁶⁹ Matter B Hearing Statement HS-07, December 2015.

¹⁷⁰ Matter B Hearing Statement HS-22, December 2015.

7) Wellesbourne Airfield

118. Table 4.1 of the Options Assessment identifies 2 key differentiators, namely provision of a secondary school and scope to support and enhance the role of Wellesbourne. It is trite to observe that significantly more key differentiators have been identified for GLH and LMA, although it should be acknowledged that the third bullet-point for LMA, re-use of an airfield that is at least in part previously-developed, might be said to apply equally to Wellesbourne Airfield. Reflecting the representations by Stagecoach¹⁷¹ the submission that the fifth bullet-point for LMA, potential for enhanced public transport, should also apply is fair. However the contribution towards reinstatement of the railway is not identified as a differentiator for LMA, so there are limits to this argument, and as such it is inappropriate to retrospectively revise the exercise undertaken¹⁷². It is material to note that it is conceded that it is a: "...largely fair and detailed assessment"¹⁷³ and this sentiment applies to the whole Options Assessment.
119. Amongst other things, whilst the Promoter argues that Wellesbourne Airfield does not require the infrastructure package of circa £120 m that LMA would deliver, that is a double edged sword. It would be inappropriate to identify the absence of major items of infrastructure as a key differentiator for Wellesbourne Airfield when it might be said to apply to most other schemes. Paragraph 4.10 of the Options Assessment does not, in any event, mention the quantum, but rather it emphasises what might be said to be the public benefit of the SWRR, namely increased capacity on the local road network.
120. Accordingly when the Promoter says: "...it is difficult to envisage how the Council have reached the conclusion that one should be allocated whilst the other is rejected"¹⁷⁴, the list of positive differentiators has to be pertinent. Moreover whilst the point is made¹⁷⁵ that the final SA report advances an argument that larger schemes bring more benefits and are more sustainable but asserts that this is far from discernable in the earlier work, I disagree. The point is inherent to the first on the list of key differentiators for GLH and LMA in paragraphs 4.9 and 4.10, respectively, of the Options Assessment.
121. Table 7.2 of the final SA report identifies 3 reasons for rejecting Wellesbourne Airfield. The first is lack of capacity on the highways network. It is true that the strategic site assessment at pages 93-96 of the Options Assessment does not flag this issue, but that is because, as the recommendation indicates, it was undertaken as a parallel work stream. The list of background papers¹⁷⁶ to the Cabinet report confirms that the STA was before the Council when it made its decision. Paragraph 3.16 of the STA identifies Wellesbourne Airfield as Strategic Scenario 05. Paragraph 7.23 says this option appears to indicate the need for mitigation in addition to the STP, which would most likely comprise delivery of the Eastern Relief Road¹⁷⁷. No fresh highways evidence has been submitted to contradict that finding. The WYG Technical Note is dated April

¹⁷¹ Appendix A to Appendix 5 of September 2015 response [4987], but reinforced by written and oral submissions [Matter B Hearing Statement HS-08, December 2015].

¹⁷² See paragraph 4.7.36 of September consultation response [4987].

¹⁷³ Source of quote: paragraph 4.7.37 of September 2015 consultation response [4987].

¹⁷⁴ Source of quote: paragraph 4.6.25 of September 2015 consultation response [4987].

¹⁷⁵ Matter B Hearing Statement HS-09, December 2015.

¹⁷⁶ Page 10, Document Ref. ED.11.3.

¹⁷⁷ There is no pagination but see paragraph 7.23, Document Ref. ED.13.6.

2015¹⁷⁸, but as well as being more recent the STA is a more comprehensive piece of work and is therefore a sound evidence base.

122. The second reason is loss of airfield activities and this was expressly flagged in the conclusions of the strategic site assessment, which says: "*Development here would result in the loss of a General Aviation airfield*"¹⁷⁹. The claim that it does not support this reason is incorrect. Moreover, as a matter of fact, it is unclear why the Promoter claims the evidential basis for this is hollow. Whilst the Infrata report¹⁸⁰ is referenced at footnote 16 of the Interim SA Report it is not before the examination. The assessment does note a net increase in jobs of 249 FTEs and so the economic benefits were balanced in the equation, indeed in the conclusion, but that does not alter the overall finding. So whilst it is evident that notice has been served on the company that holds the lease and the CAA licence, such that it is claimed that there would be no rights to remain beyond the end of 2016, that is not the end of the matter as it appears that the planning position is relevant to the legal process going forward¹⁸¹. On the evidence before the examination it is by no means clear that the lawful use of the airfield would be extinguished by the notice that has been served.

123. The third factor is landscape impacts. The landscape section of the strategic site assessment on page 93 of the Options Assessment identifies the site's high to medium sensitivity to housing development. The attractive views from Stratford Road and Loxley Lane, noted in the assessment, were evident to me during my visit. Acknowledging that the SWRR would be visible from public vantage-points, LMA itself is much less visible in public views. It is accepted the SA finds that with mitigation a '+' score for SA Objective 2, landscape, is appropriate for Wellesbourne Airfield and LMA/SWRR¹⁸², but in reaching the conclusion that it does the Options Assessment takes account of the landscape harm occasioned by the SWRR¹⁸³. Ultimately the weight to be given to this factor involves an exercise of planning judgement and there is no reason to find the conclusion is not soundly based. Moreover, taken together, it is clear that sound reasons have been given in the SA for discounting this alternative.

8) LMA/SWRR

124. For completeness paragraph 4.10 of the Options Assessment identified the key differentiators, including providing the critical mass to eventually create a new MRC and provision of the SWRR and: "*wider benefits*" for the town. These reasons are reiterated in Table 4.1 of the Options Assessment and Table 7.1 of the final SA report. It is evident that sound reasons are given for the selection.

¹⁷⁸ Appendix 4 of September 2015 consultation response [4987].

¹⁷⁹ Page 95 of the Options Assessment, Document Ref. ED.13.4.

¹⁸⁰ In brief the Promoter sought to submit it during the Hearings in January 2015 but it was well outside the timeframe for submission of documents, set out in my guidance note, and so I refused to accept it. Ironically it could have been submitted with the September 2015 consultation response [4987] but it was not. It would be prejudicial to others who attended the first set of Hearings but not the second if this position was not maintained.

¹⁸¹ As explained in Document Ref. HD.85, but reinforced by Wright Hassall's letter dated 16 June 2016, noting that Smith Partnership's letter dated 13 June 2016, which appears to have prompted that letter, merely records an intention that the flying function will cease. This exchange suggests uncertainty as to whether this reasonable alternative is deliverable.

¹⁸² See table at 6.26 of ED.13.2 for in-combination assessment of LMA and SWRR.

¹⁸³ Page 72 of the Options Assessment, Document Ref. ED.13.4.

125. The Council says that to provide transparency in the assessment process the components LMA/SWRR were considered separately and then in-combination. One Participant argues that the failure to consider the landscape impact of the SWRR within the overall assessment of LMA: "*is a fundamental flaw*"¹⁸⁴, but it is unclear why this would be when the cumulative effects are assessed¹⁸⁵. The explanation offered at the Hearing was made under 3 broad points. The first is that the in-combination assessment was not credible on the basis that the '-' score for SA Objective 2, landscape, has changed to a '+',¹⁸⁶ such that it is submitted that the mitigation proposals have been accepted uncritically. However this involves a matter of judgement and there is no basis to find it has been exercised irrationally in this instance. In any event that is a criticism of the SWRR assessment, not the in-combination assessment, which combines the individual assessments set out in sections 6.9 and 6.10 of the final SA.
126. The second is that the exercise has not been conducted on a level playing field as the report does not present analysis on a like-for-like basis and comparison for this purpose was made between the analysis for LMA and the SWRR¹⁸⁷. However again it is difficult to understand the basis for the complaint¹⁸⁸. The landscape effects are analysed in paragraphs 2.13.6-2.13.8 and 2.14.3-2.14.4 of the interim SA, respectively. Both identify the landscape character by reference to the National Character Area [NCA] and potential receptors. For completeness the same basic approach is evident for Wellesbourne Airfield at paragraph 2.3.4. There is no reason to conclude that the respective analysis, which relates to the assessment of each component, is inconsistent.
127. The third is that the exercise has not assessed the degree to which the proposed development would be sustainable on day one. However the author of the SA said that the purpose of the SA process is to inform the choices made over a period of years rather than on any temporal basis. It was submitted that the SA is a high level assessment and should not differentiate at different delivery points; I agree. The SA objectives have been set out and the assessment of preferred options and reasonable alternatives by an independent consultancy against the objectives inevitably considers the situation post-implementation, including pre and post mitigation, rather than at some arbitrary interim phase. In any event it remains unclear why any of these rather disparate arguments supports the basic claim that this represents a fundamental flaw with the SA.

Are there any other fresh defects in the SA?

128. One Participant¹⁸⁹ identified an issue arising from the proposed modifications as a result of the IC to be that the move away from Green Belt Local Service Villages [LSVs] should have been the subject of SA, but claims that it was not. However the Council says that this work was done¹⁹⁰, which led its consultant

¹⁸⁴ Source of quote: paragraph 4.6.16 of September 2015 consultation response [4987].

¹⁸⁵ See section 18.2 of the Interim SA [ED.13.1] and section 6.26 of the final SA [ED.13.2].

¹⁸⁶ Compare Tables 16.1 and 16.2 of the interim SA Report [ED.13.1].

¹⁸⁷ Compare sections 2.13 and 2.14 of the interim SA Report [ED.13.1].

¹⁸⁸ As noted at the Hearing, statement HS-09 fails to elaborate the basis for the concern and whilst reference is made back to paragraph 4.6.16 of September consultation response [4987] it is evident that the 3 reasons now cited are conspicuous by their absence.

¹⁸⁹ Consultation response 2053, who declined an invitation to the resumed Hearing.

¹⁹⁰ With reference to pages 38, 39, 43, 44 and 45 of ED.13.2, together with Appendix B.

to conclude that the changes would not give rise to significant environmental effects. In any event the Council has provided tabular analysis to support its assertion that the distribution of dwellings between locations has not changed significantly¹⁹¹, and not to the extent that the validity of the SA process has been undermined. Specifically, with reference to Green Belt LSVs, the lower end of the range in the submission version of the CS was 256 dwellings¹⁹² and the Council says that, as at 30 September 2015, 259 dwellings had been granted planning permission in those villages. On the basis of this unchallenged evidence the proposed modification in respect of LSVs in the Green Belt is immaterial in relation to the SA process.

129. One Participant¹⁹³ has identified a further alleged defect to be that whilst the SA has assessed the new settlements on an individual basis, there has been no consideration of their sustainability impacts on Policy CS.15 as a whole. The author of the SA reserved its position in this matter and subsequently provided a technical note upon which further comments have been made¹⁹⁴. The upshot is that it is considered that the requirement is achieved by Table 6.1 of the final SA and this basic claim is not disputed. The point is now made that only when tested against SA Objective 13, which is providing affordable, environmentally sound and good quality housing for all, would Policy CS.15 and Proposals LMA and GLH all be delivered. However it does not follow that these were not, at a minimum, tested against the other 14 SA Objectives. Accordingly there appears to be nothing of substance in this point that cannot be addressed by the anticipated textual changes¹⁹⁵.

Has the SA cured any earlier defects?

130. No party who attended the resumed Hearings made an argument that the SA process has not cured the defects previously identified in the IC. Whilst it was claimed that fresh reasons had been articulated to suggest the final SA report had raised new defects, these have been considered and reasons given why no such defects exist. There are a relatively small number of errors, which are largely admitted, but they are capable of being corrected without materially affecting the judgements reached.

Conclusion on the second main issue

131. The purpose of the SA is to provide a consistent analysis of the sustainability credentials of the preferred options and the alternative sites, together with the likely impacts of development upon them. For the reasons set out above this purpose is achieved and the SA assesses the preferred options and alternative sites that are advanced in an equal manner and on a like for like basis. It is clear that not everyone agrees with the outcome of the SA process but, having examined the arguments that have been advanced by Participants, the disagreements come down to differences in planning judgement. There is a reasonable basis for the planning judgements that the Council has made and there is no reason to think that the Council has used the SA to bolster predetermined decisions. For all of these reasons the SA is a reliable evidence

¹⁹¹ Matter B Hearing Statement HS-33, December 2015.

¹⁹² See derivation in Inspector's Programme for Hearings Sessions in January 2015.

¹⁹³ Matter B Hearing Statement HS-12, December 2015.

¹⁹⁴ Document Ref. HD.96 and HD.101, paragraph 21, respectively.

¹⁹⁵ Appendix B of Document Ref. ED.13.2.

base to underpin the CS but I recommend one MM to ensure that the Plan is up-to-date [**MM06**] and therefore justified.

Issue 3: Is the Plan's development strategy for the distribution of the housing requirement justified and are the allocated housing sites sound?

Preliminary observations

132. The relevant session at the resumed Hearing combined discussion with regard to the SA with the issue of distribution and it is clear from my analysis under issue 2 that there is a degree of overlap. To avoid duplication this section contains a brief review of the spatial strategy before examining whether the housing allocations are sound. Several sites are allocated at Alcester and Southam but, with the exception of SOU.3, they benefit from extant planning permissions, including some that have been granted at appeal. No purpose is served by reviewing the soundness of those allocations in the circumstances. The same applies at Stratford-upon-Avon to the 68 dwellings at SUA.2 as the planning permission has now been granted¹⁹⁶. This extra allocation does mean however that I recommend a MM to Proposal SUA.2 [MM55].

133. The complaint that was made by a number of parties was the alleged absence of consultation ahead of the selection of allocated sites during 2015. However there can be no question of any legal deficiency. The selected sites had been promoted by the development industry during the original Hearings in January 2015 and, when the Council revised its estimate of OAN, it was perfectly right and proper for the Council to appraise the sites that were available and set out reasons for allocating them. In all cases the Council chose the allocated sites and carried out the required 6-week consultation to enable interested parties to raise concerns. Those who requested to attend the Hearings were invited so that they could elaborate upon their written representations. For these reasons the concern that the process has ignored public opinion are not well founded. The Hearing sessions are an integral part of the democratic process, allowing a public forum to enable any party who made representations at the appropriate stage to expand upon them. Ultimately it is the Council who has made the allocations, which have been recommended by Cabinet and agreed by the full Council¹⁹⁷, and in that sense locally elected representatives have direct accountability for decisions reached.

Spatial Strategy

134. The final SA report contains a useful summary of the evolution of the CS, which started life as far back as 2007. The Housing Growth Scenarios Consultation in 2009 sought public opinion on options of dispersal, urban extensions and a new settlement against 3 scenarios of 7,500, 10,100 and 15,000 dwellings. With hindsight the third scenario was prescient. Paragraph 2.1.11 says the consistent feedback across all 3 scenarios was that over half of all responses favoured a new settlement. However the RSS sought to direct housing into the towns and the strident criticism in the SA is that: "*...the views of local residents were outweighed by the imposition of top-down planning*"¹⁹⁸.

135. With the demise of RSS the Council was able to devise its own strategy and it has evolved the concept of '*balanced dispersal*', which is the explicit term used in CS Policy CS.15. So what does this term mean? The final SA report says:

¹⁹⁶ Confirmed by Document Ref. HD.112: planning permission granted 19 January 2016.

¹⁹⁷ See Document Ref. ED.11.3.

¹⁹⁸ Source of quote: paragraph 2.1.13 of the final SA [Document Ref. ED.13.2].

*"Whereas the established dispersal approach is to be retained, the Council concluded that additional housing could not be met in a sustainable manner in this way"*¹⁹⁹. This was emphasised in the IC which sought to steer further development away from LSVs. Recognising that the Local Plan had only allowed limited housing development in rural areas it was entirely appropriate for the balance to be redressed to allow moderate growth to support local services and facilities. However there are limits to such an approach because, to a significant extent, the prospective residents of rural villages are likely to depend on private cars to gain access to employment, secondary schools and higher order shops and services in the main towns. Dispersal is not the panacea to environmental constraints in Stratford-upon-Avon and by failing to provide a critical mass to deliver required upgrades to infrastructure such an approach is ultimately likely to lead to a deterioration in the existing situation.

136. Paragraphs 5.1.5-5.1.7 of the CS is a recognition of the tension between the competing alternatives and effectively it is saying that the Council's spatial strategy is a compromise between the 6 options that are identified. For the Council this approach has the advantage that it is flexible because the precise balance involves judgement based, in part, on the sites that the development industry puts forward. So whilst one Participant argues that the addition of a second new town serves to distort the pattern of development away from one of dispersal²⁰⁰, I cannot agree. It is within the range of options available and disperses housing growth away from the towns whilst providing the necessary infrastructure to address its own impact and deliver wider public benefits. In the context of the 2009 public participation exercise and concerns about wider dispersal to the villages it represents the epitome of the strategy of dispersal.
137. Conversely a strategy that sought to direct the required housing into existing towns could more accurately be described not as dispersal but concentration. That appears to have been what the RSS sought to do and the final SA report says: *"This approach was contrary to the results of the public consultation"*²⁰¹. In an era of localism it is not my role to cut across this broad expression of public engagement and prescribe an outcome that focusses most housing in and around the existing towns. However the 'balanced' part of the strategy does suggest that proportionate growth of the existing towns is appropriate, but even then policy constraints and other factors determine that some MRCs should be the focus for more growth than others. The final SA report explains why Alcester and Southam are the only MRCs that are allocated sites in the CS²⁰² and, as has already been noted [101], the particular emphasis on Southam has been supported by most parties through the resumed Hearings.
138. The IC found the distribution of development was: Stratford: 23.5 %; MRCs: 25.5 %; LSVs: 17.5 %; New settlement: 22 %; and, Rural locations: 11.5%. The Council's latest assessment²⁰³ helpfully provides the updated breakdown to be: Stratford: 22.0 %; MRCs: 24.2 %; LSVs: 13.1 %; New settlements: 27.8 %; and, Rural locations: 12.8 %. The most significant differences relate to the distribution outside of the existing towns. As a direct response to the IC

¹⁹⁹ Source of quote: paragraph 2.1.26 of the final SA [Document Ref. ED.13.2].

²⁰⁰ Matter B Hearing Statement HS-25, December 2015.

²⁰¹ Source of quote: paragraph 2.1.13 of the final SA [Document Ref. ED.13.2].

²⁰² See paragraph 2.1.24 of the final SA [Document Ref. ED.13.2].

²⁰³ Updated Figure 1 showing the position as at 31 March 2016.

the emphasis on LSVs has been reduced and switched to the new settlements. In the context of the full range of services and facilities that exist in the main settlements, generically Stratford-upon-Avon and the MRCs, increasing the quantum of housing in the LSVs would not be the most sustainable option. The upshot is that just under half of new housing is still proposed in Stratford-upon-Avon and the MRCs, which appears to strike an appropriate balance.

139. To reflect the evolution of the spatial strategy during the examination, noting that more detailed reasoning is set out elsewhere, I recommend a number of MMs in the interests of soundness [**MM30, MM31, MM32, MM33, MM34, MM82**]. It is worth stressing that the housing requirement in Policy CS.16 is a minimum, evident from the words: “*at least*”, and this informs interpretation of the figures for each sustainable location. In respect of Stratford-upon-Avon and the MRCs this is underlined by the reasoned justification in respect of each area policy, which I recommend to ensure the Plan is positively prepared [**MM52, MM59, MM62, MM64, MM66, MM68, MM70, MM73 and MM75**]. In this context revisions to the Vision and Policy CS.16, e.g. to refer to the number of dwellings in each sustainable location in part A of Policy CS.16 as a minimum²⁰⁴, are unjustified because the total exceeds 14,600. The existing approach is justified because it gives all interested parties some indication of what scale of development is anticipated in each location. Conversely an unquantified approach²⁰⁵ would not represent the most appropriate strategy.
140. In response to concerns that green field and even Green Belt housing releases were being prioritised over previously-developed land, the Council proposed to remove the word ‘*hierarchy*’ including from the Vision and CS Policy CS.15. While recognising that it is still evident in the SA²⁰⁶ there is not a sound case for reinstating the word into the Plan. The locations that are proposed for housing are not intended to be set out in a sequential order, but all represent sustainable locations for housing. To avoid any possibility of the original list, numbered 1-8 in CS Policy CS.15, being interpreted in this way the Council suggests that the numbers be replaced by letters, in line with the format of CS Policy CS.16. I recommend these changes as MMs [**MM01, MM03, MM30**] to ensure that sustainable development is delivered throughout the Plan area.

Stratford-upon-Avon: SUA.1

141. By way of introduction paragraph 4.11 of the Options Assessment identified the key differentiators, including re-use of previously-developed land in a sustainable location with the opportunity to reduce HGV movements in the town. These reasons are reiterated in Table 4.1 of the Options Assessment and Table 7.1 of the final SA report. It is evident that sound reasons are given for the selection of this site for housing development within the Plan period.
142. The merits of the re-development of the western half of this tired industrial area for housing during the Plan period have not been challenged in substance at this examination. That is not to say that concerns have not been evident but, for example, those which arose during the first set of Hearings²⁰⁷ have been overtaken by the allocation of the site at SUA.4 in addition to SUA.1.

²⁰⁴ As advocated in representation 7091, dated May 2016.

²⁰⁵ As advocated in representation 0619, dated May 2016.

²⁰⁶ See paragraph 1.2.2 of the final SA [Document Ref. ED.13.2].

²⁰⁷ See, for example, the original consultation responses for 0447 and 0448.

143. The Council commissioned a specific report²⁰⁸ to consider the viability and deliverability of SUA.1 which found, in section 7.5, that a cautious approach should be taken towards any policy requirements that may affect viability. Despite originally suggesting that the Council should consider setting the required level of affordable housing at 20 %, the latest report by the same author has found that the western part of the Canal Quarter is viable with 25 % affordable housing and a Community Infrastructure Levy [CIL] liable headroom of £176 per square metre²⁰⁹. However viability is likely to remain a key consideration in bringing this allocation forward for development.
144. The Council has put forward a number of MMs to Policy SUA.1 during the examination, including in the Assessment of Representations²¹⁰. The key changes under '*What is to be delivered*' include a reduction to 25 % affordable housing and the allocation of part of the identified area for B1 uses, the latter necessitating a change to the Plan. On this basis I recommend the MMs to Policy SUA.1 [**MM54**] to ensure the effective delivery of this allocation.
145. There remains an issue about providing adequate employment land to ensure that existing businesses are able to relocate from the Canal Quarter in order to free the land for re-development, but that is dealt with at [**292**]. There is also a consequential issue around the delivery trajectory, but that too is dealt with elsewhere [**323**]. Concerns have been raised about the longer term proposals to redevelop the eastern half of the Canal Quarter but the precise nature and timing of its redevelopment remains fluid²¹¹. In terms of housing delivery the CS does not rely on that area coming forward within the Plan period. For these reasons the allocation of this site is sound, but I recommend a MM to revise the trajectory and that the cross-reference should be to Proposal SUA.5, not SUA.3 [**MM54**].

Stratford-upon-Avon: SUA.4

146. It has already been established that the final SA report identifies this to be the only realistic option for a site of strategic scale around Stratford-upon-Avon, noting reasons have been given for discounting South-East Stratford [**100**]. Table 4.1 of the Options Assessment identifies 3 reasonable alternatives and Table 7.1 of the final SA report gives sound reasons for their rejection. No party who attended the Stratford session at the resumed Hearing made the case for any of these sites and the focus was on exploring local concerns.
147. Dealing initially with highways, Highways England [HE] has confirmed²¹² that direct access from the A46 would not be supported because it forms part of the strategic road network and a new junction could compromise this role and the performance of this national artery. There is no sound basis to disagree.
148. Although it was made clear that the overwhelming concern of local residents related to traffic, there is no evidence to demonstrate that the allocation would compromise the performance of the local network. At a strategic level the STA found: "*Allocating housing to the north results in less impacts than allocating*

²⁰⁸ PBA, 2014, Document Ref. ED.4.2.2.

²⁰⁹ Table 6.1, Document Ref. ED.14.2.1.

²¹⁰ Page 177, Document Ref. ED.2.7, September 2014.

²¹¹ See, for example, exchange of views at Document Refs. HD.71 and HD.71a.

²¹² Letter dated 1 December 2015, appended to Matter C [SUA] Hearing Statement HS-29.

housing to the south and, as such, should be considered favourable in traffic impact terms"²¹³. At the project level modelling has shown that improvements are required at the A46 Bishopton Island and Timothy's Bridge roundabout²¹⁴. Whilst residents were sceptical that modelling was adequate there is no reason to doubt the advice of the Highways Authority and its consultant, who told the Hearing the model met the national standard and has been subject to an independent audit. The base data was compiled outside school holidays, e.g. the traffic count was done in the third week of June, and on this basis is likely to be representative. There appears to be a wider issue along the Birmingham Road corridor, but this allocation would not materially exacerbate that existing problem other than at the A46 roundabout where improvements are required.

149. The modelling has also indicated that improvements are required at the canal bridge on Bishopton Lane. A scheme has been agreed in principle²¹⁵ with the Highway Authority that would result in traffic lights being installed. As my site inspection revealed such a solution would benefit pedestrians for whom there is presently no alternative but to share the highway with oncoming vehicles. Traffic lights would formalise what is presently a haphazard arrangement in which vehicles edge gingerly over the bridge trying to ascertain if there are vehicles coming the other way. Whilst traffic lights might lead to more of a build-up of traffic at peak times, particularly if there is an on-demand option for pedestrians, this might have the advantage of deterring rat running from the Alcester Road. Conversely a replacement bridge with 2-way flows might have the opposite effect and encourage commuters through a residential area.
150. The Canal & River Trust [CRT] own and maintain the existing bridge and it has made representations²¹⁶ regarding the existing policy wording, which seeks an all-purpose bridge. It seeks greater flexibility and argues that the scheme that has been agreed in principle with the Highway Authority is not necessarily the best or only solution. Amongst other things it does not oppose a separate pedestrian/cycle crossing, which has been advocated by local residents. At this stage, noting there might be an issue regarding the structural integrity of the existing bridge, albeit one that the Promoter was keen to stress would not be exacerbated by the proposed scheme, the policy framework should allow for all options. The Council has put forward a revised requirement to address this issue and I recommend this as a MM [MM57]. Subject to this change it is clear that this is not a fundamental constraint to the site's effective delivery.
151. As a footnote to this discussion it is worth recording that whilst the CRT has outlined what is potentially a time-consuming procedure in the event that works are required to the bridge, the scheme that is agreed in principle with the Highway Authority would not be caught by those provisions. It would only be, for example, if a separate pedestrian/cycle crossing were proposed that consent would be required from the Secretary of State/Defra. Accordingly, and notwithstanding the modification, this issue does not appear to have any wider implications for the proposed housing trajectory. This is confirmed by the fact that the CRT has raised no objections to the planning application²¹⁷.

²¹³ Source of quote: paragraph 7.19 of the STA, July 2015 [Document Ref. ED.13.6].

²¹⁴ See Transportation Briefing Note [Document Ref. ED.15.1.6].

²¹⁵ See Transportation Briefing Note [Document Ref. ED.15.1.6].

²¹⁶ Matter C [SUA] Hearing Statement HS-15, December 2015.

²¹⁷ Representation 0447, dated May 2016.

152. Turning to schools, section 2 of the Schedule of Infrastructure Projects²¹⁸ remains vague about the need for a new primary school and/or increased capacity at the town's secondary schools. This is reflected in the wording of Proposal SUA.4, which seeks land to be reserved for a primary school in case it is required or, at a minimum, a financial contribution. So whilst local residents perceive that schools are adequately catered for that conflicts with evidence before the examination. Conversely the NHS South Warwickshire Clinical Commissioning Group [CCG] says development at Stratford would give rise to a need for up to 4 GPs, but indicates that this would involve extending or upgrading existing premises in the town centre²¹⁹. Accordingly there is no basis to require a medical centre to be provided on this site, particularly given the unchallenged claim that the permitted Shottery scheme includes land for a new medical centre less than 300 m from the site. Whilst one local health professional has suggested that there is a need for an automated external defibrillator²²⁰, she chose not to attend the resumed Hearing to explain why it would be paramount for this to be provided on this particular site. In the absence of explanation the case has not been made, particularly in view of the impending development at Shottery where there might be scope to provide it.
153. Turning to ecological interests the ecological surveys²²¹ have been updated and in December 2015 a '*Protected Species Report*' was provided²²², which found 7 important hedgerows, evidence of bats, water vole, otters, breeding birds and a grass snake. However taking all of this into account the County Council's Ecological Services team says that the scheme: "*has the potential to provide a net gain to biodiversity*"²²³. Whilst local residents were sceptical of this finding it arises because the land is intensively farmed at the moment.
154. As a result of these proposals approximately one third of the site would be used for public open space and not all of it would be mown. Together with the new planting that is proposed there is the potential for enhancement even before account is taken of the actions of householders, for example to feed birds. There is no evidence before the examination to dispute this view and it is clear that planning conditions could deliver appropriate management.
155. In this context I deal briefly with allocation SUA.HA in the existing Local Plan, which was for 5 ha of public open space adjacent to the canal. Acknowledging the text at paragraph 7.14.8, which says the rationale was the shortfall in the provision of public open space in this area, its allocation in the absence of any delivery mechanism seems, with hindsight, weak. Regardless, the fact is that as a result of the proposed allocation a significant amount of public open space would be delivered, including a large area next to the canal. This would be to the benefit of existing and prospective residents. For the avoidance of doubt the allocation in the time-expired Local Plan is not a bar to the new allocation.
156. In terms of flooding, a Flood Modelling Study has been undertaken²²⁴ to assess

²¹⁸ Document Ref. ED.13.11.a.

²¹⁹ See original consultation response 5652, which is confirmed in its most recent response.

²²⁰ Original consultation response 7374.

²²¹ Document Refs. ED.15.1.11 and 15.1.12.

²²² See link associated with Matter C [SUA] Hearing Statement HS-29, December 2015.

²²³ Source of quote: Briefing Note dated 17 December 2015, see link associated with Matter C [SUA] Hearing Statement HS-29, December 2015.

²²⁴ See Flood Risk Briefing Note [Document Ref. ED.15.1.4].

the potential flood risk, which appears to have been more robust than that which the Environment Agency [EA] had previously undertaken. As a result a 'Flood Map Challenge' was made to the EA's Flood Map, which has resulted in the extent of the flooding being revised on the Flood Map²²⁵. For this reason it is accepted that all built development can be delivered within Flood Zone 1. Moreover the Promoter told the resumed Hearing that by incorporating a series of attenuation ponds that there could be a reduction in surface water run-off from the site of circa 70 %, which would be a betterment for properties downstream. Turning briefly to foul drainage, there is no evidence²²⁶ of a capacity issue at the treatment works serving Stratford-upon-Avon. In any event Severn Trent Water [STW] has confirmed: "*where sufficient capacity is not currently available...we will complete necessary improvements to provide the capacity*"²²⁷. There is no evidence before the examination to show that either surface water flooding or foul drainage is a constraint to development.

157. Turning to noise there are 2 sources. The first arises from traffic on the A46 but the Promoter says this can be addressed by a 35 m buffer from the road, together with appropriate building standards and consideration being given to the layout, in order to achieve the relevant standards²²⁸. As such it becomes a matter for the Environmental Health Officer [EHO] to consider at application stage. There is no evidence before the examination that HE has any current plans to upgrade this section of the A46 to a dual-carriageway, although it is evident that the Local Enterprise Partnership [LEP] aspires to this outcome²²⁹. Accordingly it is appropriate to address the existing noise levels. The proposed housing might well help to mitigate this source of noise for existing residents. Whilst there might be the potential for increased traffic noise along Bishopton Lane, e.g. from noise reflecting from the proposed houses, this would appear to be something that is capable of being addressed at reserved matters stage.

158. The second source of noise is the motocross events at Cophams Hill Farm, but this appears to be a temporary source, typically 12 times a year for around 5 hours at a time. In the event that prospective residents suffer noise nuisance there are a range of powers open to the Council to address the issue, from the Environmental Protection Act 1990 to, in the extreme, an Article 4 Direction to remove temporary use rights. Accordingly this does not appear to justify a more permanent intervention in the form of a noise barrier or similar, but the Council's EHO can take a view on this issue at the planning application stage.

159. In terms of air quality, the aforementioned Briefing Note says this is not a constraint to development of the site and the Delivery Statement²³⁰ says the development would have no noticeable impact on the air quality in the area. There is no evidence before the examination to support a different finding.

160. Turning to archaeological interests, the Promoter has undertaken a desk based assessment, a geophysical survey and a trial trench evaluation, which has

²²⁵ Correspondence from the EA, appended to Matter C [SUA] Hearing Statement HS-29, indicated that the Flood Map would be updated on 2 February 2016 and when it was checked on that date the flood map had indeed been changed to reflect the new modelling.

²²⁶ See Table 5-2 in Water Cycle Study Update 2015 [Document Ref. ED.14.6.1].

²²⁷ Source of quote: Consultation response 5581, dated 25 September 2015.

²²⁸ See Noise and Air Quality Briefing Note [Document Ref. ED.15.1.5].

²²⁹ SEP, March 2014 [Document Ref. ED.4.4.4].

²³⁰ Appended to Matter C [SUA] Hearing Statement HS-29, December 2015.

identified several features of interest on the site²³¹. However the Planning Archaeologist at the County Council has confirmed²³² that the impact of development on the probable Romano-British settlement can be mitigated by the implementation of a programme of archaeological fieldwork, which can be secured by a condition. There is no evidence before the examination to show that this is a fundamental constraint to the site's allocation and development.

161. Finally a number of miscellaneous points were elaborated upon at the resumed Hearing. For the reasons outlined elsewhere the site is needed in addition to sites such as LMA and there has been an extremely robust selection process in order to get to this point. The Neighbourhood Plan [NP] appears to be at an early stage of preparation²³³ and would not veto allocations in the CS, which makes strategic decisions that the NP needs to conform to. The Framework contains no presumption in favour of previously-developed sites over green field sites. This site is well related to the urban form of the main town in the District with good pedestrian and cycle links to the Park and Ride, the Parkway Railway Station and the main services and facilities in the town. Whilst I do not lightly dismiss what is indicated to be 106 representations and the submissions of Bishopton Residents' Action Group Stratford 2015, who said they represent a total of 220 interests, the CS process is evidence based. Having conducted a thorough review of the evidence it leads me to endorse allocation SUA.4.

162. For the above reasons the allocation of this site is sound. Local residents and interest groups have raised a wide range of concerns that have been thoroughly investigated. In the circumstances the fact that the site emerges from such a forensic examination with no substantive weaknesses having been identified indicates that there is robust evidence to support its allocation.

163. For these reasons, I recommend the Plan be modified to incorporate Proposal SUA.4 as a MM [MM57] in order to ensure that it is positively prepared, justified and delivers sustainable development. The only other outstanding issue relates to the trajectory, which is considered at [326].

Southam: Preliminary observations

164. Southam Town Council [STC] was given a full opportunity to elaborate on its concerns²³⁴ at the relevant Southam Hearing²³⁵. STC said that whilst the town was not against development per se, too much was now being proposed. STC pointed out that with the existing allocations of SOU.1 and SOU.2, and other existing commitments, approximately 600 dwellings were programmed for the town before consideration was given to an additional allocation. Infrastructure, such as Southam College, was feeling the strain and the College had limited room to expand. STC claimed there was a lack of job opportunities in the town such that it would become a dormitory. Finally, and with reference to

²³¹ See Evaluation Report and Survey Report, at Document Ref. ED.15.1.13 and 15.1.14, respectively.

²³² Letter dated 7 December 2015, appended to Matter C [SUA] Hearing Statement HS-33.

²³³ See Table 5, Document Ref. ED.13.13.

²³⁴ Matter C [SOU] Hearing Statement HS-05, December 2015.

²³⁵ STC did not request to attend any of the Hearings in its original consultation response dated 25 September 2015 [1647] and it was the District Council who, very fairly, requested that an invite be extended to STC at a relatively late stage.

SUA.3, STC raised a concern about development to the east of the town as it was felt that it was the wrong side of the bypass, which it said led to a feeling of isolation for those who lived there. Conversely STC indicated that it was relatively happy with development to the north and south of the town.

165. Although the figure of 500 units is a somewhat arbitrary consequence of the 'to find' figure, Table 4.1 of the Options Assessment identifies 4 strategic options and, whilst one is larger, at 1,000 dwellings, none are smaller. Reasons have been given for accepting that additional housing should be allocated at Southam [101] and in the context of the identified strategic options STC have not given a good reason for reducing the identified quantum. This might however suggest that additional allocations in and around the town beyond this would need to be robustly justified. The specific concern about the college and more broadly about schools could be addressed by financial contributions and/or conditions and this is addressed below [181, 183].
166. The Employment Land Study [ELS] does tend to support the claim of net out commuting, which it says reflects its proximity to Warwick and Leamington Spa²³⁶. However, in addition to the employment allocation at SOU.1, my site inspection revealed the large established industrial areas at Holywell Business Park and the land east of Kineton Road, as well the scheme under construction known as Insight Park²³⁷. Figure 10.4 of the ELS notes two sites with planning permission on 4.5 ha for B-class uses and it would appear that Insight Park is being built pursuant to the Welsh Road East site noted therein.
167. The Council has indicated that 35 % of residents live and work in Southam but taking account of what is proposed and/or under construction, including evidence in the ELS of some vacant sites and units, it does not follow that this figure will reduce if the population increases. Amongst other things the ELS notes the town has a high proportion of manufacturing²³⁸. Geographically the town is well placed to serve the District's major employers and unemployment in the District²³⁹ and the town²⁴⁰ is low by national standards. The reasons given by STC do not undermine the appraisal²⁴¹ in the Options Assessment that Southam is the second most sustainable MRC because of its range of shops and services, the scale of employment provision and its accessibility. The Council appears to be taking proactive steps to ensure a balance between jobs and residents in the town to prevent it becoming a dormitory settlement.

Southam: Review of reasonable alternatives

168. A significant number of reasonable alternatives have been considered in and around Southam. Stoneythorpe has been considered as a separate strategic site [116], but the Promoter also sees it as a reasonable alternative to SOU.3. However it is not contiguous with the built-up area and, even acknowledging the regular bus link and the potential for cycling, it is difficult to conceive that

²³⁶ See paragraph 11.35, Document Ref. ED.4.4.2.

²³⁷ STC suggested that houses have been approved at Insight Park because there is no need for industry but this is difficult to square with the scale of buildings under construction, albeit acknowledging that there is a small component of live/work units.

²³⁸ Paragraph 3.24, Document Ref. ED.4.4.2.

²³⁹ See page 6, Document Ref. ED.13.13.

²⁴⁰ See paragraph 1.113 of Appendix B, Document Ref. ED.4.4.2.

²⁴¹ Paragraph 3.27, Document Ref. ED.13.4.

prospective residents would walk to Southam, e.g. to access its shops and services²⁴². For the reasons given it is not preferable to allocated site SOU.3.

169. The same logic applies to Southam Cement Works, which would be 1.2 km from the edge of Southam²⁴³ on the far side of the quarry, and so even with a dedicated pedestrian and cycle route and the direct bus link [No 63/64] to Tesco, car dependency might be high. In any event Table 3.2 of the Options Assessment considered options for either 1,525 or 2,500 dwellings, with reasons given for its rejection in Table 7.2 of the final SA, which included uncertainties over its comprehensive delivery. Although it was said that the previously-developed portion of the site was comparable to SOU.3, because it could deliver 500 units, it does not appear to be an option that is available in Phase 2 of the Plan. Whilst it was claimed that other areas could come forward earlier those are green field sites. Nothing said during the resumed Hearing or in the written submissions made during the most recent consultation leads me to find that this site is clearly preferable to the allocated site SOU.3.
170. The site at Welsh Road West was not considered in the most recent round of work and, as has been conceded²⁴⁴, this is likely to be because: "*of the lack of any active promotion*", but it has been taken into account in the SA process. Figure 9.1 of the Options Report, dated January 2013, identifies the site as options 2 and 3, in respect of which the report says: "*development in these locations would be inappropriate. Development would intrude on the setting and character of the urban edge of Southam*"²⁴⁵. The point is made against SA Objective 2, landscape, but is repeated, at paragraph 9.1.20, for SA Objective 12, countryside. My site inspection only served to confirm that assessment because the topography drops down from the urban edge and housing would be a visible encroachment, radically changing the rural approach to the town.
171. The Welsh Road West site extends over a large area of around 30 ha, which presents options for significant planting belts, public open space and/or a possible extension of playing fields, or similar, for Southam College. The site is well related to the College and the primary school on Welsh Road West, with walking and cycling to the town centre being a realistic proposition. However against these positives is the need to get through the town in order to gain access to the strategic road network. On balance, the positive factors do not clearly outweigh the significant landscape objection.
172. The site at Home Farm lies to the east of the town, but access is proposed to be derived via a new roundabout on the bypass²⁴⁶. However the Highway Authority has stated, in respect of this site, that it: "*...will not support a new access directly off the Southam Bypass*"²⁴⁷. Its reasoning is that the A423 is a strategic route from Coventry to the M40 and in that sense the rationale is the same as HE in respect of the A46. Whilst there is no reason to doubt that the roundabout could be delivered to the appropriate standard, as the Promoter's highway evidence only addresses pedestrian and public transport connectivity,

²⁴² A primary school is proposed, but given the change in the Education Authority's stance, if Stoneythorpe was progressed as an alternative to SUA.3 that might not be sought either.

²⁴³ Figure taken from consultation response 0689 but not independently verified.

²⁴⁴ Source of quote: paragraph 22, Matter C [SOU] Hearing Statement HS-31, Dec' 2015.

²⁴⁵ Source of quote: paragraph 9.1.6, Document Ref. ED.3.8.

²⁴⁶ See Appendix 3 to Matter B Hearing Statement HS-23, December 2015.

²⁴⁷ Letter dated 11 December 2015 appended to Matter C [SOU] Hearing Statement HS-33.

there is nothing before the examination to rebut the Highway Authority's stance. Accordingly the Home Farm site must be discounted for this reason, irrespective of the reasons given for its rejection in Table 7.2 of the final SA.

173. The Highway Authority has taken the same position in respect of land off Banbury Road, added to which it expresses concerns about highway safety, which could require mitigation to reduce vehicle speeds which, in turn, would impact upon its strategic function. The Jubb report²⁴⁸ focusses on pedestrian and cycling links, rather than the Highway Authority's concern as to principle, and so adopting the same line as for Home Farm, that access is unacceptable. At the resumed Hearing, whilst it was conceded that the Highway Authority's preferred option of gaining access to the site via the roundabout at Galanos House was not deliverable because it was outside of the company's control, a request was made to provide further evidence if that matter could be resolved. Evidence has subsequently been provided²⁴⁹ that agreement has been reached with the owner of the intervening land, such that direct access to the roundabout can now be achieved. The highway objection therefore falls away.
174. Nevertheless reasons are given for the site's rejection in Table 7.2 of the final SA, which includes accessibility to town centre and schools. There remains an issue about the relative merits of an at-grade pedestrian crossing, as proposed for the land off Banbury Road, and the underpass enhancement, as proposed for SOU.3, which is considered further below [186]. However the table in the Jubb report does suggest that walking or cycling might represent reasonable modes of travel for prospective residents²⁵⁰. Perhaps the main exception is for schools, with the nearest primary school said to be 1720 m distant, which is likely to be more than the stated 22 minute walk time if you have little legs. On balance this weighs against the site but, noting the preference expressed by STC at the Hearing [164], this site does appear to be a serious contender.
175. The second reason given for its rejection in Table 7.2 of the final SA is its relationship to the existing residential areas. At face value the plan²⁵¹ in the Options Assessment might support such reasoning, but this is an incomplete picture because it fails to take account of allocation SOU.1²⁵², which now has planning permission for 236 dwellings. The more relevant plan is that which shows the permitted housing to the west of Banbury Road²⁵³. The Promoter also says there is a resolution to grant planning permission for 47 dwellings on the eastern side of Banbury Road²⁵⁴. In that context this reason is not made out as the proposed dwellings would relate well to the residential schemes that have been granted planning permission to the south of the town.
176. The final alternative site that was actively promoted at the resumed Hearing is under the control of a house builder and is described as '*South of Rugby Road*' in the final SA report, but is perhaps better described as being land '*North of*

²⁴⁸ Appended to Matter C [SOU] Hearing Statement HS-27, December 2015.

²⁴⁹ Document Ref. HD.107.

²⁵⁰ Page 5, appended to Matter C [SOU] Hearing Statement HS-27, December 2015.

²⁵¹ Page 54, Document Ref. ED.13.4.

²⁵² See for example the plan on page 231, Document Ref. ED.11.2.

²⁵³ Appendix B to Matter C [SOU] Hearing Statement HS-27, December 2015.

²⁵⁴ Paragraph 5 of Matter C [SOU] Hearing Statement HS-27, December 2015, which has subsequently been granted planning permission, as confirmed by Document Ref. HD.112.

*Daventry Road*²⁵⁵. Therein lies the Promoter's key complaint because the area considered in the Options Assessment, and hence the SA, does not reflect the Strategic Housing Land Availability Assessment [SHLAA] plan²⁵⁶. The site was not considered in the earlier Options Report²⁵⁷ and hence, at face value, the landscape reason that is given for the rejection of the site in Table 7.2 of the final SA might be said to look vulnerable given the admitted error [103].

177. However when one looks at the Landscape Sensitivity Assessment²⁵⁸ it is evident that there is no distinction between the site assessed by the Council and that being promoted. The whole area has '*high/medium*' sensitivity to housing development, which contrasts with allocated site SOU.3 and other areas to the south of the town, which have '*medium*' sensitivity. With the exception of one field to the east of Glebe Farm, the area is considered to be: "*inappropriate*" for housing development. In respect of the one field it says: "*This area is sensitive as part of a stream corridor which should be retained but possibly very high quality and carefully designed low density housing here may be acceptable...*"²⁵⁹. The SHLAA map gives an indication of the flood zone associated with the stream corridor and when that is combined with the need for low density development the resulting yield is likely to be materially lower than SOU.3. Moreover the low density housing point is noted in the landscape appraisal²⁶⁰, even though it was outside the identified site area in the Options Assessment, and hence the outcome, specifically the '- -' score against SA Objective 2, landscape, is most unlikely to change. To underline this view it was admitted that no access appraisal has been done and given the open views from the A425, as is acknowledged in the Landscape Sensitivity Assessment, together with the extent of the flood zone, it would appear that any such access is likely to reinforce the stated concerns about landscape impact. For these reasons, notwithstanding the Council's concession at the Hearing, the landscape reason given in Table 7.2 appears to be fully justified.

178. In light of this brief review of the reasonable alternatives around Southam the only site that merits further consideration at this stage lies to the east of Banbury Road. The Promoter says this is a site of 7 ha, for a minimum of 250 dwellings, and for this reason, on its own, it is not a direct replacement for Proposal SOU.3. This sets the context for the assessment of the allocated site, which broadly runs through the sequence of topics discussed at the Hearing.

Southam: SOU.3

179. By way of introduction Table 4.1 of the Options Assessment identified the key differentiators to be provision of a new primary school and other local facilities to serve existing and new residents living east of the bypass. These reasons are reiterated in Table 7.1 of the final SA report. The first of these is accepted to no longer apply because the Education Authority has recently clarified that there is sufficient capacity in the existing primary schools, such that it would be preferable to seek new investment in those schools rather than a new one.

²⁵⁵ Title to plan at Appendix 1 to Matter C [SOU] Hearing Statement HS-16 December 2015.

²⁵⁶ Reproduced at Appendix 2 to Matter C [SOU] Hearing Statement HS-16 December 2015.

²⁵⁷ See Figure 9.1, Document Ref. ED.3.8.

²⁵⁸ Plan entitled 'Southam Landscape Sensitivity to Housing Development', unnumbered but just before page B209, Document Ref. ED.4.11.3.

²⁵⁹ Source of quote: text to Zone So01, page B209, Document Ref. ED.4.11.3.

²⁶⁰ Paragraph 5.2.1, Interim SA Report, Document Ref. ED.13.1.

It is hard to escape the view that this change undermines the selection of this site: one of only two key differentiators no longer applies. However the other reason still stands and the discussion revealed other points in the site's favour.

180. Against this background Proposal SOU.3 says that '*What is to be delivered*' is a general store of around 500 m² and concerns have been expressed that this would be a relatively large store that could undermine the role of the town centre. However it is now agreed that the proposed convenience store would have a net retail sales area not exceeding 280 m², which is within the Government's definition of a small store²⁶¹. On this basis it is clear that such a facility would reduce prospective residents' dependence on the private car to meet their day-to-day shopping needs and could meet the needs of existing residents who live to the east of the bypass. This facility would therefore be a positive factor. I recommend a MM to the third bullet-point under '*What is to be delivered*' in Proposal SOU.3 [**MM72**] to ensure it is positively prepared.
181. There are 3 primary schools in Southam, which comprise Catholic, Church of England and non-denominational schools. The nearest school, St Mary's, is estimated to be approximately 1 km from the centre of the site, which is an acceptable walking distance. This school appears to have spare capacity and financial contributions could be sought to upgrade and/or extend the school. There is also a nursery in the same area for very young children. There are obvious desire lines²⁶² for pedestrians. It is in prospect that householders living near Daventry Road could walk along it and cross via a signalised pedestrian crossing at the roundabout. A MM to the '*Specific requirements*' in Proposal SOU.3 is required to deliver this [**MM72**]. Those living near Welsh Road East could use the underpass. A MM to the '*Specific requirements*' in Proposal SOU.3 is required to deliver improvements to the underpass, which is a neglected but important part of the town's infrastructure linking the existing houses to the east of the bypass with the town [**MM72**]. I recommend these to meet the tests for soundness, including that the Plan be positively prepared.
182. There was dispute about the distance to other schools and unhelpfully these are not set out in the evidence base²⁶³. For a number of qualitative and curriculum-based reasons parents might wish to send their children to other primary schools in the town. At around 1.5 km distant, walking and cycling might be less realistic, especially as a route via the underpass would appear to add to this distance. However this distance is similar to the Banbury Road site and so the fact that St Mary's school and the nursery is within an acceptable walking distance is a further positive factor in favour of Proposal SOU.3.
183. Southam College is accepted to be more than 2 km distant from both Banbury Road and Daventry Road sites. It might be possible to consider diverting the school bus via the new estate to provide a link, secured via the travel plan, but otherwise the default mode of travel might be the private car. I witnessed some of the parking and safety issues that STC referred to around the College and agree that a long-term solution would be advisable. However out of the 2 serious options on the table neither provides an obvious solution to this issue.

²⁶¹ See: <https://www.gov.uk/trading-hours-for-retailers-the-law>

²⁶² Figure 2b, Technical Note: Highways, Transportation and Drainage, Document Ref. ED.15.2.6.

²⁶³ Contrast ED.15.2.6 with table appended to Matter C [SOU] Hearing Statement HS-27.

184. STC indicated that there was a known deficiency of public open space in the town. Indeed when the Council quantified this to be 0.37 ha STC expressed surprise and said the figure must be out-of-date because the town lost 2 areas of public open space recently, which has added to the deficit; the source of that figure dates back to 2011 and so it might be²⁶⁴. However it appears to be common ground that there is a deficiency, particularly of formal pitches; the Council indicated that 2 mini football and mini rugby pitches are sought.
185. This is where Proposal SOU.3 can make a difference and this does distinguish it from Banbury Road. I recommend a MM to the '*What is to be delivered*' section of Proposal SOU.3 that would ensure around 1.6 ha of sports pitches, as part of the public open space offer, and a multi-purpose community building extending to approximately 500 m² [MM72]. This needs to include toilets and changing rooms, together with parking and secure cycle stands, so it would be a facility that would realistically be available to existing residents as well. Such a facility would then have the potential to facilitate interaction between residents from across Southam and hence integrate the communities on either side of the bypass, which is flagged as an issue at paragraph 6.7.3 of the Area Strategy. These local facilities, which could be delivered via an enhanced policy framework, amount to a substantive key differentiator and might go some way towards reducing existing pressures on the leisure centre. I recommend the MM to ensure this aspect of the Plan is positively prepared.

Southam: Concluding thoughts

186. Differing views have been expressed about the advantages and disadvantages of an at-grade crossing as opposed to an underpass. During the day, when accessing school for example, the underpass is likely to be a safer option because it is wholly segregated from traffic. Even the roads on the west side appear to be quiet back streets and so a '*walking bus*' might be in prospect, perhaps delivered via the travel plan. After dark the safety concerns might have more force and, noting the underpass itself does have some, albeit fairly rudimentary, lighting, significant improvements to lighting along the whole length of this section of footway, not just the underpass, might be required. The underpass would offer advantages for the disabled and cyclists. Given the height constraint, resolution of the flooding issue might well involve a pump and non-return valves to stop the stream entering the underpass. Whilst it is recognised these might be overwhelmed this would be unlikely to be for more than a few days of the year and so this does not detract from its advantages. It would perhaps be overstating it to say that the underpass would be a key differentiator, but it is a positive factor that works in favour of Proposal SOU.3.
187. Proposal SOU.3 is the most obvious way of securing an enhancement to the underpass with no cost to the public purse. Taken with other improvements, such as a pelican crossing and the delivery of local facilities, such as a small shop, extensive areas of public open space including sports pitches, and a multi-purpose community building, Proposal SOU.3 has the potential to ease the isolation that is said to exist in the estates east of the bypass. The policy choice to develop beyond the bypass was, the Hearing was told, made in the 1980s and without this investment the issues identified by STC are incapable of being addressed. This factor should not rule out this site for development.

²⁶⁴ Table 5.10, Open Space, Sport and Recreation Assessment, Document Ref. 4.12.3.

188. More generally the morphology of the town has already extended north-south and the west is generally of a higher quality²⁶⁵, such that what is effectively a plateau to the east is a logical choice. Views from the A425 already take in the large buildings and development at Insight Park, which is a change since the original landscape assessment found this was one of the least sensitive areas, in landscape terms, for development around the town. Enhancement of the No 65 bus route, for example in terms of frequency, is in prospect and it can be diverted through the site to ensure residents would be within 400 m of a bus stop. The diversion through the site and increased frequency could benefit some existing residents, for example those living on Welsh Road East.
189. For these reasons the allocation of this site is sound. Whilst it is perhaps unfortunate that STC has effectively been presented with what amounted to a beauty parade of alternatives, this analysis has shown that underpinning the choice that was made by the Council is a sound evidence base. In particular the landscape assessment strongly indicates other options to the north-east and west of the town should be ruled out. The Banbury Road site is a strong contender but, on balance, the enhanced policy framework would ensure that the remaining reason given for the selection of Proposal SOU.3 is justified.
190. In reaching this finding account has been taken of comments²⁶⁶ made during the consultation in May 2016. In particular this report has fairly and soundly reviewed the alternatives. Concerns have been expressed about the wider implications of a pedestrian crossing on the bypass and it is conceivable a footbridge might be required instead, but that is not the evidence before the examination. If a footbridge is required it might be capable of being delivered by conditions or a legal agreement if it was necessary but for my purpose the final specific requirement remains appropriate. This does not alter the fact that this site has the unique advantage of the underpass, which can be used without impediment by flooding for the vast majority of the year, whereas some alternatives would be wholly dependent upon a pedestrian crossing.
191. Finally STC say an additional clinical room is insufficient. The CCG has confirmed that additional physical infrastructure is required in Southam but has stressed that is not the whole solution²⁶⁷. As noted [9] the IDP is designed to be a working document and so whilst it has quantified the amount sought it remains in prospect that this might be refined over time and that a greater sum might be sought at the appropriate stage. Similarly it is conceivable that a case might be made for contributions to the College and/or leisure centre but the evidence does not justify a further specific requirement.
192. For these reasons, I recommend the Proposed Submission Version of the Plan is modified to incorporate Proposal SOU.3 as a MM [MM72] in order to ensure that it is positively prepared, justified and delivers sustainable development. The only other issue relates to the trajectory, which is dealt with at [330].

GLH

193. The settlement at Proposal GLH was the subject of discussion at the original Hearing, but subsequently an outline planning application [No 15/00976/OUT]

²⁶⁵ See plan entitled 'Southam Landscape Sensitivity to Housing Development', Ibid.

²⁶⁶ Notably representations 1647 and that by Mr Ward [unnumbered] in May 2016.

²⁶⁷ Representation 5652, dated May 2016.

was registered by the Council for 2,000 dwellings and associated development [hereinafter *the CEG/Bird area*]. The examination was subsequently advised that the application was reported to the Council's Planning Committee in May 2016, which resolved to grant planning permission, but due to the possibility of being called-in and completion of a legal agreement the planning permission is not likely to be issued before August 2016. A second outline planning application [No 15/04200/OUT] for 1,000 dwellings remains before the Council for the remainder of the allocated site [hereinafter *the IM Properties area*].

194. In this context one of the original concerns was that there was an inadequate evidence base to inform the decision to allocate Proposal GLH. The situation in January 2015 was evolving and, for example, it was the evening before the Hearing that confirmation of the option agreement for the CEG/Bird area was received²⁶⁸. A significant component of the evidence base has only become available through the examination process and hence a noise assessment, archaeological desk based assessment and an ecological appraisal²⁶⁹ were all considered for the first time at the original Hearing. However little purpose would now be served in reviewing the minutiae of that evidence base because it is clear from the resumed Hearing that the situation has moved on to the point where statutory undertakers and other key consultees have indicated that their concerns, particularly but not exclusively for the CEG/Bird area, have largely been addressed. Implicit to those responses is a conclusion that the evidence base is adequate to address the matters at issue. For this reason it is appropriate to adopt a focussed approach to the key issues still in dispute.

195. The first key area of dispute is highways, including public transport. At the resumed Hearing reference was made to detailed baseline figures that informed the extensive transport modelling that has been undertaken. However in the light of the Highway Authority's consultant's response, as the Promoter observed, it might be that the figures have been misunderstood.

196. However it is not necessary for me to form a view on that particular dispute or get into that level of detail in order to find the GLH allocation to be sound. Instead my stance is based on the Statement of Common Ground, which says: "*Extant highway commitments at J12 will, together with the interventions identified above (based upon this strategic level assessment) be sufficient to mitigate the RESIDENTIAL component of Proposal GLH*"²⁷⁰. It is explicitly clear that both Promoters, the Highway Authority and HE have signed up to that unambiguous statement in the context of the STA work that has looked holistically at both the housing and employment proposals²⁷¹. The Joint Statement between the Highway Authority and HE²⁷² underlines that the latter is fully aware of the cumulative development proposed, including the JLR allocation. HE has provided confirmation that it is aware of more recent documentation, including the IDP and Schedule of Infrastructure Projects²⁷³.

197. I recognise that there is a great deal of local concern about the cumulative

²⁶⁸ Document Ref. HD.48, which was later clarified further by Document Ref. HD.60.

²⁶⁹ Document Refs. RD.05, RD.06 and RD.07, respectively.

²⁷⁰ Source of quote: paragraph 4.2.6, Document Ref. HD.43.

²⁷¹ Document Refs. ED.4.7.1 and ED.4.7.2.

²⁷² Document Ref. HD.43a.

²⁷³ Letter dated 14 December 2015, Document Ref. HD.72.

effect of Proposal GLH on the local highway network. There is evidence²⁷⁴ of extensive queuing on the highway network arising from the sheer volume of workers wishing to gain access to JLR/AML at peak times. Trying to cross the B4100 as a driver and on foot in the evening peak in February 2015 and again in January 2016 gave me an insight into the problems that local residents have to live with on a day-to-day basis. There is no reason to doubt that people living in Gaydon and the wider rural area are similarly affected. However my most recent site inspection also revealed that work on Junction 12 of the M40 is proceeding apace and signs indicated that the works would be completed by 'Summer 2016'²⁷⁵. This is likely to make a difference and fully realise the benefits of the dual carriageway and the other completed highway infrastructure on the approach to JLR. There is also a range of additional transport interventions programmed to take place by March 2021, including a contingency of £3m for localised traffic impacts in villages²⁷⁶, which are capable of being identified in a Transport Assessment [TA] at application stage. Accordingly the position that I must take in this matter is guided by the relevant local experts, namely the Highway Authority, which made its position clear at the resumed Hearing²⁷⁷. Moreover transport interventions on the B4100, such as pedestrian crossings, would have the potential to improve the situation. Taken together with the proposed location of the main village centre such measures would ensure that there is scope for the existing residents of Lighthorne Heath to be satisfactorily integrated into the new settlement, rather than marginalised.

198. It is acknowledged that JLR also have some residual concerns about the effect of the proposed residential component of Proposal GLH on its operations, specifically with reference to local highway conditions. However, despite making representations in relation to other matters²⁷⁸, JLR has not sought fit to pursue their concerns at the resumed Hearing. This strongly suggests that this is not a matter that goes to soundness but is capable of local resolution, e.g. in terms of the detailed design of the active frontage that is proposed in the centre, the pedestrian crossings and the shared cycleway/footway. Whilst the terms of its letter dated 5 May 2016 in relation to application No 15/00976/OUT is noted no representation of a similar nature was received from JLR during the May 2016 consultation, which reinforces this finding.

199. The Highway Authority indicated at the resumed Hearing that a staged approach is being taken to public transport provision, with priority given to a bus link to Leamington Spa and its railway station. The operator, Stagecoach, has already confirmed that in public transport terms the site: "...offers very good opportunities to take advantage of the potential to provide sustainable transport"²⁷⁹. There appears to be scope to develop what Stagecoach called a: "key inter-urban route" between Leamington and Coventry, as well as transforming the opportunities to use public transport at this location. A bus

²⁷⁴ Photographic and documentary evidence has been submitted by local residents.

²⁷⁵ Confirmed by HE at: <http://www.highways.gov.uk/roads/road-projects/m40-junction-12-improvements-scheme/> and as at 7 June 2016 there is no indication of any slippage.

²⁷⁶ See Table 2, Document Ref. ED.13.11a.

²⁷⁷ It said its initial holding objection to application No 15/00976/OUT had been withdrawn against the background of the STA, which takes account of the totality of Proposal GLH.

²⁷⁸ August/September 2015 consultation response 0349.

²⁷⁹ Source of quotes: letter dated 20 November 2014, at Appendix 3 to Hearing Statement HS-49, dated December 2014.

subsidy of £1.2 m is identified for staged delivery from 2017 to 2024²⁸⁰. The need to accommodate public buses along the B4100, which is an alternative route if the M40 is closed, means that, apart from the pedestrian crossings, no physical speed restraint measures are proposed by the Highway Authority. It is appropriate to attach significant weight to the evidence of Stagecoach, which might have been a factor as to why this was identified as a key differentiator. For these reasons neither highways impact nor public transport connectivity undermines the soundness of the allocation at Proposal GLH.

200. The second key area of dispute is noise. The Noise Assessment identifies the need for a barrier typically 6 m in height offset from the M40 by 30 m, but the plan attached to the report indicates the dimensions of the bund to be 8 m high with a base width of 52 m²⁸¹. The same drawing indicates that the land take for the bund would be an extraordinary 175,585 m², or 17.5 ha. Whilst a construction site does inevitably give rise to some surplus material, a bund of this magnitude would inevitably require the significant importation of material.

201. The plan is however labelled illustrative²⁸² and, in contrast, the cross sections show an acoustic fence on top of a bund, the base width of which is no more than 30 m and in some areas²⁸³ involves very little raising of ground levels. It would appear that it is this solution that is being taken forward as the resumed Hearing was advised that the barrier would now typically comprise a 4 m bund with a 3 m acoustic fence on top. The resumed Hearing was told the Council's EHO has now accepted the scale and form of the bund would ensure adequate living conditions for prospective residents that met the required standards. It is acknowledged that this might assume no opening windows but this type of assumption is not uncommon and could allow conditions to be imposed.

202. Although concerns have been raised about the effect of the bund on drainage there is no reason to think that suitable land drains could not be incorporated into its construction. The bund would typically be at the lowest point of the site and so it would not have an effect on any sustainable drainage features. For the same reason, but also noting its proximity to the M40, which is a significant man-made feature in the wider landscape, the visual impact of the bund would appear to be acceptable. There is no reason to find that the bund would have an unacceptable effect on biodiversity. It remains in prospect that it could be associated with soft, as well as hard, landscaping. Together this shows it is not a matter that undermines the soundness of the allocation.

203. The discharge of any pre-commencement condition with regard to the bund might well require engagement with HE, but given the position of the EHO there is no reason to find this would be significant source of delay. It would appear that once discharged development on some areas of the site can come forward without the required noise measures actually being in place. The Promoter stated that there is no reason to bring services across the M40. As such there is no evidence this would have implications for the trajectory.

204. The third key area of dispute is the setting of Chesterton Windmill, which is a

²⁸⁰ See Item 18, Table 2, Document Ref. ED.13.11a.

²⁸¹ Contrast paragraph 5.30 with drawing No 10192-SK-02, Document Ref. RD.05.

²⁸² It is labelled '*Option 1*' but there is no equivalent drawing for a second option, albeit that the cross sections show a different solution with a smaller bund and an acoustic fence.

²⁸³ See for example cross section 9, drawing No 10192-CS-03, Document Ref. RD.05.

Grade 1 listed building. An early draft of the SPD says: *"Only development of the site's most northern field (between Chesterton Wood and Kingston Fields Farm) is likely to have an impact on the Windmill's setting and this is considered minor in a report prepared by CgMS Consulting..."*²⁸⁴. However the later consultation version of the SPD²⁸⁵ no longer makes the latter claim and this might be because the remit of the CgMS report was to: *"...enable[s] relevant parties to assess the significance of archaeological assets"*²⁸⁶. So the CgMS report does not appear to have made an assessment of the significance of the designated heritage asset in the terms required by the Framework, despite the assertion in the now superseded SPD that the exercise was done.

205. This deficiency in the evidence base²⁸⁷ is not however significant because since that anomaly was identified in January 2015 Historic England have confirmed, in respect of the CEG/Bird area, that the proposal would result in less than substantial harm to this designated heritage asset. My inspection confirmed the assertion implicit to the superseded SPD that the northern field is of greater significance to the setting of Chesterton Windmill than the remainder of the allocated site. However Historic England has now confirmed that it does not object to the IM Properties application, subject to the exclusion of the proposed landmark building. The resumed Hearing was told the landmark building was introduced in response to comments by the MADE Design Review Panel, but it is for the decision maker to exercise judgement on that specific feature. It does not go to the soundness of the broad allocation in principle.

206. It is appropriate to attach significant weight to the views of Historic England, which is the Government's expert advisor. Paragraph 134 of the Framework requires less than substantial harm to be weighed against the public benefits of the proposal, which the Guidance defines to include economic or social progress²⁸⁸. This allocation would contribute to building a strong economy and ensure that sufficient land is available to provide the supply of housing required to meet the needs of present and future generations. Although the final judgement is properly one for the decision maker, the absence of substantial harm leads to the conclusion that the allocation is sound.

207. Whilst I recognise it is an important and valued designated heritage asset, such that great weight should be given to its conservation, it would be possible to preserve its setting by, amongst other things, the design and layout of the development, and landscaping, including both physical features, such as the bund, and tree planting. The imposition of conditions could ensure that the substantive development, other than any specifically designed feature that the decision maker judges to be acceptable, would not materially break the skyline. It would be seen against the topography and the existing trees that provide the context within which Chesterton Windmill is appreciated. For this reason a clear distinction can be drawn with the vertical form of development that was proposed at Starbold Windfarm²⁸⁹. In reaching this view account has

²⁸⁴ Source of quote: paragraph 3.5, page 26, Document Ref. ED.4.1.8.

²⁸⁵ Section 3.5, on page 35, of Document Ref. ED.13.12.

²⁸⁶ Source of quote: paragraph 1.5, page 5, Document Ref. RD.06.

²⁸⁷ It would appear that Historic England requested a revised built heritage assessment and whilst that is not before the examination it has informed Historic England's response.

²⁸⁸ Paragraph ID: 18a-020-20140306.

²⁸⁹ See exchange at Document Ref. HD.56, HD.56a and HD.56b.

been taken of all other matters raised, including the Government petition²⁹⁰.

208. Turning briefly to other outstanding concerns, the issue of the buffer zone between development and ancient woodland appears to have been addressed on the CEG/Bird area²⁹¹. NE's standing advice is that the minimum buffer should be at least 15 m²⁹², rather than 50 m, as sought by WWT, or 30 m, as sought by the Woodland Trust. For reasons already given [85] it is appropriate to attach significant weight to the views of NE. However even if there is a case to increase the buffer beyond the minimum there is no reason why this could not be delivered via conditions because all of the land concerned is under the control of IM Properties²⁹³. The Old Gated Road is a public highway that might lie within 15 m of Chesterton Wood at some points and so a robust physical barrier, such as a fence and/or hedgerow, would appear to be required to prevent encroachment, such as from trespassing. However this, and any required belt of landscaping to the east of that road, could be delivered by the imposition of conditions. Accordingly this indicates that this is not a matter that goes to the soundness of Proposal GLH.

209. Although concerns were raised at the resumed Hearing about air quality, the Council's position, informed by EHO advice, is clear and it is based on sound evidence²⁹⁴. This is a technical area and no evidence has been provided to underpin the concerns of local residents that the proximity of the proposed dwellings to the M40 would give rise to health effects, for example asthma, as a result of World Health Organisation levels of NO2 being exceeded.

GLH: Miscellaneous points and overall conclusion

210. Proposal GLH, in common with many other allocations in the CS, anticipates the production of SPD to fill in the detail and it has been claimed that this is inappropriate because this should be done in an Area Action Plan. However in my view the case of *West London Tenants and Residents Association v Hammersmith and Fulham LBC* [2013] EWHC 2834 (Admin) confirms that the Council's approach is correct. The CS identifies the allocation and looks to the SPD to put flesh on the bones. If the SPD had been adopted before the CS, as was the case in *R. (oao Wakil) v Hammersmith and Fulham LBC* [2012] EWHC 1411 (Admin), then it might have had the effect of identifying the area as one of significant change. However the CS identifies the allocation by reference to an OS based plan that will be part of the Policies Map and so the conclusions, specifically those at paragraphs 72, 76 and, to a lesser extent, 77, are directly on point. In a similar manner, the CS at issue in *R. (Houghton and Wyton Parish Council) v Huntingdonshire DC* [2013] EWHC 1476 (Admin) established the principle of development and the supplementary framework explained 'how' that was going to be achieved. That is the role that is envisaged for the SPD. There is however an advantage in amending the Policies Map to include a symbol to identify the commercial centre²⁹⁵, which is within the mix of uses

²⁹⁰ <https://petition.parliament.uk/archived/petitions/68175>

²⁹¹ See Matter D Hearing Statement HS-17, December 2015, in respect of position taken by WCC Ecology, in respect of the buffer, biodiversity and the Green Infrastructure Strategy.

²⁹² <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

²⁹³ See plan attached to Hearing Statement HS-61, dated December 2014.

²⁹⁴ See Assessment at Appendix 5 to Hearing Statement HS-49, dated December 2014.

²⁹⁵ This is consistent with Regulation 9(1)(b) of the 2012 Regulations.

identified in the CS, and this is now proposed.

211. There is a sound evidence base²⁹⁶ to demonstrate that adequate service infrastructure, including foul drainage, water supply, gas supply, electricity and broadband, can be made available to serve Proposal GLH. Amongst other things the evidence from STW confirms the waste water capacity issue is capable of resolution within an appropriate timeframe²⁹⁷. Although there is a need for an electricity substation the Promoter advised the original Hearing that this would not be a significant cost in the context of the overall budget for the development and that might explain why it is not in the IDP. That does identify an unknown cost to be an upgrade to water supply and the EA advised that this is being taken forward in the Asset Management Plan [AMP]. Whilst there has been reference to localised flooding, notably in Gaydon, the allocation has the potential to improve this situation and given the stance adopted by the EA this is not a reason to find the allocation to be unsound.
212. The revised estimate of infrastructure costs, at £43.4 m, appears to have remained broadly constant during the examination²⁹⁸. The viability of the residential component of the allocation was tested in the original PBA study, which reached the robust conclusion that: *"The viability assessment shows that there is sufficient value in the development to provide the entire required infrastructure, affordable housing at 35 % and a contribution to CIL to help fund wider infrastructure needs"*²⁹⁹. Table 6.1 of the latest PBA study *"Community Infrastructure Levy"* confirms that the scheme is viable and identifies the maximum level of CIL³⁰⁰. In this context, whilst recognising that some costs such as Item 25, the sports facilities, are still to be quantified, the claim that there is uncertainty over the final costs seems to overstate the problem. There is no evidence that unknown infrastructure costs would render the residential component of Proposal GLH unviable and significant weight should be given to both of the independent balanced appraisals by PBA.
213. The Police have identified³⁰¹ an inconsistency between Proposals GLH and LMA in which they say the former refers to a: *"police office"* but in fact it merely refers to: *"police"* and so, in the interests of consistency, the word: *"office"* should be added. In other representations³⁰² the case is made for an additional bullet-point for the: *"provision of the infrastructure necessary to ensure the delivery of policing services to the development"*. However it is noted that no comparable claim is made in respect of Proposal LMA and as a matter of consistency it is unclear why that would be. Proposal GLH says that *'What is to be delivered'* includes services to support the existing and new communities as identified within the IDP, which says: *"the Police will seek a contribution from Stratford District Council's CIL receipts to help fund the additional general infrastructure requirements"*, and allocates a figure of £0.5 m³⁰³. In the circumstances there seems no need for the additional bullet-point sought

²⁹⁶ See commentary in Hearing Statement HS-49, dated December 2014, and Appendix 7.

²⁹⁷ Document Ref HD.42.

²⁹⁸ Compare Table 2, Document Ref. ED.13.11a, with £44.4 m in original Table 2 in ED.1.1, noting this includes the highway works associated with the JLR employment component.

²⁹⁹ Source of quote: paragraph 6.2.4, Document Ref. ED.4.2.1.

³⁰⁰ Document Ref ED.14.2.1.

³⁰¹ Representation 4549/0020, dated May 2016.

³⁰² Representation 4549/0019, dated May 2016.

³⁰³ See the top of page 12 of Appendix 1 to the Schedule of Main Modifications.

because whilst the Police use the word: "*infrastructure*" that is defined in the Glossary to be: "*essential physical services*" including: "*community facilities*". In short the request for CIL has been accepted and appears to be enforceable.

214. It has been suggested that Proposal GLH is too small to create a self-contained settlement which, by reference to TCPA Best Practice³⁰⁴, needs to be large enough to support a secondary school. It would appear that the original concept vision was for a town of up to 5,000 dwellings in order to support an academy³⁰⁵, but this has been compromised by the need to accommodate the growth needs of JLR. The compromise involves coaches taking older children to the secondary school at Kineton and the Highways Authority advised the resumed Hearing that the County Council was trying to progress a scheme that would allow children to gain access to the northern end of the school site and thereby avoid the coaches traversing through Kineton. This arrangement is less than ideal, but the mere absence of a secondary school does not lead me to find Proposal GLH would not become a sustainable community in which younger generations play a full and active role. It does however emphasise the importance of the early provision of the proposed community hub and the sports and recreation facilities, including a sports hall, envisaged in the IDP. It is material in this context to note that another TCPA paper suggests the goal of self-containment was: "...*probably always mythical*"³⁰⁶ and is not entirely appropriate for a networked future in which the benefits of inter-operability of places can be to mutual advantage. In short, using a form of public transport to bus children around 3 miles to the nearest High School in Kineton is not fatal to the objective of delivering a sustainable new settlement at GLH.
215. Finally, dealing with a few residual points, whilst there is limited reference to Chesterton, the village lies to the north of the M40 and hence there is no need for section 6.10, GLH, to expressly refer to it, in paragraph 6.10.1 or otherwise. Secondly it has been argued that GLH would not become an MRC because it has no scope to expand beyond the level of development that is identified in the CS. That might be correct although that is ultimately a policy choice for a subsequent Plan review. Nevertheless the scale of settlement that is envisaged would allow it to function as an MRC. As has been noted [105] there are already 2 tiers of MRCs, with some that are constrained in terms of future growth due to policy or practical considerations. It might be that GLH would fall into this categorisation once circa 3,000 dwellings have been built, but that is by no means certain and in the interim the Council's vision that it should fulfil the role of an MRC is realisable and appropriate.
216. It has been claimed that it is inappropriate to focus a new settlement around a single source of employment but, acknowledging that AML and JLR are in the same industry, these are 2 of the country's leading car manufacturers. Both AML and particularly JLR appear to have significant growth ambitions for this location, which gives rise to a need to provide an appropriate range of housing options for their growing workforce. Whilst it is recognised that there can be no guarantee that prospective residents will work locally, particularly given the

³⁰⁴ See quote at paragraph 1.13, Hearing Statement HS-55, dated December 2014.

³⁰⁵ Useful summary at paragraph 2.6 of Hourigan Connolly report, Appendix 1 to Hearing Statement HS-44, dated December 2014.

³⁰⁶ Source of quote: paragraph 9.2, "*Best Practice in Urban Extensions and New Settlements*", TCPA/DCLG, at Appendix to HLM Hearing Statement, dated December 2014.

good access to the strategic road network, paragraph 50 of the Framework emphasises that LPAs should deliver a wide choice of high quality homes. Proposal GLH would match that ambition by providing additional choice for current and future employees who will have the potential to choose to rent or buy homes located in close proximity to their workplace. There is the potential to reduce the high level of in-commuting that is evident in the area at present.

217. The change to Strategic Objective 12 arose for reasons that were explored in the IC and are unrelated to Proposal GLH. I reject the claim that it represents a clear acknowledgement that the settlement will be car dependent. There are significant opportunities to encourage walking and cycling in order to access work and proposed local facilities, as well as scope to use public bus services.

218. The recent DCLG consultation³⁰⁷ anticipates a move towards a more supportive approach for new settlements, within locally led plans. It envisages LPAs taking a proactive approach to planning for new settlements where they meet the sustainable development objectives of national policy, including taking account of the need to provide an adequate supply of new homes. It conceives of a world in which LPAs should work proactively with developers coming forward with proposals for new settlements in their area.

219. If that is the direction of travel this District could be seen as a trailblazer as, pursuant to the public participation exercise [134], and notwithstanding local concerns, it has re-affirmed that a new settlement, or now settlements, is the answer to meeting the District's housing requirement. For all of the reasons discussed above Proposal GLH is based on a proportionate evidence base that, despite the much greater scrutiny that has taken place as a result of the concurrent applications, demonstrates that the allocation is sound.

220. The Council has identified a series of MMs³⁰⁸ in respect of the residential component of the 'What is to be Delivered' and 'Specific Requirements' sections of Proposal GLH. These all follow from the above discussion, read in conjunction with the updated IDP and Schedule of Infrastructure Projects, and so I recommend them all [MM77] in order to ensure the tests for soundness are met and that the Plan delivers sustainable development. The only outstanding issue relates to the trajectory, which is dealt with at [346].

LMA: SWRR

221. It has already been established that the final SA report sets out sound reasons for the identification of LMA [124]. In this context this section of the report starts by considering the impact of the SWRR on nature interests, then turns to other aspects of the SWRR, before examining Proposal LMA more generally.

222. Reasons have been given why significant weight must be given to the advice of NE that the SWRR would not damage or result in potential negative effects on the SSSI [85], but WWT maintains the position it sets out in its written representations³⁰⁹. In particular it says that until the detailed design is established the scheme is unacceptable because the effect on hydrology is

³⁰⁷ 'Consultation on proposed changes to national planning policy', DCLG, December 2015.

³⁰⁸ Since the proposed submission version of the Plan, noting that these were the subject of the consultation in September 2015.

³⁰⁹ Dated September 2015 at 6718.

unknown and so there could be harm. However the agreed statement could not be clearer in saying: “...*the level of information submitted to the Core Strategy Examination is adequate to inform the plan making process*”³¹⁰. If the concern of WWT had any substance then NE would not have signed up to this agreed statement. Neither WWT nor any other party gave reasons at the resumed Hearing to dispute the legal opinion³¹¹, which found that the legal duties under the Wildlife and Countryside Act 1981 are complied with at this plan making stage. WWT also accepted the stance of the County Council's Principal Ecologist³¹² that it would be appropriate to seek compensation for the loss of the LWS, which could achieve a biodiversity net gain through an s106 legal agreement. In the circumstances it is clear that no in-principle objection to the SWRR is capable of being sustained and in making this finding account has been taken of representations received in May 2016.

223. WWT maintains that the need for the SWRR to avoid harm should be set out in the CS and I understood the Promoter to agree at the resumed Hearing that this should be incorporated into the Vision. However the sentence has now been disputed and a revised form of wording is put forward³¹³. Upon reflection there is a need for the new sentence to be more consistent with the language of the first bullet-point of paragraph 118 of the Framework. As NE's letter³¹⁴ makes clear, the relevant test in Policy CS.6 needs to be met as well. For these reasons I recommend this MM [MM78] adopting most of the revisions put forward by the Promoter to ensure consistency with national policy.

224. As originally drafted the seventh bullet-point of the ‘*What is to be Delivered*’ section of Proposal LMA merely requires a road link between the A3400 and the B439, together with any local mitigation. However it now appears to be agreed that this, in itself, would not achieve a great deal because traffic would still need to go around the town centre in order to gain access to the A46, for example via Birmingham Road. What is required is a degree of co-ordination to enable the SWRR to connect into the proposed Western Relief Road [WRR] that would allow vehicles to gain access to the strategic road network without going into the built-up area. I recommend a MM [MM78] to ensure a direct connection to the A46 at Wildmoor and thereby ensure the Plan is effective. However other changes that are advocated³¹⁵ to paragraph 5.1.18, the Vision, the specific requirements and the section ‘*What is to be delivered*’ are not necessary. For example the suggested change to the latter merely duplicates the specific requirement that is already contained in the last bullet-point. The seventh bullet-point already makes clear the remainder of the link to the A46 is to be provided by others, which is not disputed.

225. The degree to which there would be co-ordination between the WRR and the SWRR has been the subject of significant debate, but ultimately the relevant parties have signed a Position Statement, which is dated 28 January 2016³¹⁶.

³¹⁰ Source of quote: common to paragraphs 2.9 and 2.15, Document Ref. RD.17.

³¹¹ Appendix 2 to Matter C [LMA] Hearing Statement HS-14, December 2015.

³¹² Letter dated 18 December 2015 at Appendix A to Document Ref. RD.17.

³¹³ Representation 1151, dated May 2016.

³¹⁴ Dated 22 December 2015 at Appendix C to Document Ref. RD.17.

³¹⁵ Representation 0088, dated May 2016.

³¹⁶ Document Ref. HD.99 is signed by, amongst others, Hallam Land Management Ltd and Bloor Homes, who are responsible for bringing forward the WRR associated with the West of Shotton scheme.

Conditions on the relevant planning permission³¹⁷ require that: (i) the WRR must be completed and open for traffic within 2-years of the commencement of the West of Shottery development; and, (ii) that no development should take place until a highway works agreement has been entered into in order to ensure that the WRR be adopted as public highway. However irrespective of this, at the point of inter-connection on Luddington Road, there is no prospect of a ransom strip, or similar, because the extent of the existing public highway will not deviate. Accordingly there is no reason to doubt the SWRR will be able to connect into the existing public highway known as Luddington Road. The extent of the safeguarded route to connect into Luddington Road is shown on the modified Policies Map³¹⁸.

226. The route of the WRR is already shown on the existing Policies Map and given that it benefits from an extant planning permission it is inevitable that the route will be carried forward and shown on the updated Policies Map. The Council confirmed at the resumed Hearing that it will, at a minimum, update the BUABs in the CS to show commitments around Stratford-upon-Avon and the main towns, which would include the West of Shottery scheme. The Promoter of the West of Shottery scheme and the Highway Authority agree that the WRR is designed as an all-purpose road and hence whilst it includes a 30-mph section through a residential area just to the north of Evesham Road neither this nor any other section needs to be adjusted to serve the broader purpose that is now envisaged. This is significant in the context of many of the representations that were submitted during May 2016.

227. It is evident that condition 14 of the West of Shottery planning permission does not require the WRR to be adopted, but the Highway Authority has signalled that it intends to enter into a highway works agreement and this can only be with a view to one outcome. Why would commercial organisations that have entered into a highway works agreement to secure, amongst other things, the adoption of the WRR, elect to retain roads that are open to traffic in their ownership with all the associated maintenance liabilities that entails? It is a highly unlikely possibility, but even acknowledging that it is conceivable it is not an issue because there is evidence before the examination that the SWRR can connect into the existing public highway in Luddington Road.

228. In reaching this view full account has been taken of the submissions made both at the resumed Hearing and those made³¹⁹ on the Position Statement. The resumed Hearing was told that agreement has been reached with the Shakespeare Birthplace Trust about the sale of land near Anne Hathaway's Cottage in order to facilitate the delivery of the WRR. It was said that a complaint to the Charity Commission had been rejected such that there was no impediment to the sale taking place. In any event this goes to timing

³¹⁷ No 09/02196/OUT, as granted on appeal by the Secretary of State in a decision [Ref. APP/J3720/A/11/2163206] dated 24 October 2012.

³¹⁸ Compare red line plans showing the site boundary of the West of Shottery scheme, in Appendix 1 to HD.101, with the definitive plan showing the extent of the public highway, appended to HD.99. It shows that in the vicinity of the entrance to Stratford Racecourse the extent of public highway extends beyond the ownership and control of Hallam Land Management Ltd and Bloor Homes. The plan of the Safeguarded Route accords with this. Appendix 1 to HD.101 also shows the claim that the SWRR would be on the site of a "proposed flood compensation reservoir" [representation 2315, May 2016] is false.

³¹⁹ Document Refs. HD.100, HD.101 and HD.102.

rather than the ability of the SWRR to connect into the public highway.

229. On a point of detail it was said that the Shakespeare Birthplace Trust attached a series of '*non-negotiable*' requirements on the sale, including the redesign of the proposed road in order to safeguard the views from the cottage. However the representative of Hallam Land Management Ltd and Bloor Homes indicated at the resumed Hearing these were trivial and could be achieved by re-grading the land to the rear of Anne Hathaway's Cottage. It was said that this was nothing significant and could be delivered by revising a drawing, rather than requiring planning permission. Accordingly whilst the representative indicated that he was happy to share this information but it has not been received³²⁰, there is no reason to doubt what was said in the Hearing. In any event this again is a matter of timing rather than the principle of connection to the WRR.

230. The remaining points, (b)-(e), raised by one Participant³²¹ do not need answers because the Position Statement is clear on its face. The earlier statement of Hallam Land Management Ltd and Bloor Homes appears to have been overtaken insofar as there might be perceived to be any inconsistency³²². Paragraph 9 of the earlier statement appears to be directed to third party contributions rather than being directed to the developer of LMA, as was suggested at the resumed Hearing. The timing issue is relevant to the trajectory and is dealt with at [344] below but, this aside, there are no implications for the viability of Proposal LMA.

231. It remains in prospect that the trigger for delivery of the SWRR might change from the current best estimate of 400 dwellings, which is the first phase that the Council has resolved to grant. At present all that can be said with certainty is that a further TA might identify the: "*tipping point*"³²³ with greater accuracy. The consultants for the Highway Authority told the resumed Hearing that the modelling undertaken to date suggested that there was insufficient capacity for 800 dwellings, such that the tipping point is likely to be between 400-800 units. Accordingly I recommend the suggested MM to the last bullet-point under '*Specific Requirements*' [MM78] to encompass this possibility, but see no need for this to refer to the upper figure of 800 units. I recommend this MM to ensure that the Plan is positively prepared.

LMA: Miscellaneous issues related to the SWRR

232. CPRE raised an in-principle objection to LMA and it would appear its rationale relates to the landscape impact of the SWRR, even though its representations did not explain why it would be a: "*damaging road proposal*"³²⁴. As was pointed out, in contrast to the '*Bridge Opportunities and Constraints Study*'³²⁵, there has been no objective evidence, such as a Landscape and Visual Impact Assessment, to support this claim. The Promoter's Landscape Consultant told the resumed Hearing that there would be few elevated views of the SWRR and that the detailed design could mitigate the impact on receptors, including views from The Greenway and other public rights of way in the area. This

³²⁰ See record of discussion in penultimate paragraph, Document Ref. HD.102.

³²¹ Document Ref. HD.100.

³²² Document Ref. HD.82.

³²³ Source of quote: paragraph 7.21, Document Ref. ED.13.6.

³²⁴ Source of quote: September 2015 consultation response 6075.

³²⁵ Document Ref. ED.15.3.5; see in particular section 4.5 and Appendix E.

reflects the opinion set out in the Interim SA Report, which basically says the flat landscape may limit the extent of visibility of the SWRR³²⁶, and its assessment of the SWRR post-mitigation. For these reasons there is no basis to find the landscape impact of the SWRR renders Proposal LMA unsound.

233. CPRE has suggested that the SWRR should be deleted and that the new transport link to LMA should be: "*provided by reopening the railway line*"³²⁷, but there is no evidence to support the claim that this option is deliverable. By coincidence the costs are similar³²⁸ and so this might not impact on LMA's viability, although marketing a new settlement heavily dependent on rail might impact on prices achieved and hence that aspect of deliverability. However neither the Promoter nor Warwickshire County Council, as Transport Authority, advocates this scenario as a possibility. The Promoter draws attention to the third bullet-point of paragraph 182 of the Framework, the need to be effective, and there is no evidence to show that such an option would be deliverable. Accordingly in taking Proposal LMA forward this is not a realistic option and so, in the context of the Highway Authority's position, this represents a complete answer to the belated claims³²⁹ that the SWRR is not needed. No alternative highway scheme to serve LMA has been promoted during the examination and without it the scheme would have an unacceptable traffic impact on the town.
234. Turning to archaeological interests, the Promoter has undertaken a high level desk based assessment, which found that the SWRR would be likely to result in effects on archaeological remains³³⁰. However the Planning Archaeologist at the County Council has confirmed³³¹ that there is no need to undertake further fieldwork in advance of the allocation in the CS. There is no evidence to show this is a fundamental constraint to allocation and development of the SWRR.
235. The EA has confirmed it has: "*...no in principle objections*"³³² to the SWRR. It has also signed a Statement of Common Ground with the Promoter, which indicates that it is: "*generally satisfied that the commitments made and the outline designs submitted will result in an acceptable development*"³³³. A key requirement is that the road level be at least 300 mm above the 1 in 100 year + climate change flood level. Although it is acknowledged that the actual level above Ordnance Datum to which this relates has yet to be agreed, the cross section before the examination appears to show the ground level on either side of the watercourse to be well over 5 m below the deck of the bridge³³⁴. This tends to support the view that the proposed design would not need to be raised in height in order to address the EA's stipulation. As was submitted by

³²⁶ See paragraph 2.14.5, Document Ref. ED.13.1.

³²⁷ Source of quote: September 2015 consultation response 6075.

³²⁸ Paragraph 6.8.2 of '*Stratford to Honeybourne Railway Reinstatement – Business Case Study*', Arup, Document Ref. ED.4.7.8 estimates the construction cost of the reduced length of twin track option to be £61.7 m [at 2012 prices], which roughly equates to the cost of the SWRR [£29 m], plus land cost [£15 m], plus rail contribution [£17 m].

³²⁹ That have emerged during the consultation in May 2016.

³³⁰ See section 4.2, Document Ref. ED.15.3.5.

³³¹ Letter dated 13 January 2015 [*should be 2016?*], appended to NLP letter dated 15 January 2016 listed as additional clarifications to Matter C [LMA] Hearing Statement HS-14.

³³² Source of quote: Document Ref. ED.15.3.7.

³³³ Source of quote: paragraph 2.1.1, Document Ref. RD.18.

³³⁴ Plan at Appendix A to Document Ref. ED.15.3.5 shows a clearance of 5.07 m above the railway line, which is considerably higher than the River Avon on this cross-section.

one Party at the resumed Hearing³³⁵, the need to allow for electrification of the railway appears to be the key determinant of the height of the bridge.

236. In response to the consultation exercise in May 2016 a significant number of representations were received from interested parties with regard to LMA but primarily with reference to the SWRR. Whilst a common concern related to flooding the EA is the Government's expert advisor and so it is appropriate to attach significant weight to its view. Although there is no reason to doubt the testimonies of local residents, which is supported by photographic evidence, in the face of the EA's advice it is only appropriate to attach it limited weight. In particular, to suggest³³⁶ that the EA are not in possession of accurate records relating to historical extent and frequency of flooding is manifestly incorrect.

237. A major concern of many local residents and interested parties is the alleged lack of consultation. This is reinforced in a letter dated 6 June 2016 with a petition³³⁷ which, despite its lateness, I exercised my discretion to accept. However it is clear the Council did undertake a comprehensive consultation exercise in September 2015 when Proposal LMA and the SWRR first appeared in the CS³³⁸. That consultation exercise appears to have been conducted in accordance with its Statement of Community Involvement [SCI], which is the key test that must be applied. As well as the website it included notification to Parish and Town Councils and all District Councillors, documents being available in local libraries and a press notice to local media. The Council has drawn attention to: i) the minutes of Luddington Parish Council; and, ii) to a meeting of Stratford Town Council, both from September 2015, when the issue was discussed. It says that neither Council made representations at that stage. However there were 9 individuals who did make comments, both for and against the scheme, during the consultation in September 2015.

238. The Council says it does not consider its consultation process to be deficient in any respect that would give rise to concerns under the ECHR³³⁹; I agree. It is material to note that the consultation exercise that took place in May 2016 does not appear to have been undertaken on a different basis from that in September 2015. This alone suggests that there has not been a: "*systems-failure*" as alleged³⁴⁰. Although it is claimed³⁴¹ that the consultation exercise amounts to a failure to fulfil the DtC that view is misplaced given the terms of the legislation³⁴². The SCI prescribes more precise consultation arrangements

³³⁵ Stratford Rail Transport Group told the resumed Hearing that Document Ref. ED.15.3.5 was using an out-of-date standard, which was updated by Network Rail on 7 March 2015, and this appeared to be accepted by the Promoter's Engineering Consultant who referred to a height of 5.7 m to the underside of the bridge.

³³⁶ Representation 7996, dated May 2016.

³³⁷ Letter addressed to me from Stratford Residents Action Group [SRAG]; I have no reason to doubt that the associated petition has just over 600 signatories and I have also noted and taken into account the online petition with just over 100 signatories.

³³⁸ The Council has also drawn attention to the consultation in March 2014 when this was identified as a strategic site option [ED.1.2] albeit one that was not favoured at that stage.

³³⁹ Representation 7548 and in SRAG's letter dated 6 June 2016.

³⁴⁰ Representation 7995, dated May 2016.

³⁴¹ Representations 6279 and 7996, dated May 2016.

³⁴² See section 33A of the 2004 Act, which requires an LPA to co-operate with District and County Councils and the bodies prescribed in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012 [the 2012 Regulations].

than applying: “...*the spirit of the Localism Act*”. Although the examination has been long and complex, the website is appropriately laid out with all submitted documents available for interrogation at any time. For someone looking at the website for the first time at this late stage the volume of material might well appear daunting, but this does not support the claim that the consultation was opaque or impenetrable. It was actually presented with exceptional clarity³⁴³. Amongst other things the alignment and safeguarded corridor of the SWRR is clearly shown on page 21 of the link entitled: “*Policies Maps*”. The claim that the quantity of documents on the website is excessive does not sit easily with the assertion that the proposal is not supported by substantial studies.

239. The limited involvement of local residents in the Hearing session when LMA and the SWRR was discussed cannot reasonably be equated to a lack of scrutiny³⁴⁴. The scheme has been thoroughly examined by a range of parties, many of whom were represented by Counsel at the resumed Hearing. The issues of need and viability have been fully debated drawing on expert input. There would need to be significant public engagement as the scheme goes forward, e.g. following submission of a planning application once the detailed design has been worked up. This is not a good basis on which to open up a range of alternative routes beyond the safeguarded corridor and for this, and all other reasons given, I decline to undertake a further round of consultation at this stage of the examination. This is underlined by the long gestation of the CS [134] and the imperative to get an adopted Plan in place [74].
240. I have found that the landscape impact of the SWRR would be acceptable [232] and there is no right to a view. Noise and air pollution have been considered³⁴⁵ and Figure 1 identifies potential noise receptors. There is nothing before the examination to suggest these matters cannot be dealt with by the imposition of planning conditions at the appropriate stage. Section 4.1 of the report also identifies the need for a: “*sensitive lighting scheme*” and whilst the rationale was the impact on fauna this determines that its impact on local residents can be addressed and is likely to be limited. There is no reason to find that lights from moving vehicles cannot also be addressed at the detailed design stage.
241. HE noted their interest in the SWRR³⁴⁶ but raised no objection. The Highway Authority has been involved throughout the examination and participated in the Hearing sessions such that it is appropriate to attach limited weight to the safety concerns articulated by a number of local residents. It is highly material that the roundabout on the Evesham Road has already been permitted as part of the West of Shottery scheme and so its effect on traffic conditions on Bordon Hill has been agreed to be acceptable. The possibility of a: “*rat-run*” through Luddington³⁴⁷ is one that might need to be addressed in due course, possibly through traffic calming measures, but it does not undermine the soundness of the SWRR allocation. The proposed design would also need to ensure appropriate provision is made for adequate and safe crossing points for users of the public footpaths along the route of the SWRR.

³⁴³ <https://www.stratford.gov.uk/planning/core-strategy-main-modifications-2016.cfm>

³⁴⁴ Representation 7995, dated May 2016.

³⁴⁵ See sections 4.3 and 4.4, respectively, Document Ref. ED.15.3.5.

³⁴⁶ Representation 7421, May 2016, but it has been engaged throughout the process.

³⁴⁷ Representation 0907, dated May 2016.

LMA: Viability

242. The original infrastructure budget of circa £120 m has recently been refined to a marginally lower figure of £118,114,875³⁴⁸, which includes the land on which the SWRR is to be constructed, but not the 'site abnormal' of £4 m to move the high pressure gas main across part of the site. The Promoter was said to be agnostic as to whether the cost of moving the gas main was included within the IDP and given that it is clearly included within the viability assessment³⁴⁹ the Council can reflect on this outside the examination: it could be brought into the IDP at a later stage. The resumed Hearing was told an extensive land remediation study had started, with the desktop exercise complete for the area of the 400 scheme and intrusive ground works underway. Nothing so far had revealed any problem and the records showed that the tipping had been controlled with only inert materials such as soil and bricks. The end of life vehicle area is said to be capable of being managed. On this basis it was said that there are no unknowns that might affect the viability of Proposal LMA and there is nothing before the examination to dispute the Promoter's conclusion.

243. The viability of the scheme with this level of commitments has been tested 3 times: (i) the PBA study from 2014 '*Viability and deliverability of strategic sites*'; (ii) the Promoter's own assessment of feasibility; and (iii) the latest PBA study from 2015 '*Community Infrastructure Levy*'³⁵⁰. Significant weight should be given to the independent, balanced appraisals by PBA. Although the concerns raised in the Levvel report, with particular reference to the SWRR, are noted, the Promoter says³⁵¹ funding has been agreed in principle with established financial institutions to enable it to be delivered at the current trigger of 400 dwellings. The Levvel report assumes CIL would be levied at £115/m², but the later PBA report recommends £75/m² and in any event this total, circa £15 m, is included within the infrastructure budget. The flexibility that some Participants have suggested is required appears to be achieved via the land deal, which allows the site to be acquired in tranches, and so the PBA figure of circa £58 m with finance cost might be staggered³⁵².

244. One Participant has raised detailed concerns about sales values, build costs, rental values and residual land values³⁵³. However the original PBA study is a competent piece of work and used relevant values as a particular point in time to establish viability. Just as build costs do not allow for inflation to 2031, so values achieved, for example in terms of house prices, are likely to go up from the Q1 2014 prices that are assumed in its viability assessment³⁵⁴. The original PBA study found the scheme viable without circa £25 m profit³⁵⁵ from office and retail, and so whilst doubts have been expressed about the realism of the office element this does not undermine PBA's conclusion. In any event it is noted PBA built in a standard 5 % contingency of over £7.5 m. In these circumstances there is good reason to have confidence in its appraisal, which

³⁴⁸ Document Ref. HD.88, which updates Table 4.6 in Document Ref. ED.15.3.2.

³⁴⁹ See Appendix 2 and entry for 'Abnormals' in Table 4.8, Document Ref. ED.15.3.2.

³⁵⁰ Document Refs. ED.4.2.1, ED.15.3.2 and ED.14.2.1 [e.g. Table 6.1], respectively.

³⁵¹ Answer to question 12b), Matter C [LMA] Hearing Statement HS-14, December 2015.

³⁵² See page 36, Document Ref. ED.4.2.1.

³⁵³ Answer to question 12b), Matter C [LMA] Hearing Statement HS-12, December 2015.

³⁵⁴ Table 5.1, Document Ref. ED.4.2.1.

³⁵⁵ See relevant entry, including circa £21 m from office component, in Appendix 1, Document Ref. ED.15.3.2.

represents a proportionate evidence base as required by the Framework. This finding is reinforced by the concession at the resumed Hearing that the point goes to delivery rather than an objection in principle with regard to viability.

245. Turning to the breakdown of costs, the Council circulated an update to Table 3 of the Schedule of Infrastructure Projects³⁵⁶ at the resumed Hearing. The main purpose of this was to address the identified anomaly with regard to the timing of the SWRR, which at this stage has to be linked to the construction of 400 dwellings. However the other significant changes relate to education, which has materially changed from the first draft, although it should be noted this was much less than the Promoter had assumed³⁵⁷. The Promoter says the extra £5 m for the second phase of the secondary school post 2031 would be related to wider needs³⁵⁸, but this is ambiguous from the updated Table 3. As a result clarification from the Education Authority was sought, which says: *"We would envisage the school serving a wider area than simply LMA and so the full cost of the school should not fall to the developer"*. It continues: *"...we discussed a figure in the region of £20m for secondary education with the promoters"*³⁵⁹. In the light of this evidence, whilst account is taken of comments made in relation to this issue³⁶⁰, the Promoter's position is vindicated. It is acknowledged that this figure might well be refined over time, but the Promoter's latest Infrastructure List does appear to be a fair estimate.

246. In view of the assurance that the SWRR is fully funded and given that the level of contribution [circa £29 m for the SWRR itself, apart from the land purchase] would meet the tests in paragraph 204 of the Framework, the Council's stance of not seeking contributions towards the SWRR is appropriate. If contributions were sought and a figure of circa £12,500 per dwelling was cited³⁶¹ this would add to the viability of Proposal LMA but would ultimately be to the commercial advantage of the Developer. It would not address any potential capacity issue that might arise once the 3,500 dwellings have been built. As such there is not a sound basis to insert a contribution mechanism into Proposal LMA and it must follow that no similar mechanism is required in respect of the WRR.

LMA: Reinstatement of the Stratford to Honeybourne railway line

247. A significant component of the LMA infrastructure budget is a contribution of £17 m towards the reinstatement of the Stratford to Honeybourne railway line. This represents a material change from the position that was discussed at the Hearing in January 2015, but this has not led the Council to revise its stance in relation to reinstatement of the railway. It does not seek this contribution because it is not seen to be necessary. The Council indicated that it works closely with Warwickshire County Council, as Transport Authority, but its position is arrived at independently from that taken by the County Council.

248. The Council has proposed a MM to part D of Policy CS.25 that would establish a presumption against development that would prejudice the reinstatement of

³⁵⁶ Table 3 – Long Marston Airfield, Document Ref. ED.13.11b.

³⁵⁷ Original Table 3 in Document Ref. ED.13.11a, November 2015, identifies in items 25 and 26 a total of £16.7 m, but Table 4.6 of ED.15.3.2 assumed a figure of £30 m in July 2014.

³⁵⁸ See Table Notes to Document Ref. HD.88.

³⁵⁹ Source of quote: Document Ref. HD.110.

³⁶⁰ Document Refs. HD.101 and HD.111.

³⁶¹ Calculated as £29 m SWRR cost + £15 m land cost = £44 m divided by 3,500 dwellings.

the railway line. This would avoid the situation that exists at Long Marston where industrial units have been built on the former line of the railway. As such I recommend this MM to part D, revised to take on board the minor concern raised in a recent representation³⁶² [MM86], to ensure the Plan is effective and positively prepared. With this change Policy CS.25 maintains the stance taken in successive Local Plans towards the former line of the railway south of Stratford-upon-Avon, by safeguarding its route. Despite having taken account of the representations that have been made in this matter there is not a sound basis for a more positive stance to be taken at the moment. The Local Transport Plan [LTP] says: *"The County Council will consider supporting a proposal for reopening the line if it is promoted by DfT, the rail industry or a third party provided the local benefits outweigh any local environmental disbenefits"*³⁶³. In contrast to the stated position of the Transport Authority at the resumed Hearing the list is disjunctive; it does not require DfT and Network Rail. This broad approach accords with the Business Case Study which, at paragraph 9.7, recommends supporters of the scheme seek to attract a rail industry sponsor. Despite the significant contribution that is offered by the Promoter of Proposal LMA that remains the key to taking this: *"promising candidate for reinstatement"*³⁶⁴ forward. If it is such a strong candidate, as is claimed, DfT, Network Rail or a train operating company could reasonably be expected to back the scheme and take a lead in its delivery. My view in this matter is reinforced by the fact that the Great Western Railway's 'Vision for the North Cotswold Line', February 2016, includes the potential reopening of this line in its target programme for the period 2019-2024³⁶⁵.

249. In the absence of a promoter or an identified source of funding for the total cost of the reinstatement of the railway the CS goes as far as it reasonably can. There is no evidence to support the claim that the LEP would lead the delivery as the only reference in the Strategic Economic Plan [SEP]³⁶⁶ suggests that the DfT should work with the LEP to achieve better rail connections for Stratford-upon-Avon. It is of course possible that the LEP might decide, for example in the light of any subsequent study, that reopening of the link should become a funding priority³⁶⁷. However that is not the position that it or the Transport Authority takes at present. Since it is not possible to identify a body that would be responsible for leading its delivery it is not appropriate to include it in the Schedule of Infrastructure Projects³⁶⁸, even as a non-critical item of infrastructure, unless or until such a body can be identified.

250. In reaching this view it is acknowledged that the Business Case Study found that the benefit cost ratio demonstrates that the service is projected to show a profit from day one. There can be no question that the service would provide a sustainable alternative to the use of the private car for many residents and visitors, which would reflect the thrust of section 4 of the Framework. Among other things reinstatement would contribute to improved network resilience. However in the absence of a lead body there is no explanation for where the

³⁶² Representation 0619, dated May 2016.

³⁶³ Source of quote: page 100, Warwickshire Local Transport Plan 2011-2026, Document Ref. ED.4.7.9.

³⁶⁴ Source of quote: page 75, Business Case Study, Arup, Ibid, Document Ref. ED.4.7.8.

³⁶⁵ See excerpt submitted as part of representation 4548, dated May 2016.

³⁶⁶ Page 53, Document Ref. ED.4.4.4.

³⁶⁷ See DfT response in comparable circumstances at Document Ref. HD.59b.

³⁶⁸ Document Ref. ED.13.11a.

balance of circa £45 m or more would come from. The Developer is not a rail provider and cannot be identified to lead delivery. So whilst the claim at the first Hearing, that it needs to be in the IDP in order to obtain further funding for the Governance for Railway Investment Projects [GRIP] level 4 study, is acknowledged, the absence of a lead body does not justify its inclusion.

251. In any event the Promoter assured the resumed Hearing³⁶⁹ that it would be prepared to fund the GRIP 4 study. There is also a possibility that a bid that has been made to the LEP for such funding might be endorsed, although the resumed Hearing was told that it might not be successful. Whilst it is acknowledged that the Promoter of LMA sees the reinstatement of the railway as a positive benefit for its scheme, its offer to fund the GRIP 4 study should be embraced as a positive step forward towards reinstatement. The resumed Hearing was told that the GRIP 4 study would look again at environmental and amenity issues but, should it be necessary, a parallel economic impact study might also be required if this falls outside of the narrow remit of GRIP 4.
252. As noted elsewhere [9] the IDP is a working document. Accordingly there is ample scope for the railway reinstatement to be brought into the Schedule of Infrastructure Projects at a later date, post adoption. It does not need to be a MM to the CS because, with the assurance received that GRIP 4 would be funded, the rationale to justify its insertion at this stage would not apply.
253. However, if the point is reached that a lead body can be identified, it would be reasonable to expect the Council to include the reinstatement of the railway in the Schedule of Infrastructure Projects as non-critical infrastructure within Table 1, Transport & Highways. The caveat in the LTP should not prevent this given that only 9 properties are identified as lying within the 55dB (A) noise contour³⁷⁰ and there is scope to realign The Greenway alongside the railway for some of its length to provide an appropriate replacement for cyclists and pedestrians. The Exe Estuary Trail³⁷¹ is one example of a recent successful scheme where a new cycle route and walkway has been provided alongside a railway and this might provide a model for a replacement for The Greenway. Consideration should be given to the possibility of providing such a resource along the entire length of The Greenway, including south of Milcote Lane. If this were not possible, noting that the road through Long Marston provides a realistic alternative for cyclists and there is a parallel footpath for some of this length, the unique benefits of rail reinstatement might well outweigh its loss.
254. Warwickshire County Council, as Transport Authority, acknowledged at the resumed Hearing that it has no experience of reinstating railway lines, distinct from reopening stations along an existing railway line. Whilst its reservations are understandable at this stage, reinstatement of this missing section of line holds the key to reinvigorating the Shakespeare Line and would further the LTP vision for its Passenger Rail Strategy³⁷². There is an opportunity to re-appraise the contribution that rail reinstatement could make as part of the '*Transport Strategy for Stratford-upon-Avon*' that is currently underway³⁷³. It

³⁶⁹ Provisional agreement also evident in written answer to question 10b), Matter C [LMA] Hearing Statement HS-14, December 2015.

³⁷⁰ Paragraph 9.6, Business Case Study, Arup, Ibid, Document Ref. ED.4.7.8.

³⁷¹ <http://www.exetrail.co.uk/>

³⁷² Page 326, LTP, Ibid, Document Ref. ED.4.7.9.

³⁷³ Position Statement, October 2015, Document Ref. ED.14.7.1.

would appear to provide a long-term solution to the town's traffic congestion.

255. In this broader context it is appropriate to focus back on the policy. The ninth bullet-point under '*What is to be Delivered*' requires frequent public transport services between Stratford-upon-Avon and Honeybourne Station, and so the policy '*hook*' to justify the financial contribution that is offered is there. This could be worked up in the SPD. The main concern is therefore one of timing. The GRIP 4 study needs to proceed as soon as possible because that is the trigger for the rail industry to get involved and, if a lead body is identified, that would allow it to be identified in the IDP which, in turn, would ensure that the contribution offered would meet the tests in paragraph 204 of the Framework. Whilst there is a GRIP 5 stage it appears to be a detailed design phase and the consensus at the Hearing was that GRIP 4 was the appropriate trigger point³⁷⁴.

256. It is in prospect that a s106, associated with a second phase of LMA, could be structured in this way, but there is a concern that the Council might simply not seek any such contribution. Realistically this is the only chance for the line to be reinstated and without this significant contribution being secured from the private sector it might never happen. However from a policy perspective it is not clear that anything further should be done. Given the uncertainty it would not be appropriate to revise the ninth bullet-point to explicitly refer to rail: the Council maintains its view that a guided bus might be an alternative option.

257. In this context the Promoter told the resumed Hearing that it had no view on whether the mode should be rail or a guided bus. It is also appropriate to record that, despite the potential absence of a mechanism to lock in the sum of £17 m, it made a public commitment to a contribution of this magnitude. Whilst the Options Assessment identifies the potential for an enhanced public transport service for journeys to/from Stratford-upon-Avon and other locations to be a key differentiator³⁷⁵, because the Council does not seek reinstatement of the railway this factor is understated. However, with the exception of Meon Vale, this is the only strategic option that is able to offer the potential to link into the rail network or provide a dedicated busway. Whilst one Participant³⁷⁶ says other strategic options have greater potential to serve more destinations by bus, this is outweighed by the unique opportunity that LMA provides to reinstate a dedicated mode of public transport, such as rail, along this route.

258. There is no inconsistency in my view between the absence of reference to rail in the ninth bullet-point and the requirement of the tenth bullet-point, which says land should be safeguarded for the provision of a railway station. It all hinges on the rail industry and/or DfT being convinced by the GRIP 4 Study. If the case is not made out then an alternative public transport mode, such as guided bus, can comply with the ninth bullet-point but, in common with Policy CS.25D, safeguarding of the land for a railway station would be appropriate. Accordingly I concur with the Council's suggestion to identify the location of the land to be safeguarded as a railway station at LMA on the Policies Map, but there is no need for a main modification to make the policy more rail focussed. This safeguarded site for the railway station is shown on the proposed updates to the Policies Map, which was the subject of consultation in May 2016.

³⁷⁴ View endorsed by, amongst others, Stratford Rail Transport Group.

³⁷⁵ Paragraph 4.10, Document Ref. ED.13.4.

³⁷⁶ See Matter C [LMA] Hearing Statement HS-08, December 2015.

LMA: The role of public bus services at LMA

259. It appears to be common ground that there is a good existing public bus service along the B4632, Campden Road, which operates a core 30-minute frequency Mondays to Saturdays. The route is identified as a component of the County's Inter Urban Bus Network and the LTP plan³⁷⁷ underlines the view that Stratford-upon-Avon is: "*...a significant destination in its own right, and by far the largest node on the local bus network*"³⁷⁸. As part of the first phase of 400 dwellings at LMA financial contributions will be made to improve the existing services, including the introduction of a Friday evening and Sunday service, with diversion of some services into the site³⁷⁹. In total a significant contribution of £2.8 m is proposed towards bus enhancements on this route³⁸⁰, which would appear to meet the tests in paragraph 204 of the Framework.

260. Stagecoach, which does not operate this route, has suggested that even the most efficient route through LMA would add 6-7 minutes to journey times in each direction and, depending on the route or time of day, this could be up to 12 minutes. Although the Promoter considered this to be over-stating the problem, it does underline the need to engage with bus operators at an early stage in order to inform the layout, including the location and spacing of bus stops. The implications for bus users further up the line also need to be considered in achieving a balance between diverting existing services into the site and establishing new services to primarily serve LMA. Different solutions might need to be adopted at different phases of the development, but the mere provision of a bus stop on Campden Road is unlikely to be a compromise because it would be too far to walk from the proposed dwellings. It might be some years before LMA has the critical mass to ensure its own bus service is self-sustaining at the existing level of frequency along this corridor. However that is a perfectly reasonable long-term policy aspiration and in the interim there might be scope to explore novel ways of increasing income along this route. This could conceivably involve the buses going to and from LMA via a reopened park and ride facility near Waitrose: together it might be viable.

261. All of these points appear to be capable of resolution at a later stage in the planning process and, with the exception of engagement with bus operators, do not require a modification to the policy framework at this stage. It does not suggest that Proposal LMA should be dropped³⁸¹ in favour of various alternative strategic solutions, which is the wider point that underpins the Stagecoach submission. Allied to the MM that has been put forward to link bus services with wider public transport provision, which is considered below, it might be possible for bus priority measures to be identified in the concurrent '*Transport Strategy for Stratford-upon-Avon*' in order to help address the issue of congestion along this route. Incrementally this does have an ability to achieve modal shift along this part of the bus network, serving the District's

³⁷⁷ Figure PTB1, page 307, LTP, Ibid, Document Ref. ED.4.7.9.

³⁷⁸ Source of quote: answer to question 9b), Matter C [LMA] Hearing Statement HS-08.

³⁷⁹ See answer to question 9a), Matter C [LMA] Hearing Statement HS-14, December 2015.

³⁸⁰ See relevant entry in Document Ref. HD.88.

³⁸¹ Reflective of its September 2015 consultation response, Stagecoach were invited to the Matter B session at the resumed Hearing, but chose not to attend. Although the point is raised in answer to question 9, Matter C [LMA] Hearing Statement HS-08, the focus of this stage of the examination is much narrower than reviewing reasonable alternatives. It does not justify the '*in-principle*' objection raised by Stagecoach to LMA at that Hearing.

main public transport node and principal settlement.

262. The Council put forward 2 relevant MMs. The first, to the ninth bullet-point under '*What is to be Delivered*', would require the frequent public transport services to link to the railway station in Stratford-upon-Avon. In effect this provides the solution to the missing rail link in public transport provision and would secure what is in effect a '*bus replacement service*' for the railway. Not only would this encourage prospective residents to seriously consider use of public transport, providing a complementary service, it would also raise the prospect of the co-ordination of services and marketing at a wider level, for example to visitors and/or tourists. It might not be a panacea but it would make the best of the current situation. The second is a change to the Vision to engage with bus operators in preparation of the SPD to ensure their needs inform the layout. I recommend these MMs [MM78] to ensure the delivery of sustainable development and to therefore be consistent with national policy.

LMA: Miscellaneous points and overall conclusion

263. Historic England has suggested³⁸² that the Plan should refer to the historic nature and heritage significance of the airfield. However given the specific requirement in Proposal LMA for SPD to guide the site's development and set out broad principles to show how other policy requirements, including policies CS.8 and CS.9, should be delivered, this can be taken forward in the SPD. This change is not necessary to meet the tests for soundness. The Council has confirmed that it will engage with Historic England when preparing the SPD.

264. The Police have identified³⁸³ an inconsistency between Proposals GLH and LMA insofar as the former now [213] refers to a: "*police office*" but the latter only refers to community facilities. Whilst this term is defined in the Glossary to include emergency services there is a need to be consistent. Although the updated IDP expressly refers to a police office, such that I can be satisfied that the change will not come as a surprise to the developer, I recommend this MM [MM78] to ensure that the Plan is positively prepared. In the circumstances the addition of a further bullet-point for: "*emergency services infrastructure*" is neither evidenced nor necessary given the existing reference to community facilities. The fact a different approach was taken in South Worcestershire does not, in itself, justify the extra criterion in these circumstances.

265. The prospect of setting out milestones for the delivery of key infrastructure components was raised. Apart from the SWRR, no targets are set out in the Plan other than in the IDP which are not fixed and might vary. However the '*Specific Requirements*' include the production of SPD and this could provide an appropriate policy vehicle for setting out milestones. Not only would this be drawn up at a later stage, based on more accurate information that might only become clear once certainty is achieved following adoption of the Plan, but it would also be the subject of consultation. The formal mechanism would be a s106 agreement associated with the grant of planning permission, which would link delivery to certain stages, such as the number of dwellings built.

266. As was submitted in closing for the Promoter at the resumed Hearing it is not every day that there is such limited and muted opposition to a new settlement

³⁸² Representation 6363, dated May 2016.

³⁸³ Representation 4549, dated May 2016.

for 3,500 dwellings that is proposed in the open countryside. The fact is that the only local resident³⁸⁴ who addressed the 'LMA day' at the resumed Hearing is in favour of it. Even CPRE appeared to retract from their starting position of objecting in principle to a closing position in which it was indicated that LMA should be retained in the CS and preferred to GLH, with the latter relegated to a reserve. The objections that have been made in response to the consultation in May 2016 are principally directed to the SWRR and whilst that is an integral part of the whole reasons have been given why it is acceptable in principle and why the consultation exercises, notably that in September 2015, were not defective. The relative absence of objection and the lack of justified reasons being advanced as to why LMA should not be allocated leads to the finding, for all the identified reasons, that the allocation of this site is sound. My earlier comments with regard to the recent DCLG consultation [219] apply equally to this proposal and reinforce this finding.

267. For these reasons, I recommend MMs to the Proposed Submission version of the Plan to incorporate Proposal LMA and the associated text, together with all consequential modifications including to the Vision, Policy CS.15, Policy CS.16 and the Key Diagram [**MM78, MM03, MM30, MM33 and MM04**] to ensure the tests for soundness in paragraph 182 of the Framework are met. The related issue of the trajectory for Proposal LMA is dealt with at [336].

Adequacy of LSV methodology and revisions to the LSV categorisation

268. Policy CS.16 allocates approximately 2,000 dwellings to LSVs via a complex distribution mechanism that has arisen because of concerns about the effect of the original approach on Green Belt. This was touched on briefly in the IC. However, noting its evolution³⁸⁵ has been debated, a fuller explanation at this stage is not warranted because the position as at 31 March 2016 is that 1,981 dwellings have planning permission in LSVs. Given that further development opportunities might come forward once BUABs have been identified there can be no justifiable concerns about deliverability. Policy CS.16 does not impose a cap on housing numbers, see: "at least", and so the figures for each location must be interpreted in that broad context, such that I reject the claim that the policy is unsound. However part B does give an indication of the quantum of development that is appropriate for each category of LSV taking account of sustainability criteria. In a Plan-led approach that is appropriate because it gives local communities and developers a degree of certainty. For these reasons the distribution mechanism in Policy CS.16B and the methodology underpinning it in Appendix 2 are recommended as MMs [**MM33 and MM91**] to be consistent with national policy and ensure the Plan's strategy is justified.

269. Allied to this the Council has put forward a MM to part C of CS Policy CS.16, together with associated changes to the reasoned justification, which narrows the role of the SAP to reflect the fact that the allocation to the LSVs has already been met. In the same way that the SUA and MRC SHLAA allowance has already been used up, part C would now merely encompass the possibility that NPs might identify additional sites to exceed the housing requirement. I recommend this MM to part C of CS Policy CS.16, together with the reasoned justification [**MM33**], to ensure that the Plan's strategy is justified.

³⁸⁴ See consultation response 1857/3.

³⁸⁵ Document Ref. HD.28.

270. In reaching this view account has been taken of more recent arguments but for reasons given above there can be no question that the overall quantum will be delivered. Noting it is admitted³⁸⁶ that around half of the 400 dwellings in category 4 LSVs have planning permission within the first quarter of the life of the CS, and that identification of BUABs might reveal other opportunities, this is not a sound basis to reinstate the sentence concerned. It should however be underlined that this change does not prevent the SAP from allocating reserve sites in LSVs and this is dealt with elsewhere [277]. There is nothing to prevent sustainable sites in LSVs coming forward but the Plan-led approach means that there is no need to identify such sites now. In short, the market has dictated that those sites that would have been allocated in the SAP have been: *“moved forward from later in the plan period”*, as per paragraph 47 of the Framework, in order to boost the supply of housing. That appears to be the intention of the Framework and provides no basis to criticise the Council.
271. The IC set out reasons why it might have been better to take account of other factors, most notably employment, in undertaking the assessment of the sustainability of villages, which is set out in Appendix 2 of the CS. However the outcome is fit for purpose insofar as it takes account of the key attributes of the many villages in the District. It effectively ranks them so that housing is directed to the largest settlements with facilities, such as shop and school, and frequent public transport that would, taken together, reduce the dependency of prospective residents on the private car. In this context it is unlikely that a more comprehensive approach, taking account of facilities such as public houses, community facilities, such as churches and village halls, and recreational facilities, would materially alter the outcome.
272. The Council has proposed a MM to the categorisation of Stockton so that it would become a Category 2 village due to the long opening hours of one of the shops, together with the frequency of the bus service. Whilst there was some discrepancy in the material regarding the final score that should be attributed to Stockton³⁸⁷ there is no basis for it to be re-categorised within Category 1. However I recommend that Stockton should be re-categorised [**MM31 and MM91**] in order to ensure the Plan delivers the most appropriate strategy. However the Council has indicated that the position with Long Marston is that it should revert to a Category 4 LSV in the light of the latest bus timetable that has been placed before the examination³⁸⁸. This is confirmed by the evidence that the first bus does not arrive in Stratford-upon-Avon until well after 0900 hours such that public transport would not be a realistic option for prospective residents in order to gain access to things like education or employment.
273. In respect of Halford, at the Hearing the Council conceded that it would be appropriate for the bus service to score one point. The bus timetables that are before the examination demonstrate that it has a regular service to Stratford-upon-Avon, including services that arrive in the town before 0900 hours and depart from the town roughly every hour between 1630 and 1830 hours, 6 days a week. On that basis it meets the *‘fair’* category and should score 1. The effect of this is that I recommend that Halford should be categorised as a

³⁸⁶ Representation 1151, dated May 2016.

³⁸⁷ Contrast page 263 of Document Ref. ED.2.7 with page 8 of the SDC Consolidated Hearing Modifications, but this has subsequently been resolved.

³⁸⁸ See, amongst others, representation 5753, dated May 2016.

Category 4 settlement, which also requires a consequential change to the Key Diagram [**MM31, MM91 and MM04**] in order to ensure that the Plan delivers the most appropriate strategy. In reaching this view it is not necessary for a score to be attributed to the shop at the garage. Whilst it has long hours the range of goods appears to be limited such that residents would be unlikely to be able to depend upon it to meet all of their day to day top-up shopping needs. Accordingly it does not merit a point being scored for shop.

274. Turning to Snitterfield the score of 2 for shop appears to be appropriate because although the village store is open around 80 hours a week the claim that it should be classified as a large general store has not been clearly made out. Turning to public transport, bus service 229 does not run '*at least two hourly*' and on that basis it does not meet the minimum category for a good service. In these circumstances the scores for Snitterfield are appropriate and it should not be elevated from its present Category 3 status.
275. Claverdon is not within 500 m of its railway station and on that basis, even if the frequency of trains was adequate to meet the '*fair*' category, there being no evidence of this before the examination, it should not score anything for public transport. There is negligible car parking and it has not been shown that walking and cycling along the main road are realistic alternatives. On this basis this cut-off distance appears to be appropriate when applied here. It has been claimed that there is a bus service but the extent to which that connects with the train is unclear and it has not been shown that the bus service would meet the '*fair*' category. As such the scores for Claverdon are appropriate and it should not be elevated from its present Category 3 status.

Location of reserve sites in the SAP

276. Policy CS.16D says the location of any reserve sites will reflect the settlement pattern and maintain the overall balance of distribution of development set out in Policy CS.15. The Council has indicated that it is content with this despite a legitimate concern that if a new settlement fails to deliver the anticipated trajectory it would not be possible to allocate additional deliverable housing at either location. By their nature, reserve sites would comprise those that are not allocated in the CS and there is little scope to allocate such sites at GLH or LMA. Against a background of searching questions being asked about delivery rates, it is appropriate to discount the possibility of identifying housing currently scheduled beyond the Plan period in such locations as a reserve.
277. The scale of the reserve is now quantified as 20 % of 14,600, which is 2,920, and using the latest breakdown as a guide [**138**] it might require around 800 houses³⁸⁹ to be identified as a reserve in a new settlement. Such strategic options exist, for example at Stoneythorpe and Dallas Burston Polo Grounds, but the rigid approach implied by the current wording might rule out other strategic options of a similar scale. It might also point to a further 13.1 %, or circa 383 houses³⁹⁰, being directed to LSVs. However against the backdrop of concerns in the IC about the level of dispersal to LSVs, together with raised thresholds for affordable housing that, in contrast to a more focussed approach, might not maximise the delivery of affordable housing, this aspect

³⁸⁹ 27.8 % of 2,920 = 812.

³⁹⁰ 13.1 % of 2,920 = 383.

of the strategy might need to be revisited when selecting reserve sites in the SAP.

278. In light of the above, in order to ensure the Plan meets the test for soundness, I recommend a MM that would allow broader discretion in the context of the further SA work that is likely to be required to underpin the SAP [MM33]. This would allow the Council to exercise greater flexibility between the options for sustainable growth that are identified in Policy CS.16A. In this context it is relevant to record that during the Hearings the Council retracted from the distinction between sites that it had drawn in its earlier analysis³⁹¹. Identifying a broad range of sites that are consistent with the strategy would allow them to be released according to the different needs that might arise.

279. Whilst noting the points raised about this MM during the recent consultation it should be clear from the above that the reference to settlement pattern and Policy CS.15 is generic, e.g. to new settlements, rather than GLH and/or LMA individually. It would indeed be perverse³⁹² to direct more housing to an option that was not delivering but that is precisely why the wording has been revised. Although it has been argued³⁹³ that a key role of the reserve sites in the SAP will be related to the unmet needs of Birmingham, they should fulfil multiple roles [67] and so the view that this will be different to the current spatial strategy is not agreed. The CS has identified a variety of sustainable locations and it is improbable that it would be necessary to fundamentally revisit the significant amount of work that has already been undertaken. It follows, noting the imperative to identify reserve sites [69], that it would seem to be unlikely that the SAP *must* be informed by a Green Belt review. Although it is understood that there is a concurrent Green Belt review, it is a matter for the Council to consider rather than it being appropriate to force the Council's hand in the manner that has been suggested.

Overall conclusion on the third main issue

280. For the reasons set out above I conclude on the third main issue that the Plan's development strategy for the distribution of the housing requirement is justified by the evidence base. The allocated housing sites are sound subject to the identified main modifications, which are necessary to ensure the policies are positively prepared, justified, effective and consistent with national policy.

³⁹¹ See page 270, Document Ref. ED.2.7.

³⁹² Representation 7394, dated May 2016.

³⁹³ Representation 1151, dated May 2016.

Issue 4: Does the Plan make appropriate provision for economic development that is consistent with the evidence base?

Background

281. This issue was comprehensively considered in the IC and there is no sound reason to revisit the substantive conclusion that the Plan does make appropriate provision for economic development based on adequate, up-to-date and relevant evidence. Reasons were given in the IC for confirming the main employment land releases over the life of the CS, with the exception of Proposal SUA.3. There is nothing that has led me to change my findings in these matters. As a result I recommend the MMs to the relevant parts of the Vision, the Strategic Objectives and to Policy CS.21, including its reasoned justification, which would ensure the release of an overall level of employment land of at least 35 hectares [ha] over the life of the Plan [**MM03, MM05, MM46, MM47**] in order to meet the tests for soundness in the Framework.
282. In reaching this view the wide ranging opinions of the Chamber of Commerce³⁹⁴ are noted. It is accepted that, pending implementation of the employment allocations, there might be limited opportunities for businesses to expand. However the Plan process is evidence based and so whilst I share its view that existing businesses should not need to relocate in order to grow, those allocations could be brought forward within a relatively short timeframe.
283. There are 2 principal issues that are outstanding, which are dealt with in reverse order. The first is AML because this allocation emerged during the original Hearings and hence the September 2015 consultation was the first opportunity for many parties to formally respond in writing to this proposal. The second is Atherstone Airfield. The IC gave reasons for rejecting Proposal SUA.3 and so the Council were invited to explore the opportunity that it might offer for the relocation of B2 and B8 uses from the Canal Quarter.
284. One particular concern is that because DCS is understood to require a single site of approximately 10 ha, in order to bring together its operations at Long Marston and the Canal Quarter, there is a possibility that, if successful, SUA.2 might not have this scale of site available at the point DCS might require it. That, in turn, might scupper a significant element of the western part of the Canal Quarter, which is the area assumed to come forward in the Plan period.
285. Whilst it is appropriate to record that following issue of the IC, the Managing Director of DCS contacted the Programme Officer to indicate that Atherstone Airfield would not be acceptable for relocation because of its distance from the A46, the selection of LMA, including the delivery of the SWRR, suggests that such a concern might no longer be critical. Moreover the role of the planning system in this regard is all about choice: as it stands DCS might be left with very little choice if SUA.2 had no site of the required scale available. DCS might be forced to stay on split sites or to move out of the area. As it is a significant employer every effort should be made to accommodate it locally.
286. Finally it is worth saying that there is no inconsistency in my view between a finding in the IC that exceptional circumstances had not been shown and now saying that more land might be required. The Council's own consultant said

³⁹⁴ Representation 0696, dated May 2016.

the case for the release of 15 ha at SUA.3 had not been made out, but in any event it appears to have been put forward as a solution for the eastern half of the Canal Quarter³⁹⁵. It was noted in the IC that the Council's report³⁹⁶ gave a basis to identify a need for an additional 5 ha, plus the DCS relocation. Atherstone Airfield is not in the Green Belt and so exceptional circumstances are not required. This non Green Belt site should therefore be the starting point for meeting any identified need for a further employment allocation. Reasons were given in the IC as to why Atherstone Airfield might be suitable to accommodate commercial development, including large scale buildings.

Update

287. The first point is that the resumed Hearing was advised that SUA.2 had been acquired by IM Properties on 1 December 2015. It was said that this should provide certainty that the site would be delivered and, given the absence of impediments, this could be within 24 months. IM Properties said it had been actively exploring with adjoining landowners, in particular the land to the west owned by Defra, the possibility of significant landscaping being planted outside of the site boundaries in order to make more efficient use of the allocated site. The Hearing was advised that the net developable area could be 75 to 80 %.

288. In addition the resumed Hearing was told that the site allocated for employment had been more accurately measured and established to be 23 ha, rather than 20 ha. Having spent a great deal of time at the original Hearing reviewing various figures, notably in respect of the Canal Quarter, it did not cross my mind to test the consensus between the Council and the landowner that the allocated site measured 20 ha. It is however surprising that this fact should emerge after the issue of the IC. If this had been a Green Belt site then it would have justified a rigorous re-examination of the rationale for its release, but in the case of SUA.2 such a response would be disproportionate. The site is defined on the ground by established boundaries and in landscape terms the case is made out based on those features. Concerns about whether sufficient land is being released for employment purposes, particularly to facilitate the Canal Quarter regeneration, underline the view that the increased allocation is sound. Accordingly I recommend a MM to update the Plan [MM55], which again underlines that it has been positively prepared.

289. The other point, by way of update, is to briefly consider the implications of the identification of LMA and, in particular, whether it might have any material role in accommodating relocating businesses from the Canal Quarter. The material before the examination³⁹⁷ indicates that up to 9 ha of employment land is anticipated to come forward at LMA by 2031, of which 1.5 ha might be for B2 use and 3 ha for B8. The Hearing was told that the first phase of development includes up to 4,000 m² of B1 floor space and so it follows that other use class development would only be delivered once the SWRR is in place.

290. Both the Promoter and the Council see LMA having a role in accommodating relocating businesses but the consensus is that this is unlikely until the SWRR is built. Nevertheless the Hearing was advised that commercially confidential preliminary discussions had taken place with some existing occupiers of the

³⁹⁵ Primarily for the car sales uses on Western Road; see the IC for more detail.

³⁹⁶ Document Ref. HD.30.

³⁹⁷ Table 1, Appendix 9, Technical Statement: Feasibility, Document Ref. ED.15.3.3.

Canal Quarter. Noting the Council's breakdown by use class and the fact that it assumes replacement B1 provision in the Canal Quarter³⁹⁸ this is unlikely to make a significant contribution to the calculation of need in the short term.

291. Although the Promoter did not rule out the possibility of accommodating DCS at LMA, it does not appear to reflect the vision for a sustainable mixed use development. The Promoter was clear that it was not part of the Developer's current plans and the 10 ha requirement would be larger than the entire land use budget for employment within the Plan period. In summary, whilst LMA might represent an option for B2/B8 occupiers in the medium term, which has to be a good thing in terms of providing choice, it does not address the key matter at issue, which is to ensure the Canal Quarter does not fail to come forward because there is nowhere for a business such as DCS to relocate to.

Quantifying the need arising from the Canal Quarter in the Plan period

292. The Council's latest estimate³⁹⁹ is that there is a need for just over 10 ha of employment land in order to accommodate companies that need to relocate from the western half of the Canal Quarter. However not all of the entries appear to be correct, for example Sitel House at 3,123 m² appears to have used a 50 % plot ratio, rather than the 40 % stated, and if the latter had been used the requirement would be 0.78 ha⁴⁰⁰. This is after excluding footloose occupants, such as Listers, Stratford College and RSC, which in total comprise a further 2.85 ha, assuming a 40 to 50% plot ratio. The Council's statement says Stratford College and RSC are understood to be relocating elsewhere and the position of Listers was set out in the IC. It says SUA.2 is adequate to meet this need, particularly given the fresh assessment of its size at 23 ha.
293. The Promoter of Atherstone Airfield measures the western half of the Canal Quarter to be 16.4 ha gross and says a brief look at a plan of the area shows that it is densely developed. Based on the Council's revised calculation it says the appropriate figure is 13.82 ha because it is not appropriate to exclude Listers and the sites currently occupied by Stratford College and RSC could be re-occupied. The Council's listing notes 1-2 Masons Road is being marketed.
294. The Promoter of Atherstone Airfield has calculated developable area figures, based on a like for like replacement of floor space in the western half of the Canal Quarter, using a 40 % plot ratio, to be 15.7 ha, for all businesses, or 13.4 ha, simply based on B2 and B8 uses. It is said that even if the gross site area of SUA.2 is 23 ha, then the developable area would be a maximum of 18.4 ha, at an 80 % plot ratio, or 17.25 ha based on a 75 % plot ratio⁴⁰¹. On this analysis there might not be room to accommodate the Long Marston DCS operation on SUA.2, even without allowing for companies moving to

³⁹⁸ Table 1, or Appendix 1, appended to Matter C [SUA] Hearing Statement HS-33, December 2015, identifies a need for 2.8 ha of B1, but assumes 1.8 ha would be provided, so the net figure is 1 ha.

³⁹⁹ Table 1, or Appendix 1, appended to Matter C [SUA] Hearing statement HS-33, December 2015.

⁴⁰⁰ This would be [0.78 less 0.62] an additional 0.16 ha.

⁴⁰¹ Although there was a suggestion that this could be lower due to the proximity of the site to housing, this is most unlikely to be a constraint. The housing element of SUA.2 would be on the far side of the WRR and in any event a layout can be envisaged in which B1 uses were closest to the houses which, by definition, is compatible with a residential area.

SUA.2 from outside of the Canal Quarter⁴⁰², which is permitted by the policy. Put another way if 10 ha on SUA.2 are released to the open market for B1 use this might only leave between 7.25 and 8.4 ha available for relocation which, in itself, would not appear to be adequate to meet the needs of DCS.

295. Even acknowledging that the ELS identified⁴⁰³ the need for 5-10 ha of B1 at Stratford, the case put for the Promoter of Atherstone Airfield is persuasive. The Council acknowledged at the resumed Hearing that it accepted: "...*the need for additional land to be provided*" and quantified this to be an extra 5 ha net. However it was pointed out that if the figure of 15.7 ha is expressed as a gross figure⁴⁰⁴ it would be around 23 ha, which would suggest the need for 10 ha. It is also acknowledged that the DCS figure of 10 ha might fluctuate as the business might grow and it is not clear if this is a net or gross figure⁴⁰⁵. In this context the Framework says that planning should not be an impediment to sustainable growth, that LPAs should plan proactively and that policies should be flexible to allow a rapid response to changes in economic circumstances.

Atherstone Airfield

296. This all points to one conclusion: that Atherstone Airfield should be identified for up to 10 ha net⁴⁰⁶. Indeed this finding is underlined by the prospect that the Council does not rule out the possibility of other parts of the Canal Quarter coming forward incrementally, even though the CS places no reliance upon them delivering housing in the period up to 2031. The Council advised the resumed Hearing that the Maybrook Road area might progress in this manner, which might result in firms like Buildbase and Jewsons looking for alternative premises within the lifetime of the plan⁴⁰⁷. However half should be held in reserve to provide the in-built flexibility to accommodate the particular demands of DCS within the lifetime of the Plan or, at the point that DCS has found an alternative site for relocation, meet a need identified at that time. I recommend a MM, taking account of representations⁴⁰⁸, in order to ensure the reserve is held back until Proposal SUA.2 and the first phase of Proposal SUA.5 are exhausted [MM58]. However, in order to build a strong, competitive economy there is no basis to hold back the first phase of SUA.5 until SUA.2 has been fully developed and this position is no different from the Submission Plan in comparison to SUA.3. There can be no sustainable case for SUA.2 to have a monopolistic position in respect of relocating businesses.

297. During the examination significant highway studies have been undertaken on the effect of including Atherstone Airfield in the CS upon the traffic situation in Stratford-upon-Avon. The assessment in November 2015 found Atherstone Airfield would cause a significant impact on the performance of the network, particularly in the evening peak⁴⁰⁹, such that further mitigation would be required. However this work appears to have assumed that 97 % of the traffic

⁴⁰² 18.4 ha [SUA.2 net] less 15.7 ha [JLL calculation just for relocation] = 2.7 ha net.

⁴⁰³ Paragraph 11.40, Document Ref. ED.4.4.2.

⁴⁰⁴ Using a 50 % plot ratio [or around 22 ha, using a 40 % plot ratio].

⁴⁰⁵ The company has made no formal representations in relation to the examination.

⁴⁰⁶ This is 19 ha gross and such a large allocation would appear to provide scope to accommodate a single user, such as DCS, on the site.

⁴⁰⁷ Confirmed by, amongst other things, letter dated 2 September 2015 from Jewsons.

⁴⁰⁸ Representation 8040, dated May 2016.

⁴⁰⁹ See Figure 25, Document Ref. ED.14.7.2.

associated with Atherstone Airfield would travel through Stratford-upon-Avon and the Highway Authority has subsequently agreed this split was too high.

298. By the close of the resumed Hearing an agreed position had been arrived at, based on a 50/50 split of B2/B8 uses totalling 39,483 m², which equates to an allocation of 10 ha gross using a 40 % plot ratio. The agreed statement says the results show that whilst there might need to be: “...*some local mitigation (signal timing alterations or contributions to the STP for example), this can be adequately considered within the detail of a planning application*”. It finds: “...*the delivery of the site in its entirety is not dependent upon the delivery of the proposed SWRR or any interventions of that scale*”⁴¹⁰ and this is significant in the context of recent claims with regard to the SWRR⁴¹¹. This is evidence that the allocation of Atherstone Airfield in the CS for up to 10 ha of B2/B8 uses would not have an unacceptable effect upon the highway network and that it should not be required to make a financial contribution to the SWRR. However it underlines that it is appropriate to identify the balance of the allocation at SUA.5 in reserve because, whilst the policy requires a TA, the implications of the whole 19 ha release need to be tested.
299. Atherstone Airfield was considered in the SA work that has been undertaken with Table 16.2 showing a broadly positive outcome with the exception of SA Objective 12, countryside. The post-mitigation assessment is not significantly different to that for SUA.2, which is arguably more prominent by virtue of its proximity to the A46. Whilst views can be obtained from public footpaths to the north and south of Atherstone Airfield there appears to be ample scope for landscaping to ameliorate proposed development and conditions could control any light pollution. Whilst Table 7.1 of the final SA report gave reasons for rejection, including absence of need and effect on the highway network, there is now evidence before the examination that these have been overcome.
300. For reasons given in the IC, I recommend the text in section 8 be revised so that the boundary of the Vale of Evesham Control Zone, referred to in Policy CS.14, should follow the A3400 and exclude the area to the east of that road [MM88]. This is shown on the Policies Map that accompanied the consultation in May 2016. Nothing has emerged from that consultation to lead me to revise this finding and hence it is not a bar to the identification of Proposal SUA.5.
301. There has been an exchange of views during 2016 about the precise wording of Proposal SUA.5 but, as I said at the resumed Hearing, for reasons given in the IC there is not a good reason to release this site to meet a general need. Such a significant release might have wider implications, e.g. for the housing requirement, and there is no basis to revisit the overall level of employment land releases [281]. Nevertheless the Council is sympathetic to the need for what it has called enabling development in order to ensure the scheme is viable. It has suggested the phrase: “*other uses that would help facilitate the relocation process*”, which is taken from SUA.3, but this phrase appears to be open ended and could conceivably encompass a car showroom or even retail. The Promoter's reliance on an unsound policy does not progress his argument.

⁴¹⁰ Source of quotes: Agreed Position Statement, Document Ref. HD.92.

⁴¹¹ See for example letter dated 6 June 2016 from Stratford Residents Action Group.

302. Paragraph 160 of the Framework does however require barriers to investment to be addressed. It is important to source external funding in order to deliver a properly phased, cohesive development, in preference to ad-hoc units. This is underlined by the Council's objective to redevelop the Canal Quarter for new housing because existing businesses need an attractive choice of options in order to relocate. However this needs to be done in such a way as to avoid the problem that I have identified. In its representation⁴¹² the Promoter has indicated that a restriction to: "*businesses in the wider District*" would be acceptable. There are letters⁴¹³ from a number of companies based in the District before the examination and the Chamber of Commerce's view [282] is evidence of pent-up demand. This would appear to broaden the pool of likely tenants to ensure the allocation is delivered without having wider implications. Whilst somewhat unusual the restriction that has been offered is necessary to limit the potential impact of new employment development arising from the site's development. It would need to be approached on a fact and degree basis to ensure that a business with a presence in the District did not disproportionately expand its operation, but in this sense the situation is little different to DCS [308]. Accordingly I recommend a MM to include Proposal SUA.5 [MM58], which is necessary to meet the tests for soundness. The absence of a 'recycling' clause would also give investors certainty.

303. In reaching this view all of the points made in relevant representations have been taken into account. SUA.2 is distinguished below [310]. As '*Where is to be delivered*' sets out the quantum and then says 'all' to assist in delivery of the Canal Quarter, the assertion that this could be misconstrued is without foundation. The MM that I recommend to '*What is to be delivered*' makes the position unambiguous. For reasons given [296] I recommend amending '*When it is to be delivered*' to take on board the point about the reserve⁴¹⁴, but make clear that if DCS has relocated at the stage the reserve comes forward it is conceivable it could be developed in the same way as the initial release, e.g. to facilitate the redevelopment of the eastern half of the Canal Quarter, and that a case justified on the grounds of viability might constitute an exception. In line with the Promoter's advice reference to sui generis uses is deleted and there is a sound basis for this given that they were not included in the traffic modelling. Although this potentially excludes a company such as Jewsons it is conceivable that, depending on the precise nature of the operation, it could fall within Class B8. Alternatively the decision maker has discretion to find that material considerations outweigh any identified policy conflict and, supported by a TA, such a sui generis commercial use could come forward on that basis. I recommend the first specific requirement makes clear that improvements to the access would only be if required to achieve a satisfactory access. The last specific requirement appears to be inconsistent with the approach taken on other allocated sites and, since this can be dealt with by planning condition, I recommend all of these MM [MM58] in the interests of soundness.

Review of proposed AML allocation

304. The IC gave reasons why the AML allocation was likely to be acceptable, but was subject to the caveat that because local residents and other interested

⁴¹² Representation from JLL on behalf of Alscot Estate, dated 12 May 2016.

⁴¹³ Representation from JLL on behalf of Alscot Estate, dated 25 September 2015.

⁴¹⁴ Representation 8040, dated May 2016.

parties had not had an opportunity to express views in writing that something might arise during the consultation which might lead to an alternative view. The only Participant⁴¹⁵ to submit a statement ahead of the resumed Hearing in answer to this question claims that the development would inevitably have an adverse impact on Lighthorne Quarry, which is a LWS. The impact is said to be irretrievable and incapable of mitigation. The basis for this claim appears to be the letter dated 12 November 2014 from Banbury Ornithological Society which is considered elsewhere [91]. For similar reasons this appears to overstate the problem. Moreover the AML allocation is not adjacent to the quarry but on the opposite side of the albeit fairly narrow valley. The absence of objection from NE or WWT confirms this broad conclusion.

305. Even if there is a potential relationship, for example in terms of birds using the allocated site for nesting and/or foraging, there is no reason to think that this is incapable of being mitigated at the planning application stage. There is likely to be the need for a significant belt of tree planting⁴¹⁶ to limit the visual impact of the extended area, which is likely to be used for replacement staff car parking, in order to avoid an adverse impact on the setting of Lighthorne village and/or the Conservation Area. Although reference has been made to the Inspector's Report in 1995, that scheme was materially different insofar as development was proposed in the valley⁴¹⁷, adjacent to the footpath between Lighthorne and Lighthorne Heath. The Inspector's comments about closing the gap and maintaining physical separation are not of direct relevance now.

306. Reference has also been made to an article in the Financial Times⁴¹⁸, which suggested that AML was being hemmed in at its headquarters. The first point to emphasise is that the land concerned is not Green Belt. However the key point is that without this allocation the concerns expressed in the article might indeed have substance. Reasons are given elsewhere why the GLH allocation is sound [220] and so the provision of car parking to serve AML on another site in the wider area is not a realistic alternative. It would be unreasonable to expect a car park for employees working at a prestigious car company to be located in a remote location that is not contiguous with the car plant. Allowing for 3 shifts, there is no reason to dispute the calculation of the number of additional cars that might be associated with intensive development of the site⁴¹⁹, but there is no evidence to show that this would compromise the network.

307. Given AML's: "*long term plans*" for expansion to support its: "*preference to locate all assembly at Gaydon*"⁴²⁰, this allocation is fully justified. Whilst I am aware of the recent announcement for a site in South Wales, at the same time the company confirmed its commitment to its Gaydon headquarters⁴²¹. Whilst there is no reason to doubt the claim that there has been recent redundancies, over the lifetime of the Plan it remains in prospect that further expansion at

⁴¹⁵ Matter D Hearing Statement HS-07, December 2015.

⁴¹⁶ Paragraph 3.4 of the Statement of Common Ground acknowledges the need for strategic landscaping at paragraph 3.4, Document Ref. HD.33.

⁴¹⁷ See plans at Document Ref's. HD.22b and HD.22c.

⁴¹⁸ Matter D Hearing Statement HS-07, December 2015.

⁴¹⁹ Representation 5397, dated May 2016.

⁴²⁰ Source of quotes: letter dated 18 December 2015, Document Ref. CD.11.

⁴²¹ <http://www.astonmartin.com/en/live/news/2016/02/23/aston-martin-announces-significant-new-investments-in-the-uk>

Gaydon might be required. As a result I recommend the MMs to Proposal GLH, which includes AML [MM77]. The new allocation at AML also needs to be reflected in Policy CS.21 and so I recommend a MM to refer to it [MM46]. The changes are necessary to ensure the Plan is positively prepared and justified.

Miscellaneous outstanding points

308. The Promoter of Proposal SUA.2 has residual concerns regarding the practical and commercial implications of limiting 10 ha to B1 uses, but the ELS is clear that this is what is required in Stratford-upon-Avon. As the ELS represents a sound evidence base, for reasons set out in the IC, there is no justification for expanding the range of uses to include B2 and B8. However the full range of uses would be permitted under the second limb of the '*What is to be delivered*' section of the policy for businesses relocating from the Canal Quarter and so there is no need to define it further. It is clear from the discussion regarding DCS that an ancillary component from elsewhere would be envisaged to be permissible under this criterion. Since this would ultimately involve a fact and degree assessment that the Council would undertake in the first instance when considering a planning application there is no need for the policy to change. There is no evidence, distinct from assertion, to show that the B1 component is inadequate to provide the impetus to deliver up-front infrastructure.
309. Dealing with each specific requirement of Proposal SUA.2 in turn: in respect of the first, which is subject to a MM to make clear it applies to the employment allocation, it is claimed⁴²² that an additional clause regarding consultation with the Highway Authority and HE is necessary. However it is not understood why as there can be no doubt that the Highway Authority would be consulted when a planning application is submitted and whilst HE might not be interested in an access from the WRR they would undoubtedly be consulted about direct access from the A46. No sound reason is offered why this needs to be in the specific requirement. Turning to the second requirement the MM provides additional flexibility to enable the developer to provide landscaping off site in order to maximise use of the site. In respect of the third, reference to the EA's letter and the Assessment of Representations⁴²³ confirms that the EA did not seek this in respect of SUA.2 and on checking other correspondence from the EA it appears that it is not something that has been sought. In the circumstances, because it has not been justified, I recommend its deletion [MM55].
310. The final MM to the '*Specific Requirements*' is a clause to require any plot developed for a business relocating from the Canal Quarter, which becomes available within two years of its implementation, to be marketed and hence made potentially available to other businesses in the Canal Quarter. In my view because of the distinctions in use class between the respective plots that come forward on this site, this clause is necessary. To give a specific example if a car showroom is developed for a relocating business, which then decides not to move in, this clause would require it to be marketed to other businesses in the Canal Quarter first, before being put out to the open market. If it were otherwise there is scope to completely bypass the restriction to B1 uses and in the absence of a clear policy hook a planning condition might not meet the relevant tests for such conditions. The IC gave reasons why only a 10 ha land

⁴²² Representation 8040, dated May 2016.

⁴²³ Dated 17 July 2014, reference 1777, and Document Ref. ED.2.7, September 2014.

release for B1 uses was justified in Stratford-upon-Avon and on this site this clause is a necessary part of ensuring only that is delivered. For these reasons there is no inconsistency in approach with Proposal SUA.5, which is restricted to businesses relocating from the Canal Quarter and the District. The clause is proportionate and given the relatively short timescales it would not lead to the sterilisation of any given plot. On this basis I recommend the MM to Proposal SUA.2 [**MM55**], which is necessary to ensure the tests for soundness are met.

311. The Council put forward MMs to Proposal ALC.3 in response to representations made during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁴²⁴. The IC addressed the proposed modification to Proposal ALC.3, which envisages a secondary or emergency access. On this basis I recommend the MMs to Proposal ALC.3 [**MM61**] to ensure the tests for soundness are met. The Council has identified what it calls a drafting error with regard to the western boundary of Proposal ALC.3 and the associated deletion of land from the Green Belt. There is no reason to doubt the Council's assurance that this does not alter the calculation of the total area that would be removed from the Green Belt and so no consequential MM is required.

312. The IC gave reasons for not confirming a proposed extension to the north-east of REDD.2 and nothing further has been submitted that would lead to this finding being reviewed. However the Council has identified an anomaly with regard to the boundary of the Green Belt associated with the release of land for Proposal REDD.2. In short this would leave the A4023 dual-carriageway in the Green Belt whilst the land on either side would be outside of the Green Belt. In some ways this could be said to be insignificant because the strip of highways land is already developed but it might mean that any highway works to serve the site would need to show very special circumstances to justify permission being granted. This would be an unnecessary policy hurdle when the justification for release of the allocated land is made out. Accordingly I recommend a MM to increase the size of the release from 7 ha to 9.8 ha [**MM25 and MM88**] to ensure the Plan is effective. The Council put forward MMs to Proposals REDD.1 and REDD.2 in response to representations made during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁴²⁵. On this basis I recommend these MMs [**MM83 and MM84**] in the interests of soundness.

313. The Council has confirmed that the fifth paragraph of Policy CS.21 of the Plan would permit a broad range of employment uses on existing industrial estates, as sought by Sport England, including commercial gyms within Use Class D2.

Overall conclusion on the fourth main issue

314. For the reasons set out above I conclude on the fourth main issue that the Plan makes appropriate provision for economic development that is consistent with the evidence base. With the exception of Proposal SUA.3, the allocated employment sites are sound subject to the identified main modifications, which are necessary to ensure that the policies are justified, effective and consistent with national policy.

⁴²⁴ Page 183, Document Ref. ED.2.7, September 2014.

⁴²⁵ Pages 216 and 218, Document Ref. ED.2.7, September 2014.

Issue 5: Does the Council have a 5-year housing land supply and is there a reasonable prospect that it can be maintained?

Introduction

315. Reasons have been given why the housing requirement is 14,600 [77] and given the evidence base underpinning that calculation there is no backlog. The figure used in Phase 1 of the CS, namely a rate of 566 dpa or 2,830 in total, reflects the earlier assessment of OAN, which leaves a balance of 11,770. If delivery had been even over the whole of the 20-year period, 2011-2031, this would have been 3,650 in each phase [730 dpa x 5 years]. It was agreed at the resumed Hearing that it would be appropriate to deal with the shortfall from Phase 1 in Phase 2 rather than in a later phase because the Guidance says: "...deal with any undersupply within the first 5 years of the plan period where possible"⁴²⁶ which, when applied to this situation, should reasonably be interpreted to be tackling the undersupply in the next phase.
316. This means that the requirement in Phase 2 is 11,770 less 7,300 [730 dpa x 10 years] = 4,470 dwellings, or 894 dpa. Whilst this appears to be a high figure the Housing Trajectory graph has been consistently showing housing completions in Phase 2 running at well over 1,000 dpa⁴²⁷. Accordingly there is evidence before the examination that an annual housing requirement of 894 dpa is deliverable. Conversely there is no sound basis to put off meeting the shortfall from Phase 1 over the remainder of the Plan period. The Council is not wholly reliant on the new settlements such that this would be a factor that might justify delay tackling the shortfall at the point when it is known and the Council can do something about it, i.e. in Phase 2. This is more than just a theoretical exercise because there are households who need to be housed now and it is not appropriate to wait until 2031 in order to address their needs.
317. Whilst a number of parties submit that the annualised housing requirement of 730 should be applied to Phase 1 the fact is that we are now in Phase 2 of the Plan. It is acknowledged⁴²⁸ that the actual calculation, which was undertaken at the resumed Hearing, produces virtually identical results and so the stepped approach would not act as a constraint. Accordingly there is no advantage in reverting to an annualised approach and instead it is better to look forward so that all parties, but most notably the Council, are absolutely clear about the housing supply that is required to be delivered in each year. However to categorically defeat the claim that the approaches produce different outcomes both calculations will be undertaken in order to show there is no difference.
318. The best argument that has been made for moving away from the stepped approach is that it might lead to the conclusion that the Council could claim that it no longer has a record of persistent under-delivery. Interestingly the Council has, in June 2016, produced its calculations and housing trajectory as at 31 March 2016 [hereinafter referred to as the 'April 2016 trajectory']. This is considered at length below. Associated with it is 'Figure 1 Housing Trajectory Graph' in which, contrary to the basis on which the consultation was undertaken, the Council has shown an annual Plan target. When one

⁴²⁶ Paragraph ID 3-035-20140306.

⁴²⁷ See for example page 11 of Document Ref. ED.11.1 and page 93 of ED.11.2a.

⁴²⁸ See paragraph 4.21 of representation 7394, but similar sentiments are expressed at paragraph 4.3.5 of representation 4987.

compares that graph to earlier versions⁴²⁹ it is evident that a consistent increase in completions to the peak has been replaced with a dip, in 2016/17 and 2017/18, down from 2015/16. Despite this the graph shows consistent delivery above the annualised Plan target, but it would be below the stepped target in 2016/17 and 2017/18⁴³⁰.

319. Accordingly, and with some irony, noting that the text of the CS records that the Council agrees that a 20 % buffer should be applied at adoption⁴³¹, the annualised approach would appear to be more likely to allow the Council to claim that it does not have a record of persistent under delivery. On the basis of this graph within a couple of years it could legitimately claim to be able to revert to a 5 % buffer because it would have consistently met the annualised target even though the under-provision from Phase 1 might not have been delivered. However under the stepped approach the Council has to make up for its under-delivery in Phase 1 by delivering at a much higher rate and, so this stands as a benchmark, the Council might need to hit the higher target in Phase 2 for 2 consecutive years before it could reasonably claim that it had moved on from its period of under-delivery. Whilst this is only a guide, the Council does need to demonstrate it can deliver at the higher rate and so the stepped approach is no easy option, as some seek to portray it: the Council has to significantly boost the supply of housing to meet the higher target.

320. Using the updated requirement and adapting the Council's figures, my initial assessment⁴³² of the Council's 5-year housing land supply is set out in Table 1:

Table 1: Calculation of 5-year supply on 1 January 2016 using updated OAN figure but without questioning the Council's level of commitments

A REQUIREMENT	566 X 4.75 = 2689
B LESS COMPLETIONS	2018 [Apr 2011-Dec 2015]
C SHORTFALL [A-B]	671
D COMMITMENTS	7200
E REQUIREMENT [894 X 4.75 + 566 X 0.25 PLUS C]	[4388 + 671] = 5059
F APPLY 20 % BUFFER TO E	[5059 x 1.2] = 6071
F 5-YEAR ANNUALISED AVERAGE	[6071/5] = 1214
G 5-YEAR SUPPLY	[7200/1214] = <u>5.93 years</u>

321. There is no consensus as to whether the land supply calculation, together with associated text⁴³³, should be retained in the CS. The view that the situation is

⁴²⁹ For example those in the Submission Version of the CS, ED.11.1 and ED.14.3.1.

⁴³⁰ The June Figure 1 Table predicts 804 and 873 dwellings, respectively, in those years.

⁴³¹ Paragraph 5.2.19. Whilst concerns have been raised about the fact that this text goes on to suggest that the reason for under-delivery was the moratorium and outside of the Council's control, I consider that to be fair. The moratorium arose due to the regional body and the Council has had to deal with the consequences [see section H.1, ED.5.3].

⁴³² It should be noted that the only change in Table 1 from that which the Council agreed and was discussed at the resumed Hearing is to take account of the increased housing requirement which, in a practical sense, means an increase from 883 to 894 dpa in Phase 2, and following that through. In the context of that change, which results in the 5-year housing land supply reducing from 5.99 to 5.93 years, its sole purpose is as a record of what was discussed at the resumed Hearing. Table 1 should not be taken as any endorsement of the Council's figure for the level of commitments, which are tested below.

⁴³³ Figure 2 and paragraphs 5.2.19-5.2.20, Document Ref. ED.11.1 [now 5.2.18-5.2.19].

dynamic such that it would be quickly rendered out-of-date is underlined by the fact the Council has been updating its calculations every other month⁴³⁴. However, on balance, the counter argument, that it would ensure the Council can be held to account, particularly in the period immediately after adoption [398], is a good reason to include a calculation at the end of Phase 1 of the Plan, as at 31 March 2016. Given that updated Figure 2 would become a permanent feature of the Plan it would be appropriate to retain calculations for the 5 % and 20 % buffer because there will inevitably come a point where the 20 % buffer will no longer need to be applied. However, as already noted, the text should record that the Council concur the 20 % buffer should be applied at the date of adoption. Accordingly I recommend a MM to the Plan [MM34], which is necessary to ensure that it is positively prepared and, with specific reference to paragraph 47 of the Framework, consistent with national policy.

322. During the course of the resumed Hearing the Council appeared to change its position and elected to report all of the outstanding planning applications for housing with a resolution to grant planning permission back to its Committee in the light of the Council's view that it had a 5-year housing land supply. This decision appears to have been made after consideration of the case of *R (oao Kides) v South Cambridgeshire District Council* [2002] EWCA (Civ) 1370⁴³⁵. However at the end of February 2016 the Council confirmed that none of the resolutions to grant had been overturned and the only practical consequence for the 5-year housing land supply calculation was a gross difference of -12, which arises as a result of applications having been withdrawn⁴³⁶. In this context it is appropriate to test whether the level of commitments identified by the Council is justified and this section, which has been updated to take account of the April 2016 trajectory, starts by looking at the allocated sites.

SUA.1

323. The January 2016 trajectory identifies 82 dwellings for delivery in 2017/18, pursuant to the planning permission that has been granted on land at Warwick House. Even during the course of the resumed Hearings activity was evident on this site, with fresh hoardings being erected around the existing building. As such it would appear that this discrete scheme will be delivered in Phase 2, although the April 2016 trajectory does now show it delivered over 2 years.

324. The remaining 570 dwellings that are anticipated to be delivered in the Plan period are now spread through phases 3 and 4, and so would not make any contribution to the 5-year supply. Given that: (i) SUA.2 is likely to come on stream by early 2018 [287]; and, (ii) the first phase of LMA might also offer an opportunity for relocating B1 uses [290], this would appear to be conservative and the first delivery might be sooner. It is possible that other discrete areas of the Canal Quarter might come forward [296] such that, even if there was a problem on part of the western half, other areas might be developed sooner. It is however recognised that the delivery of a complex previously-developed site can be delayed by unforeseen problems, e.g. ground conditions, the need for remediation or ownership, and so the start in Phase 3 is appropriate. The April 2016 trajectory shows a more constant delivery rate

⁴³⁴ ED.11.1 August, ED.14.3.1, October, and updated again at the end of December 2015.

⁴³⁵ Document Ref. HD.87.

⁴³⁶ For full explanation see Document Ref. HD.112.

but still maintains that 570 dwellings will be delivered in phases 3 and 4.

325. The alternative trajectory for this site⁴³⁷ accepts that the first 40 completions will be delivered in 2021/22, but argues that there is no justification for the increase in annual delivery in later years, such that total delivery should be 530 rather than 570 dwellings. However with the positive steps that are taken via MMs to provide a realistic choice of sites for relocation, including SUA.2, SUA.5 and the possibility that Proposal LMA might also be an alternative, there is no reason to think that the full quantum of dwellings will not come forward by 2031. The original trajectory was scheduled to be 'lumpy'. The PBA report found: "*It is considered that (excluding Warwick House) around 600 dwellings could be realistically brought forward by 2031*"⁴³⁸, and there is no sound basis to form a different view. In making this finding the points raised in some of the representations dated May 2016 are noted, but given the potential canal frontage and the site's proximity to the town's services and facilities there is no reason to find that apartments would be less attractive to the market in such a location. The Council has identified a series of MMs to the 'When it is to be Delivered' section of Proposal SUA.1. As these follow from this discussion I recommend these MM in the interests of soundness [MM54].

SUA.4

326. The Promoter advised that an outline application for up to 500 dwellings was registered with the Council in December 2015 [application No 15/04499/OUT], which followed consultation in June and an independent assessment of design. The Promoter told the resumed Hearing he was confident the first dwellings could be delivered before April 2018, although he was more conservative in estimating 25 rather than 40 units set out in the January 2016 trajectory and this lower figure should be adopted. Subject to this change there is no sound basis to find that the January 2016 trajectory would not be deliverable. To the contrary a higher build out rate of 100 dpa would appear to be achievable.

327. The Promoter of SUA.4 told the Hearing in January 2016 that Taylor Wimpey delivered 77 dwellings in the first year on the former Egg Packing Station site, 64 dwellings in the first year at Friday Furlong in Bidford-on-Avon and in the second year at Kipling Road, which was the first full year, 65 dwellings had been delivered⁴³⁹. On this basis the Promoter unambiguously stated that a build out rate of 50 dpa per outlet was: "*conservative*". Whilst I do not go that far, this is a sound basis to find that 50 dpa per outlet can be achieved on sites around established towns in the District, including the MRCs. This finding is confirmed by the April 2016 trajectory, which says: "*very high completions [75 dpa] achieved in 2015/16 from just one sales outlet*", on a site in Wellesbourne⁴⁴⁰. Moreover the April 2016 trajectory also says delivery even on a rural site has been: "*very strong with an average of over 55 dpa per outlet achieved*"⁴⁴¹. In the circumstances this robust evidence indicates that the Promoter's trajectory for SUA.4 is sound and should be preferred to that of the Council. The evidence underpinning this finding is of wider significance in

⁴³⁷ Matter D Hearing Statement HS-12, December 2015, as updated.

⁴³⁸ Source of quote: paragraph 8.1.4, Document Ref. ED.4.2.2, Ibid.

⁴³⁹ The April 2016 trajectory gives different figures for the former Egg Packing Station and Friday Furlong but confirms a build out rate of over 50 dpa was achieved on all 3 sites.

⁴⁴⁰ Charles Church site at East of Ettington Road, Wellesbourne.

⁴⁴¹ Persimmon and Charles Church site at Meon Vale.

the District and so it is appropriate to attach it considerable weight.

328. No party who attended the relevant Hearing disputed the Promoter's evidence. Whilst account has been taken of the alternative trajectory for the site before the examination⁴⁴² there is simply no evidence to support its pessimism. Accordingly the April 2016 trajectory for SUA.4 should be updated to reflect that advanced by the Promoter: 25 units in 2017/18, 100 dpa from 2018/19 to 2021/22, with the residual 75 dwellings in 2022/23. This has a positive effect on the 5-year supply of +125 units in Phase 2 of the Plan⁴⁴³. It also follows that the total figure for SUA.4 should be increased from 450 to 500 units as no additional constraints have been identified to impinge on what is proposed. As such I recommend a MM to ensure the Plan is positively prepared [MM57].

329. In reaching this view the Council's April 2016 trajectory, which pushes the start back by 12 months, has been noted. However, given what was said in the resumed Hearing, it is unclear why the Council's position has changed so fundamentally in just 3 months. The '*Delivery Commentary*' to the April 2016 trajectory does not explain this change and indeed the statement that the: "...agent confirms average of 40 dpa per outlet ~~per~~ reasonable" [sic] directly contradicts the evidence, quoted above, which was given to the examination. The commentary says: "*decision expected summer 2016*", which appears to be wholly in line with what the Promoter anticipated in January 2016⁴⁴⁴. Given my interim calculation spelt out that I saw this site delivering additional units that would contribute to the 5-year supply⁴⁴⁵, it is surprising that the Council has not adopted the Promoter's trajectory. My view that it is appropriate is confirmed by the fact that the Promoter has, far from taking issue with my calculation, pointed out that the Figure 1 trajectory that accompanied the MM has not been updated⁴⁴⁶. In the circumstances it is appropriate to attach very limited weight to the April 2016 trajectory for SUA.4 because it is not evidence based. The Council has been criticised by others for being too optimistic in its trajectory assumptions but this is a clear example of it being too pessimistic.

SOU.3

330. The Promoter advised that an outline application for up to 535 dwellings was registered with the Council in December 2015 [application No 15/04473/OUT]. A PPA has been entered into that expires at the end of May 2016 and, in that sense, is distinctive from that entered into in respect of GLH. Whilst it was hoped that a decision would be issued during March or April, the PPA appears to provide an assurance as to when the planning permission would be issued.

331. The first point to pick up is that the quantum, 535 dwellings, is above what is identified in the supporting information⁴⁴⁷. The January 2016 trajectory did retain the figure of 500 dwellings, but the April 2016 trajectory has now adopted the higher figure. The '*Delivery Commentary*' explains this by saying: "*SDC resolved to grant outline permission 27 April 2016*". In respect of this

⁴⁴² Matter D Hearing Statement HS-12, dated December 2015, as updated.

⁴⁴³ This is higher than my interim calculation because it relates to the April 2016 trajectory.

⁴⁴⁴ Table, page 3, of '*Delivery Statement*' appended to Matter C Hearing Statement HS-29, December 2015.

⁴⁴⁵ Given the '*Delivery Statement*' the basis for that should have been obvious.

⁴⁴⁶ Representation 0447, dated May 2016.

⁴⁴⁷ Paragraph 5 of Document Ref. ED.15.2.3 for example refers to "*up to 500 homes*".

site that is the latest information before the examination and it provides a sound basis on which to increase the quantum of homes from 500 to 535 in the trajectory. The second point is that whereas the Promoter's trajectory⁴⁴⁸ envisages the determination of the application during the first quarter of 2016 it is evident from this statement that there has been slippage, but given the PPA it is still reasonable for me to assume that the outline planning permission is issued in the second quarter of 2016, following the conclusion of a s106.

332. The Promoter said that it was only once the outline planning permission was obtained that the land could be taken to the market. This was said to be a 2 month tender process, with a further month required to complete the legal process: in total a quarter. This takes one to September 2016, which is 3 months behind the Promoter's trajectory, which had indicated that reserved matters would be prepared in the third quarter of 2016 with a decision by the end of the year and a start made on site during the first quarter of 2017. However the house builders are only likely to commence the preparation of a reserved matters application after securing landownership.
333. If a house builder is not appointed until September 2016 the Promoter's trajectory is ambitious to the point of being unrealistic. For SUA.4, even with 2 house builders on board only 25 dwellings are envisaged by March 2018, which represents one quarter's build, assuming 2 outlets. On SOU.3 the tender process adds a further quarter and this factor alone points to the first completion being after March 2018. Whilst there might be some scope for some processes to run in parallel at the same time there are various factors⁴⁴⁹ that could introduce delay. However allowing 2 years from the issue of the outline planning permission to a start on site would in my view strike an appropriate balance between these various factors and be more realistic.
334. In reaching this view full account has been taken of the research⁴⁵⁰ that shows it has been taking over 30 months from submission of an outline application to a start on site, but in the context of the PPA that should be reduced. Amongst other things the Council told the Hearing that it has recently taken on extra legal staff to address the delay in completing s106 post resolution. Based on the analysis that has the potential to take up to 8 months out of the average. The analysis shows that the average time from grant of outline permission to a start on site is 16.4 months, but it is appropriate to add the extra 3 months to select a house builder to this figure. So a start on site in January 2018, for example on the access, is not out of the question but it would be optimistic to expect any completions before 2018/19 and, consistent with allowing 2 years from grant of outline to first completion, 80 is realistic for that year. Whilst the April 2016 trajectory has reduced this to 75 this change appears to be arbitrary and the difference is unlikely to materially alter any calculation.
335. Nevertheless from that point the trajectory appears to be too conservative. The site naturally lends itself to having 2 sales outlets from the 2 distinct site access points and the Delivery Statement says: "...the build-out rate could be

⁴⁴⁸ Table on page 3 of Document Ref. ED.15.2.3; all further references to the 'Promoter's trajectory' under this heading are to this table.

⁴⁴⁹ See 'Delivering Large Scale Housing Developments Within Stratford District', appended to Matter C [SOU] Hearing Statement HS-12, dated December 2015.

⁴⁵⁰ Table 4.1, 'Delivering Large Scale Housing Developments Within Stratford District', Ibid.

up to 100 dwellings per annum"⁴⁵¹. Whilst there is no house builder on board, reasons have been given for finding that 50 dpa per outlet is reasonable in this District [327]. There is no reason to take a more pessimistic view on a site in Southam rather than a site in Stratford-upon-Avon because they are both established towns with a full range of facilities available. On this basis the trajectory for each year from 2019/20 would be 100, with a residual rump in 2023/24. The net impact on delivery in Phase 2 would be +40⁴⁵². In this respect the Council's April 2016 trajectory is again too pessimistic.

LMA

336. The January 2016 trajectory identifies the whole of the first phase, for 400 dwellings, in Phase 2 of the Plan, within the 5-year supply. However this has materially changed in the April 2016 trajectory insofar as the first completions are envisaged 12 months later, in 2018/19, with completion of the scheme, the final 100 units, pushed back to 2021/22. Noting that the resumed Hearing was told in January that a draft s106 agreement had been circulated it is of note that the '*Delivery Commentary*' to the April 2016 trajectory merely records: "*s106 nearing completion*". However the site had to be reported back to the Planning Committee to confirm the resolution to grant⁴⁵³ and this might be one explanation for the time being taken to issue the planning permission.
337. However in the light of the independent analysis [334], whilst the January 2016 trajectory is increasingly looking too optimistic the April 2016 trajectory appears to have moved too far the other way. Even if one uses the 30 month average from the date of submission of the outline planning application, which was December 2014, it remains in prospect that the site could be opened up in 2017/18 with more than 60 completions being delivered in 2018/19. There is no basis for the claim the first phase requires '*significant enabling works*'. In this respect the Council's April 2016 trajectory appears to be conservative, but pending issue of the planning permission there is not a clear basis to revise it.
338. The Council confirmed at the resumed Hearing that the 400 scheme is not dependent on the adoption of the SPD. Although there is a design workshop process this appears to be built into the planned timetable. The Promoter explained that the outline planning permission includes a parameters plan, which addresses matters such as the form of the scheme and the areas to be developed, which might otherwise have formed part of the reserved matters application. For these reasons it is reasonable to conclude that the process associated with obtaining reserved matters approval and discharge of any associated conditions can be realistically undertaken within 18 months from the albeit unknown date on which the outline planning permission is issued.
339. In reaching this view it is recognised that the original timetable has not been met⁴⁵⁴. It anticipated outline planning permission being granted in September 2015, although paragraph 3.7 thereof does refer to the end of 2015. It also anticipated first completions in early 2017, but the delay has been reflected in the Council's trajectories. However the Developer is a national house builder who has indicated that it could ramp up delivery to a peak of circa 140

⁴⁵¹ Source of quote: paragraph 12 of Document Ref. ED.15.2.3.

⁴⁵² Higher than my interim calculation because it also relates to the April 2016 trajectory.

⁴⁵³ See Document Ref. HD.112.

⁴⁵⁴ Table 3.1, Document Ref. ED.15.3.3.

dwellings, with 2 outlets plus affordable housing, whereas the trajectory assumes a maximum of 120 dpa in the first phase of LMA. Whilst it was said that the house builder has only averaged 27 dpa, its response, that a lot of its sites are in Scotland where the market has been more fragile in contrast to the strong market in Stratford, is convincing. All of this is underlined by up-to-date evidence from a local surveyor, which talks of a sales rate of one unit per week from each outlet plus 35 % affordable housing. It is appropriate to attach this evidence significant weight noting, amongst other things, its reference to: “...*the strength of the local market, and the significant level of demand...*”⁴⁵⁵. This comment clearly relates to the whole of the District.

340. Taken together there is a sound evidence base to confirm that the trajectory is realistic in projecting 120 dpa. Whilst purchasers might need to make a ‘*leap of faith*’ as there is no existing settlement, the first phase includes community and employment hubs. This factor does not therefore persuade me that the total number of dwellings cannot be delivered in Phase 2. Accordingly whilst account has been taken of the representations that have been made in May 2016 there is no reason to doubt the Promoter’s evidence to the examination that there would be multiple outlets. Indeed the ‘*Delivery Commentary*’ to the April 2016 trajectory records that Cala have: “*confirmed that they will deliver Phase 1 in conjunction with at least one other housebuilder*”. The clear evidence before the examination leads me to disagree with views expressed in respect of this site by Inspectors in various recent appeal decisions⁴⁵⁶. Unlike me they have not heard evidence from the Promoter and instead have drawn their conclusions based on the submissions of others, but that is no substitute for the unambiguous evidence that is before this examination.

341. Turning to the second phase of LMA, for reasons identified [225, 363] there is no ransom strip and the WRR is likely to be delivered in 2019. This provides no basis to dispute that the SWRR would be delivered by Q1, 2021. What has been referred to as the Gantt Chart⁴⁵⁷ shows that the detailed design to support a planning application is envisaged to be completed by the end of 2017. Whilst it is fair to say that this period envisages a number of parallel processes, including consultation with statutory bodies, it is evident that it is underway⁴⁵⁸ and, as such, there is no clear basis to find this to be unrealistic.

342. Allowing 12 months to determine the application appears to be prudent, with a parallel period of 6 months up to the end of 2018 for ‘*legals*’. The construction period, including earthworks and preliminaries, is timetabled as approximately 2 years, with a fair comparison made to the A45 Daventry Development Link Road⁴⁵⁹. As such the Gantt Chart appears to be a sound basis to support the trajectory, which anticipates the first completions of phase two in 2021/22.

343. The SWRR is proposed to cross a complex environment in which there are numerous factors, such as archaeological interests, the effect on flooding and the effect on ecology and hydrology, including the SSSI, which all have the

⁴⁵⁵ Source of quote: letter dated 15 January 2016, at Appendix 4 to NLP letter dated 15 January 2016 listed as additional clarifications to Matter C [LMA] Hearing Statement HS-14.

⁴⁵⁶ Usefully appended to representation 7394, dated May 2016.

⁴⁵⁷ Appendix 1 to NLP letter dated 15 January 2016, Ibid.

⁴⁵⁸ See Document Refs. RD.17 and RD.18.

⁴⁵⁹ Planning permission was granted on 18 June 2015 for a 5.7 km single carriageway route anticipated to cost in the region of £32 m, which is due to be completed by summer 2017.

potential to introduce delay. This part of the trajectory is not without risk, but that is reflected in the Council's assessment of it as '*medium/high*' risk⁴⁶⁰. In itself this does not mean the LMA trajectory is unsound because it is based on the best available information. However there is a contingency built into the housing supply precisely because of the possibility of unforeseen delays and, as a fallback, the Council proposes to identify reserve sites. It is however material to note the April 2016 trajectory has reduced this to '*medium*' risk, which is perhaps reflective of the progress made by the CS towards adoption.

344. Reference has been made to the delay that has plagued the delivery of the West of Shottery scheme, which appears to have been free of the High Court challenge in July 2013⁴⁶¹. It is said that even in 2016 the reserved matters application remains undetermined. However it is clear this scheme required third party land to be acquired, which does not appear to have been straight forward [229]. In contrast there is evidence⁴⁶² before the examination that agreement has been reached with relevant landowners in order to deliver the SWRR. Accordingly the key reason for the delay in the delivery of the West of Shottery scheme would not apply to phase two of LMA. The period of approximately 5 years within which the SWRR is programmed for delivery appears to be adequate time to progress the application process for the second phase of LMA to be in a position to start delivery in 2021/22. Although the April 2016 trajectory has reduced the quantum to be delivered in 2021/22 from 50 to 20 this has no effect on the 5-year calculation of supply.

345. Once phase two gets started the trajectory shows the delivery rising each year to achieve 200 dpa from 2024/25, which is allowing a full 8 years in order to facilitate this peak level of delivery. The only alternative trajectory before the examination concurs with this delivery rate⁴⁶³. This build out rate is consistent with the Homes & Communities Agency advice that says: "*...evidence would suggest that forecast trajectories for...smaller strategic sites could be...in the range of 150-300 units pa*"⁴⁶⁴. The Promoter has undertaken analysis of delivery rates in strategic scale developments/new settlements⁴⁶⁵, which found the average to be approximately 198 dpa. This undermines the complaint that there has been no reference to comparable sites in order to justify the delivery rate. It is acknowledged that these are not sites in Stratford, but that is because the District has never seen this level of house building. However there is evidence that it has a strong housing market [327, 339] and examples on the same broad latitude as Stratford show similar delivery rates have been achieved outside of the south-east⁴⁶⁶. By 2024/25 a balanced community can be anticipated at LMA with services, facilities and a wide range of employment opportunities having been developed. Taken together this is a good evidence base to support a finding that the trajectory for LMA is justified.

⁴⁶⁰ In January 2016 trajectory, Figure 4a, but also in original at Document Ref. ED.14.3.1.

⁴⁶¹ Document Ref. HD.82 says 2012, but by reference to the decision date it must be 2013.

⁴⁶² Document Ref. HD.83.

⁴⁶³ See Appendix 4 to Matter C [LMA] Hearing Statement HS-12, dated December 2015, as updated.

⁴⁶⁴ Source of quote: '*Notes on Build out rates from Strategic Sites*', Ibid.

⁴⁶⁵ Table 5.2, Housing Technical Paper, July 2014, amongst the bundle in the original consultation response [1151].

⁴⁶⁶ Table 5.2 refers to a site in St Neots achieving 243 dpa and a site in Forest Heath achieving 200 dpa.

GLH

346. Both the January and April 2016 trajectories identify 425 dwellings being built in Phase 2 of the Plan. As previously noted [193] the Council might only be in a position to issue the outline planning permission for the CEG/Bird area in or after August 2016. However the resolution to grant has, according to the Council, enabled the Promoter to market the site to potential house builders and, at least potentially, move a step forward towards housing delivery.
347. As such the Promoter's timetable of submitting a reserved matters application in late 2016 with a view to starting on site in 2017 remains possible. The SPD appears to be at an advanced stage, with consultation undertaken during January and February 2016⁴⁶⁷, such that it is in prospect that the SPD could be adopted soon after the CS, which the LDS anticipates will be adopted in June 2016. This would set the framework for consideration of any reserved matters applications but, in contrast to the first phase of LMA, the SPD does represent another hurdle. Nevertheless the respective timetables do appear to dovetail.
348. In light of this, having regard to the independent analysis [334], it is still possible for the first dwellings to be delivered 18 months after the grant of planning permission, in early 2018. This delayed timeframe means that waste water capacity is no longer an issue⁴⁶⁸. However 50 dwellings by March 2018 appears to be optimistic: if 2 outlets are up and running in early 2018 it is possible to anticipate 25 dwellings⁴⁶⁹ between them on the basis that each sales outlet might achieve 50 dpa, but pending issue of the outline permission this appears to be optimistic. On balance the April 2016 trajectory appears to be realistic in assuming the first completions at GLH would be in 2018/19.
349. GLH was one of the sites in respect of which PBA considered delivery rates. Table 3.3 said average delivery rates on GLH with 4 outlets could be 170 dpa and in that context PBA found: "*we see no reason to alter the proposed rates suggested by the promoters/developers of the strategic sites*"⁴⁷⁰. However it is evident that this equates to just over 40 dpa per outlet, rather than 50 dpa, although the associated text, whilst noting volume house builders reporting average completions of around 40 dpa, finds: "*an expectation of rising sales rates*"⁴⁷¹. This appears to be broadly in line with the Homes & Communities Agency research which says in a strong market, such as Stratford District, the number of completions from a single outlet is within the range of 40-50 dpa⁴⁷². This does tend to reinforce the view that the delivery of 50 dwellings at GLH by March 2018, shown in the January 2016 trajectory, was too optimistic.
350. The Promoter anticipates that the CEG/Bird area would deliver 100 dwellings in 2018/19, whereas the trajectories assume 75. Once the site gets underway there is the prospect of multiple outlets delivering apace: even 2 outlets might be capable of delivering 100 units in that financial year based on earlier [327]

⁴⁶⁷ <https://www.stratford.gov.uk/planning/glh-spd-consultations.cfm> [February 2016]

⁴⁶⁸ Document Ref. HD.42 confirms upgrade scheduled for completion by mid-2017.

⁴⁶⁹ The claim that the Design and Access Statement that accompanied application No 15/00976/OUT said there would be 25 completions in that first year was not disputed.

⁴⁷⁰ Source of quote: paragraph 3.8.5, PBA, Ibid, Document Ref. ED.4.2.1.

⁴⁷¹ Source of quote: paragraph 3.8.4, PBA, Ibid, Document Ref. ED.4.2.1.

⁴⁷² See '*Notes on Build out rates from Strategic Sites*', ATLAS, July 2013, referred to in the Council's Matter F Hearing Statement, dated December 2014.

analysis. Even allowing for the fact that the IM Properties application is not subject to a resolution to grant the figure of 125 dwellings in 2018/19 appears to be conservative. The subsequent 2 years in the trajectory anticipate 150 dpa, which would be below the PBA average. For these reasons the total amount of dwellings anticipated within the 5-year housing land supply at GLH is fully justified, albeit by adopting the modified April 2016 trajectory.

351. It is acknowledged that this is an untested location in terms of the market, but there appears to be strong demand for housing in the District, high levels of employment in the locality and good access to the strategic road network. The SPD anticipates core elements of the centre being provided at an early stage, such as commercial and healthcare facilities, and a community building. Taken with the significant sources of employment that exist at JLR and AML, the criticism that has been levelled at LMA should be less of an issue here because there are some existing services and facilities, albeit of a fairly limited nature and which need to be supplemented. Accordingly these factors do not suggest that the rate of development should be depressed in the early years.
352. It is appreciated that insofar as the latest, January and April 2016, trajectories anticipate 425 units in Phase 2 of the Plan period, this represents a material reduction against the earlier⁴⁷³ trajectory, which identified 750 dwellings in Phase 2. However the key factor in that change is the delay in the progress of the CS. Although some participants at the resumed Hearing claimed that this vindicated their pessimism, this should not be taken as a guide going forward because of the materially different position that has now been reached. The CEG/Bird application is the subject of a resolution to grant [193] and the 'Delivery Commentary' to the April 2016 trajectory records that a resolution, or even a decision, on the IM Properties application is: "*expected in 2016*".
353. One material change since the first set of Hearings is that the SPD has been revised to change the phasing of GLH. An early draft of the SPD⁴⁷⁴ envisaged the final phase comprising the northern most section, but the latest consultation draft envisages the construction of significant sections of the primary internal distributor road, such that the IM Properties area might come forward at an earlier stage. The Design and Access Statement that accompanies the outline planning application for 1,000 dwellings indicates that the trajectory for this part of GLH is: 330 dwellings completed between 2017-2020, 360 dwellings between 2020-2023 and 310 dwellings between 2023-2027. This appeared to come as a surprise to most of the Participants at the resumed Hearing.
354. I appreciate that the outline application is moving forward, but for something of this scale the owner's trajectory appears to be far too ambitious and the Council is wise not to have relied upon it. The research that points to an average of 30 months might now be too pessimistic, for the reasons already given [334], but the first completions on this element of GLH are unlikely before 2018/19, assuming a start on site during 2018. That does however tend to reinforce the conclusion that the overall level of completions that can be expected within Phase 2 of the Council's trajectory is realistic. In reaching

⁴⁷³ See for example Housing Trajectory, page 41, Topic Paper 1, Document Ref. ED.5.5.

⁴⁷⁴ Page 82, Document Ref. ED.4.1.8.

this view it is acknowledged that ownership is not a constraint⁴⁷⁵ and that the site is likely to be relatively straight forward to develop with no major infrastructure, such as the SWRR, to prevent a consistent build-out rate.

355. The delivery rate in Phase 3, 875 dwellings, has not changed from the earlier trajectory⁴⁷⁶. In the context of the fact that outline applications are before the Council for the whole GLH settlement, this would appear to be fully justified. The Promoter of the CEG/Bird Group area anticipates completions of 150 dpa through phases 3 and 4. Given that the trajectory advanced by IM Properties averages 100 dpa and it would appear to be in prospect that 2 outlets could be served from the internal distributor road, the trajectory for Phase 3 might be said to be conservative. The trajectory for Phase 4 has increased from 875⁴⁷⁷ to 1,000 dwellings, but given the contribution from the IM Properties land the increase in Phase 4 appears to be realistic. The Homes & Communities Agency advice on build out rates and evidence that other strategic sites across the Country have delivered 200 dpa tends to reinforce this conclusion [345].

356. Although analysis has identified⁴⁷⁸ the main barriers to the delivery of large scale housing developments to include ownership, viability and the application process: "...mainly where a Plan allocation is not in place", these factors do not appear to be a barrier to the timely delivery of GLH. There are no significant up-front infrastructure costs and the evidence shows GLH is viable [212]. For these reasons there is no evidence to show it will take 8 years to see the first completions. This view is reinforced by the fact that the authors of that report indicate in their latest update that delivery will commence in 2019/20 and whilst reasons are given for disagreeing with that finding it underlines that the report is unduly pessimistic in suggesting an 8-year lead-in period.

357. I have also taken account of the *Hourigan Connolly* report⁴⁷⁹, which anticipates the first delivery of dwellings at GLH in Q1 2020. However, noting that it remains in prospect that outline planning permission might be granted before September 2016, it suggests the next 12 months are taken up with ownership and contractual negotiations, such as an equalisation agreement. Paragraph 5.21 of the report assumes that there are other land ownership interests that would need to be brought on board, see the sentence starting: "If", but this is not the evidence before the examination. Accordingly there is no evidence that this entire stage is required at GLH. The only later factors comprise the submission and determination of reserved matters, discharge of conditions and technical approvals. However it allows 30 months for this before the first dwelling is delivered and in the light of other evidence before the examination this appears to be unduly pessimistic. On balance it is unconvincing.

358. For these reasons the April 2016 trajectory for GLH is sound. In reaching this view account has been taken of all the other evidence before the examination, including the alternative trajectory that has been put forward by one Participant and all of the reports that underpin that submission. However it

⁴⁷⁵ The resumed Hearing was advised that IM Properties have an option to purchase from the single landowner, which is contingent upon the grant of planning permission.

⁴⁷⁶ Page 82, Document Ref. ED.4.1.8.

⁴⁷⁷ Page 82, Document Ref. ED.4.1.8.

⁴⁷⁸ Paragraph 3.12, Appendix 8 to Matter D Hearing Statement HS-12, dated December 2015, as updated.

⁴⁷⁹ Appendix 1 to Hearing Statement HS-44, dated December 2014.

was evident that this has not taken account of the IM Properties application [353]. It is material that the only other alternative trajectory before the examination does not dispute the Council's trajectory for GLH in phases 3 and 4. The Council has identified a series of MMs to the 'When it is to be Delivered' section of Proposal GLH. These all follow from the discussion set out above and so I recommend them in the interests of soundness [MM77].

Other allocated sites within Figure 4a

359. The trajectory for 3 other allocated sites is disputed. In respect of the first, ALC.1⁴⁸⁰, noting that the reserved matters application has to be submitted by the start of March 2017 in order to keep the planning permission live, it was not disputed at the resumed Hearing that 40 dwellings would be delivered in 2017/18. The only thing that appears to have changed since is that an Inspector in a recent appeal⁴⁸¹ took the view that this was: "*optimistic*", but the evidential basis for that finding is unclear and it should be given limited weight. In reaching this view it is appreciated that the April 2016 trajectory has now moved the first completions back to 2018/19, but there is the possibility that the sole rationale for that change is that appeal decision. There is simply no other evidence before this examination to support such a finding and this means the net impact on delivery in Phase 2 would be +40⁴⁸².
360. The only issue in dispute in this examination is whether the balance of 150 dwellings will contribute to the 5-year supply or whether, as one participant claims⁴⁸³, the build-out will be slightly slower with the last 30 units in 2021/22. The April 2016 trajectory has evened out the '*lumpy*' projection set out in the January 2016 trajectory and, assuming one outlet on a site of this size, the figure of 80 in the January 2016 trajectory in 2018/19 does seem to be rather anomalous. So, notwithstanding the evidence that 50 dpa per outlet is capable of being achieved given that Alcester, like Southam, is an established town with a full range of services and facilities available [335], the flatter trajectory should be preferred. Accordingly the alternative trajectory before the examination should be preferred to both of the Council's trajectories, namely 40 dpa from 2017/18 to 2020/21, with the residual 30 units in 2021/22. In view of the lower annual delivery rate assumed this represents a conservative assumption. Even if the first completion is delayed until 2018/19 it remains in prospect that a higher delivery rate of 50 dpa could be achieved such that the net effect on the 5-year supply would not be materially different.
361. The second is SOU.1, which my inspection confirmed to be under construction. The Council's January 2016 trajectory shows a '*lumpy*' projection and it might well be different in practice. However there is a consensus that 40 will be delivered in the first year and an average of 50 over the next 3-years with the residual, showing as 26 but perhaps as many as 46 in 2020/21, would still mean the whole scheme would contribute to the 5-year supply. That sentence was written before the April 2016 trajectory was provided which, subject to some minor fluctuations, confirms its content. There is not a clear basis for taking a more pessimistic view of the rate of delivery in a town like Southam.

⁴⁸⁰ Matter D Hearing Statement HS-12, dated December 2015, as updated, only queries the trajectory for ALC.1, not that for ALC.2.

⁴⁸¹ Appeal decision APP/J3720/W/15/3009042

⁴⁸² No change from my interim calculation in 2017/18.

⁴⁸³ Matter D Hearing Statement HS-12, dated December 2015, as updated.

362. The third site is also in Southam: SOU.2. The January 2016 trajectory cites the application reference to be No: 14/03407/REM, which appears to be reserved matters approval pursuant to the outline planning permission previously granted. On this basis the '*Delivery Commentary*' to that trajectory is likely to be wrong and this view appears to be corroborated by the '*Delivery Commentary*' in the April 2016 trajectory, which says the house builder: "*advises first completions late summer 2016*". Noting this is Taylor Wimpey who have a track record of delivering 50 dpa in the District [327], there is no good reason to find this site will not be built-out within Phase 2 of the Plan. The only alternative trajectory⁴⁸⁴ before the examination confirms this view.

Large and 'super-sized' committed sites within Figures 4b and 4c

363. The representative of the West of Shottery site told the resumed Hearing⁴⁸⁵ that the reserved matters application had been submitted and there was no reason why 450 dwellings could not be delivered in Phase 2 of the Plan, starting with 30 units in 2016/17. He said his clients had no problem with the trajectory and recognised that this meant the WRR would need to be delivered in Q1 of 2019, which would be 2-years from the start of construction [225]⁴⁸⁶.

364. The latest position appears to be that 2 reserved matters applications are outstanding⁴⁸⁷, albeit with a number of conditions still to be discharged. The '*Delivery Commentary*' to the Council's April 2016 trajectory says the decision on both of those applications is: "*expected summer 2016*". In respect of the Bloor Homes site it continues: "*Bloor Homes will then move quickly to start on site and first completions possible in early part of 2017*". That statement confirms what the resumed Hearing was told in January 2016. It is therefore not understood why the April 2016 trajectory has pushed back the January 2016 trajectory by at least 12 months. The '*Delivery Commentary*' says, in respect of the Hallam Land site, that the company: "*are in negotiations and will sell the site to a housebuilder once reserved matters has been secured*". In this respect the position appears to be similar to Proposal SOU.3.

365. As already noted [228], the main reason for the delay of this site has been resolved and given the position taken by the Promoter at the resumed Hearing there is no reason to take a more pessimistic view of delivery. So whilst it has been claimed that this entry in the Council's January 2016 trajectory has been arrived at: "*without evidence*"⁴⁸⁸ this is not accepted. It is appropriate to attach significant weight to the oral evidence given to the resumed Hearing. Although it was submitted that Bloor Homes had no incentive to develop this site, given that it is not short of sites in the District, the evidence before the examination is to be preferred over what is, essentially, speculation.

366. A recent decision records: "*The Council indicates that it accepts a reduction of*

⁴⁸⁴ Matter D Hearing Statement HS-12, dated December 2015, as updated.

⁴⁸⁵ The Matter C [LMA] day, rather than Matter D day, at the resumed Hearing.

⁴⁸⁶ As an addendum to this point it should be noted that the only other trajectory before the examination [HS.12] shows a start in 2017/18, which would mean the WRR would have to be delivered by March 2020 at the latest, which ties in with the GANTT chart timetable.

⁴⁸⁷ Paragraphs 4.33 and 4.34 of representation 7394, dated May 2016.

⁴⁸⁸ Source of quote: Updated trajectory to Matter D Hearing Statement HS-12, dated December 2015.

*30 dwellings in its expectations for this site in 2016/17*⁴⁸⁹. However noting the date of the Inquiry, paragraph 3 notwithstanding, the possibility remains that this concession was made in ignorance of what was said at the resumed Hearing. In the absence of any contradictory evidence it is appropriate to prefer the oral evidence given at the resumed Hearing.

367. In making a comparison between the January and April 2016 trajectories it is evident that the latter has been separated out into the respective areas and this complicates comparison. All 800 dwellings are envisaged to be developed within the life of the CS and so it is appropriate to focus on Phase 2. The January 2016 trajectory said 450 dwellings were expected in Phase 2⁴⁹⁰, but the April 2016 trajectory reduces this to 300 dwellings. For reasons given elsewhere 50 dpa in Stratford-upon-Avon is a reasonable assumption [327] and so in the light of the oral evidence given to the resumed Hearing there is no reason to find that the whole of the Bloor Homes Phase 1 area will not be delivered within Phase 2 of the Plan. For reasons discussed previously [332] the Hallam Land area is likely to have a slightly later start, but perhaps by only 3-6 months, and so there is no reason not to expect the first completions in 2017/18. Among other things the *'Delivery Commentary'* says: *"Agent advises that the trajectory is overly conservative"*. In all the circumstances it is hard to disagree given the prospect of 2 house builders. For these reasons there is no reason why all 200 dwellings should not be included in the 5-year supply. Phase 2 of Bloor Homes is scheduled in Phase 3 and given that a separate reserved matters application is required and that building is not likely to start ahead of the completion of the first phase of the northern area this is reasonable. The upshot of all of the above is a reduction of 48, from 450 to 402, in Phase 2 compared to the January 2016 trajectory, but the net impact on delivery in the April trajectory would be +102. In reaching this view account has been taken of Inspectors' recent findings but even without a third outlet 50 dpa per outlet is a reasonable assumption in a strong market like Stratford-upon-Avon. There is no sound evidence base to: *"...discount a total of 100 units from this site"*.

368. The Cattle Market site is queried on the basis that it has no extant permission such that its delivery is seen to be less certain. However the Council told the resumed Hearing that an application from Orbit Housing Association was being validated for 189 units, that there was broad support for it and that it should be reported to a Planning Committee in Spring 2016. Accordingly there is no clear basis to exclude this site from the 5-year supply in principle. This view is confirmed by the latest information before the examination that there is now a resolution to grant planning permission⁴⁹¹ [but see section on C2 uses below]. It is appropriate for it to be included as set out in the April 2016 trajectory.

369. Another site that is queried in the January 2016 trajectory is that at East and West of Ettington Road, Wellesbourne. The alternative trajectory agrees the first completions can be expected in 2018/19 and it was agreed that, at its peak, 80 dpa could be delivered on the site⁴⁹². However representations say

⁴⁸⁹ Source of quote: paragraph 18 (iv), appeal decision APP/J3720/W/15/3009042.

⁴⁹⁰ The first column says 425 but I assume that is because the 5-year period was one quarter ahead of Phase 2, hence a reduction of 25 from the last quarter of 2020/21.

⁴⁹¹ Table in Appendix 1 to representation 4987, dated May 2016.

⁴⁹² Matter D Hearing Statement HS-12, dated December 2015, as updated.

the site is controlled by Persimmon⁴⁹³ and its letter dated 18 April 2016 talks about just one outlet. However, for reasons given elsewhere, it is reasonable to assume 50 dpa per outlet in an MRC, particularly in the light of the delivery rate achieved by the same company on the nearby site [327]. It is important to note that the letter from Persimmon does not say that one outlet will only deliver 40 dpa. Accordingly whilst the latest evidence suggests that the January trajectory was too optimistic the April trajectory appears to be too pessimistic. A contribution of 150 dwellings [+ 30] within Phase 2 is justified, with the balance likely to be delivered wholly within Phase 3 of the Plan.

370. A further site that was questioned is the Harbury Cement Works, in respect of which 100 dwellings are anticipated within the 5-year supply. One participant has drawn attention to an application⁴⁹⁴ for 80 dwellings on this site, but the latest information before the examination⁴⁹⁵ reveals that the application, which is now the subject of a resolution to grant, is in lieu of a previously approved B2/B8 and C2 planning permission. Accordingly this is not a sound basis to exclude this site's contribution to the 5-year supply. Recent submissions⁴⁹⁶ have been taken into account, but the position remains unproven on the limited evidence before the examination. If the developer has confirmed to the Council⁴⁹⁷ that 20 completions are expected in 2018/19, and there is no reason to go behind that statement, the assertion that there is a deliverability issue with the site would appear to be unfounded. The approach in footnote 11 of the Framework confirms the site should be considered to be deliverable.

371. There are 4 sites on Campden Road, Shipston-on-Stour, in respect of which one participant suggests that the timescale for their delivery is uncertain. However the '*Delivery Commentary*' to the January 2016 trajectory says that planning permission exists for up to 482 homes, whereas the figures given in the total homes (net) column for the 4 sites totals 449 dwellings. Deducting C2 [again see section on C2 uses below] the April 2016 trajectory gives rise to a similar total although the pending application on one of the Cala sites might increase this marginally. The April 2016 trajectory is updated to take out C2 uses and whilst the issue of ownership might not have been resolved⁴⁹⁸ on the land north of Campden Road this is a sound basis to distinguish that trajectory from what was considered. Noting the '*Delivery Commentary*' says the site has an alternative planning permission for 143 dwellings, its contribution to the 5-year housing land supply appears to be potentially under rather than over stated. This view is confirmed by the fact that the April 2016 trajectory does not assume 50 dpa even though there is no reason to find that this could not be achieved in this MRC. The claim that the presence of competing sites, particularly in such an attractive location on the edge of the Cotswolds, can drive up sales is accepted. In reaching this view representations made in May 2016⁴⁹⁹ are noted, but the claim that the contribution to the 5-year supply is overstated has not been made out on the evidence before the examination.

⁴⁹³ Paragraph 4.39 of representation 7394, dated May 2016, but also disputed in Table in Appendix 1 to representation 4987.

⁴⁹⁴ Application No 15/04532/OUT.

⁴⁹⁵ Council's letter dated 31 May 2016, sent in response to my letter dated 25 May 2016.

⁴⁹⁶ Paragraph 4.40 of representation 7394 and Table in Appendix 1 to representation 4987, which are both dated May 2016.

⁴⁹⁷ See '*Delivery Commentary*' to January 2016 trajectory.

⁴⁹⁸ See paragraph 18 (vii) of appeal decision APP/J3720/W/15/3009042.

⁴⁹⁹ Table in Appendix 1 to representation 4987, dated May 2016.

372. At no stage during the Hearings was the trajectory for Meon Vale questioned and that was in the context of the Promoter of the site questioning many other assumptions in the trajectory. However the trajectory was questioned in the May 2016 representations⁵⁰⁰. Whilst the letter from Persimmon dated 18 April 2016 is noted, it is evident that the April 2016 trajectory has separated out the contribution from this house builder and the 149 units appear to be deliverable in Phase 2. In any event the April 2016 trajectory appears to have marginally reduced the contribution from Phase 4 of Meon Vale in Phase 2 of the Plan period from 300, in January 2016, to 265 units. Given Persimmon's statement that they are the only company to operate in this District with dual branding there is no wider point arising from the letter for the trajectory.

373. Another site that has been raised in the May 2016 representations⁵⁰¹ is also at Ettington Road, Wellesbourne, but is for 20 units. However in contrast to earlier versions, e.g. ED.14.3.1, that is not in the more recent trajectories. However footnote 11 says sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented, e.g. they are not viable. Assertion is not clear evidence. A site at Armscote Road, Ilmington is not listed in the trajectory but in any event the Council has acknowledged that the application has been withdrawn⁵⁰².

374. Another site that has been raised in the May 2016 representations⁵⁰³ but not during the resumed Hearing is Arden Heath Farm, but the limited rationale offered, essentially that the owner is a not a house builder, is taken into account in the '*Delivery Commentary*' in the January 2016 trajectory. The April 2016 trajectory has reduced the contribution to the 5-year supply on this site because of the Inspector's finding in the Long Itchington appeal⁵⁰⁴. Even if he might be correct, noting that there is no evidence before the examination to support such a finding, the April 2016 trajectory has pushed the whole trajectory back 12 months, the net effect of which is more [- 44] than the Inspector assumed. There is clear evidence before the examination that 50 dpa per outlet is reasonable [327], particularly in such a location. It is reasonable to find that 150 dwellings [+ 20] should contribute to the 5-year supply, i.e. 50 dpa from 2018/19. This allows well over 2 years from the grant of outline planning permission to the first completion, which is eminently reasonable. To this extent the April 2016 trajectory is again too pessimistic.

375. Another site that has been disputed in the May 2016 representations⁵⁰⁵ for the first time is that at Napton Brick Works, but the fact that it has been on the market for some time does not equate to it being undeliverable. The test is clearly set out in footnote 11 of the Framework and in respect of this site with planning permission it is again emphasised that there is not clear evidence that the scheme will not be implemented within the life of the permission. It is therefore appropriate for the Council to include it in its housing land supply.

376. Another site that has been disputed in the May 2016 representations⁵⁰⁶ but not

⁵⁰⁰ Paragraphs 4.37 and 4.38 of representation 7394, dated May 2016, among others.

⁵⁰¹ Table in Appendix 1 to representation 4987, dated May 2016.

⁵⁰² See Document Ref. HD.112.

⁵⁰³ Table in Appendix 1 to representation 4987, dated May 2016.

⁵⁰⁴ Paragraph 18 (vi) of appeal decision APP/J3720/W/15/3009042.

⁵⁰⁵ Table in Appendix 1 to representation 4987, dated May 2016.

⁵⁰⁶ Table in Appendix 1 to representation 4987, dated May 2016.

before is that at Temple Herdewyke. The January and April 2016 trajectories show 54 units in Phase 2 and there is no clear rationale to justify discounting 24 units from the 5-year supply. In reaching this conclusion the Inspector's finding in a recent appeal⁵⁰⁷ has been taken into account.

377. Finally it is appropriate to record that in total 2 days were spent discussing housing land supply and extensive written submissions on the topic have been submitted from many parties throughout the examination, which commenced in September 2014. The sheer length of this analysis cannot reasonably lead anyone to conclude that consideration of this topic has been superficial. In this context it is surprising to find it claimed that a section 78 appeal Inspector has conducted a: "*far more detailed examination*"⁵⁰⁸ of the housing land supply situation. This claim is entirely rejected because I am in the unique position of having heard from representatives of all of the major developers with interests in the District. There have been no constraints on the material that any of those representatives could submit beyond what is conventional for such an examination. An interim calculation was posted on the examination website to allow full and open feedback. In short, in line with relevant Guidance⁵⁰⁹, this examination has thoroughly considered the deliverability of sites in a way that cannot be replicated in the course of determining an individual appeal.

C2 Uses and Housing Land Supply

378. The Guidance says: "*Local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. The approach taken, which may include site allocations, should be clearly set out in the Local Plan*"⁵¹⁰. As has been pointed out⁵¹¹, the CS does not set out the approach to be taken and so in that respect, whilst the Guidance post-dates submission of the CS, it has not changed in substance.

379. This issue was considered at the original Hearing⁵¹², when the Council said that the differences between housing completions in various documents was due to the incorporation of C2 institutional uses, but that this approach had been wrong⁵¹³. This understanding is consistent with the Council's statement for that session, which said: "*The Council is meeting its housing requirement of 11,300 in full, delivering 11,348 dwellings as at June 2014, and 11,384 dwellings as at September 2014, excluding C2 Residential Institutions*"⁵¹⁴ [*my emphasis*]. 'Residential Institutions' is the title to Class C2 in the Town and Country Planning (Use Classes) Order 1987 [the 1987 Use Classes Order], rather than any sub-categorisation of that use class. The strong impression from the original Hearing was that the Council was excluding Class C2 from the housing supply calculation and agreed that this was appropriate.

⁵⁰⁷ Paragraph 17 (ii) of appeal decision APP/J3720/W/15/3009042.

⁵⁰⁸ Source of quote: representations 0481 and Cemex UK Ltd, dated May 2016.

⁵⁰⁹ Paragraph ID: 3-033-20150327.

⁵¹⁰ Paragraph ID: 3-037-20150320.

⁵¹¹ Appeal Ref. APP/J3720/A/14/2215757, dated 3 November 2014, paragraph 27.

⁵¹² See for example Matter F Hearing Statement HS-15, dated December 2014.

⁵¹³ Source: Note of meeting taken by my colleague by reference to Document Ref. ED.5.3, as recited in the first column of Document Ref. HD.15.

⁵¹⁴ Paragraph 6.1, Matter F Hearing Statement HS-01, dated December 2014.

380. The issue arose again in the resumed Hearing, despite the absence of written submissions, perhaps because it is not immediately evident from the listing of sites that they include C2⁵¹⁵. As a result the Council provided an updated statement of its approach⁵¹⁶, which has been the subject of comment by others⁵¹⁷. The Council draws attention to section 10 of the original SHMA and, in particular, Table 89, which identifies a requirement for 150 'Extra-Care Housing' units per annum in the District⁵¹⁸. The SHMA does not however disaggregate between Use Classes. In this respect the Guidance says: "*The future need for specialist accommodation for older people broken down by tenure and type (e.g sheltered, enhanced sheltered, extra-care, registered care) should be assessed.... The assessment should set out the level of need for residential institutions (Use Class C2)*"⁵¹⁹. The Council has not done this.
381. Again it is acknowledged that this is recent Guidance, which might explain the approach in the SHMA, but in the absence of any breakdown it is ambiguous as to whether the SHMA figure is within Use Class C2. It is claimed that the calculation only estimates: "*the housing needs within the self-contained extra-care category which falls within C3*"⁵²⁰. Given the distinctions that are made in paragraph 10.29 of the SHMA that claim is not without foundation. Use Class C2 is defined as: "*...the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))...*". The SHMA identifies no need for sheltered and residential care units, but neither does it expressly say that these are in Use Class C2. However the distinction made is consistent with the submission that the SHMA identifies extra-care separately, as a component within Use Class C3.
382. Even if this might be wrong, any calculation of housing supply, i.e. to meet a stated housing requirement, should be framed in the terms of the requirement that it is seeking to meet. The SHMA is based on superseded population and household projections, and reasons are given why even the SHMA Update has been superseded [29]. Paragraph 10.36 of the SHMA suggests that the Councils might wish to consider further research and stresses the figures are indicative, but the Council has not drawn my attention to anything in the subsequent reports on OAN that identifies a separate Class C2 component.
383. In the circumstances, because the OAN does not include an assessment specifically for Class C2, it is inappropriate for the Council to include C2 uses in its housing land supply calculations. The distinction that it seeks to draw between bed spaces and self-contained units does not address this basic problem, but in any event such a split should have been identified and justified when such needs were being assessed. Accordingly, to the extent the Council has evidence, it is out-of-date and is not a robust assessment of the need for residential institutional C2 accommodation, against which to count supply.

384. For these reasons the identified quantum of C2 units⁵²¹ has to be taken out of

⁵¹⁵ See for example Maudslay Park delivery commentary on Figure 4c, ED.14.3.1.

⁵¹⁶ Document Ref. HD.98, which is materially different to that recorded at paragraph 28 of the appeal decision dated 3 November 2014, Ibid.

⁵¹⁷ Document Refs. HD.105 and HD.106.

⁵¹⁸ Source of quote: title to Table 89, page 171, Document Ref. ED.4.3.3.

⁵¹⁹ Paragraph ID: 2a-021-20160204.

⁵²⁰ Source of quote: paragraph 5, Document Ref. HD.105.

⁵²¹ Table 1, Document Ref. HD.98.

the calculation of housing supply. There is one exception, which is the LMA 400 scheme, because the Promoter told the resumed Hearing that there was no expectation that there would be 100 C2 units and that the final mix might be zero. In these circumstances at this stage, pending submission of the reserved matters application, it is appropriate to include the 100 units in the housing supply calculation. The outline scheme at Shipston-on-Stour is more specific in its description and so the same rationale does not apply⁵²². Given the Council's acceptance of this rationale, as shown by the consultation on the MMs and the April 2016 trajectory, there is no need for an additional sentence in paragraph 5.2.20 of the reasoned justification, as has been claimed⁵²³, to say that C2 uses will not be counted towards the housing requirement.

Assumptions within the trajectory

385. Footnote 11 to paragraph 47 of the Framework states that: *"Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years"*. Provided there is a realistic prospect of delivery within 5 years it is also reasonable to include sites with a resolution to grant planning permission and sites that are allocated in the CS. Accordingly there is no difficulty in principle with the various categories of commitments identified by the Council.

386. In arriving at its level of commitments the Council has made a number of assumptions, which are challenged. The first is that the Council should have applied a 5 % discount to the total number of houses under-construction, but this would be irrational. If the houses are under-construction then there is no need to make an allowance for non-implementation because those planning permissions are, by definition, being implemented. This assumption is sound. The issue was put on a slightly different footing at the resumed Hearing as it was claimed that there might be a proportion that are not implemented within the 5-year supply. However that is a different point and is not whether they are delivered but when. It does not affect the figure under-construction.

387. The issue of lapse rates⁵²⁴ is a concern with a large chunk of the commitments. The Council appears to have taken a lead from an appeal decision at Hampton Lucy where the Inspector took a cautious approach and applied a 10 % deduction in order to ensure the housing land supply figures were robust⁵²⁵. This decision is the subject of comment by PAS, which says: *"The need for this type of allowance will depend on the robustness of your evidence about the sites relied upon to deliver housing. The decision about whether to include an allowance for non-implementation depends on how robust the delivery information is considered to be, and is only necessary where there is uncertainty about whether some of the sites are going to come forward. If you have a good evidence base including from developers that confirm sites will come forward there may not be a need for a lapse rate"*⁵²⁶.

⁵²² Appeal Ref. APP/J3720/A/14/2215757, dated 3 November 2014.

⁵²³ Representation 0448, dated May 2016.

⁵²⁴ The May 2016 representations query the use of the term lapse rate which is, by way of example, used in paragraph 7.4 of ED.14.3.1 to take account of the fact that not all sites get built out. I agree with the view that it should be equated to a non-implementation rate [see paragraph 4.3.9 of representation 4987], but use the term lapse rate in this report.

⁵²⁵ Appeal Ref. APP/J3720/A/14/2215757, dated 3 November 2014.

⁵²⁶ http://www.pas.gov.uk/local-planning/-/journal_content/56/332612/7363780/ARTICLE

It is recognised that this should be given limited weight, but as a matter of logic it appears to be correct. Although an Inspector dealing with a section 78 appeal might well take a precautionary approach because they might not have the complete picture, I have as complete a picture of this District as anyone.

388. As it stands there are inconsistencies in the lapse rates that are applied. The footnotes to the January 2016 trajectory confirm the Council applied a 5 % discount to CS strategic allocations, but a 10 % discount to outline planning permissions and resolutions to grant. As a matter of logic that is not sensible. The sequence is that the CS allocations obtain outline planning permission and at that stage they are at least as likely to be implemented, such that an increase from 5 % to 10 % makes no sense. However, having examined the strategic allocations, there is no basis to find uncertainty that the allocated sites identified to make a contribution to the 5-year supply are going to come forward. The April 2016 trajectory identifies developers and house builders for all of the allocated sites and with the exception of part of SUA.1 there is evidence of active engagement in bringing sites forward. On SUA.1 the positive steps that are being taken in the CS should ensure development before 2031 but, as noted elsewhere, the bulk of that allocation makes no contribution to the 5-year supply. As such the 5 % figure is appropriate. There is however a basis for it to be retained to address the concern that due to the sheer scale of commitments that some planning permissions might not be implemented within the 5-year period because of market saturation.
389. Having established that a 5 % lapse rate is appropriate for the CS strategic allocations, it follows that the higher, 10 %, rate is inappropriate for sites with outline planning permission and those with a resolution to grant. This can be illustrated by reference to the largest site in each category⁵²⁷. The largest site with outline planning permission is the West of Shottery scheme but the evidence given to the examination on behalf of the Developers is that it is going to come forward in line with the trajectory [363]. The largest site with a resolution to grant is the first phase of LMA, but again the Promoter gave every indication that the scheme will commence within Phase 2 of the Plan and in this context the evidence regarding the state of the market is material [339]. In the light of the PAS advice this might suggest that there is no need for a lapse rate, but it would be prudent to include a discount of 5 % because there might be reasons why sites do not come forward. For example, having regard to footnote 11 of the Framework, viability might be a factor that might prevent some sites from being delivered. It is however a conservative assumption because the Council told the Hearing in January 2015 that over the last 30 years the implementation rate has been at least 95 %.
390. In reaching this view the representations that have been made on this topic in May 2016 are noted, but give no basis for revision. Amongst other things the slide presentation that was given by DCLG to the HBF⁵²⁸ is generic whereas the PAS advice requires me to focus on the evidence base that is particular to this District. There is little evidence of permissions '*dropping-out*' in Stratford and the example cited, at the Cattle Market, does not clearly fall into this category given the resolution to grant for a Housing Association and the

⁵²⁷ As at March 2016 [see HD.112] acknowledging that the situation will evolve.

⁵²⁸ Representation 7394, dated May 2016.

statement: “*Highway works already implemented*”⁵²⁹. There is evidence of the other category ‘*re-permission*’, but that does not lead me to find that there is uncertainty about whether some of the sites are going to come forward. The Cattle Market site is arguably an example as is the larger Cala Homes site at Norgren, Shipston-on-Stour⁵³⁰. Far from suggesting the latter site will not come forward it strongly suggests the house builder is likely to proceed, perhaps with different layout or house design to meet an identified market. In all the circumstances the PowerPoint does not demonstrate that a higher lapse rate is appropriate in a strong market area such as Stratford-on-Avon.

391. I applied a 10 % lapse rate to the Cattle Market site in my interim calculation, on the basis that the planning permission had lapsed. However, given that the site now benefits from a resolution to grant, this can be reduced to 5 % and the approach in footnote 11 of the Framework can be applied in future.

Comment on other aspects of the Housing Implementation Strategy [HIS]

392. Section 5 of the HIS⁵³¹ undertakes trajectory analysis, which remains pertinent despite the later updates to the calculation itself. Figure 5b shows that there is not an issue with stalled sites in this District [“0 %”⁵³²], which supports the view that it is appropriate to review the assumption regarding lapse rates [389]. Figure 5c does show that, even apart from the new settlements, 44 % of new houses are proposed on sites of 100 or more dwellings. However the HBF agreed that the key to delivery of big sites is the number of outlets and my analysis of the strategic sites confirms that multiple outlets are achievable.

393. The trajectory for Phase 2 shows that dwellings will be delivered across a variety of size of sites to the benefit of all types of house builder. Although later phases do show an increasing focus on the new settlements, with 84 % of new dwellings in Phase 4 said to be delivered in GLH and LMA⁵³³, it is likely that there will be a Plan review underway, or possibly completed, by then⁵³⁴. So whilst the new settlements will provide the backbone of the housing in the District in the later years of the Plan, the claim that there would be a duopoly, with the connotation that it would be unhealthy, is not one I subscribe to. At 27.8 % the Council has shown that its reliance on new settlements is less than South Cambridgeshire [33 %] and the South Hams [35 %]. In contrast to the latter the Council says the risk associated with delivery is reduced by having 2 new settlements. Even a duopoly, which is not my term or one that is endorsed, is better than a monopoly. The ultimate answer to this is that whilst the Council did envisage the staged release of sites at both the MRCs and the LSVs during Phase 3 and Phase 4 of the Plan, these allowances have already been taken up in order to deliver a 5-year housing land supply. That is the effect of the 20 % buffer moving sites forward from later in the Plan period in line with paragraph 47 of the Framework. The fact the Council has facilitated that process is not a good reason to criticise the Council’s approach.

394. Figure 5d illustrates the split of housing in the CS across different settlements

⁵²⁹ Source of quote: Delivery commentary to April 2016 trajectory.

⁵³⁰ See ‘Delivery Commentary’ to April 2016 trajectory.

⁵³¹ Document Ref. ED.14.3.1, dated October 2015.

⁵³² Quote from Figure 5b, although it is appreciated this might have been rounded down.

⁵³³ Untested figure advanced at the resumed Hearing.

⁵³⁴ The Council told the resumed Hearing that a Plan review might be started in Phase 2.

in the District which, by reference to Figure 5e and Map 2 in Appendix 1, is widely dispersed across the whole District. Although, at 54 %, there is a focus on 'Central South' and 'Central Stratford', the latter includes the main town and the former is a big chunk of the relatively unconstrained central part of the District. Accordingly the trajectory analysis suggests that the geographic distribution is not inappropriate. Finally Figure 5f shows, albeit from a fairly limited sample, that sites in Stratford-upon-Avon and the MRCs can deliver over 50 dpa from a single outlet, underlined by recent performance [327].

395. The IC found there was a need to provide more headroom in the trajectory over the lifetime of the Plan. There is some overlap of function between the headroom and the buffer in the sense of ensuring choice and competition. However the former covers the eventuality over the life of the Plan that some allocated sites might not come forward at the allocated rates, whereas the latter allows allocated sites to be brought forward earlier. The HIS records that the requirement of 14,485 would be exceeded by some 1,119 homes and that this: *"7.7 % overprovision is intended to build a sufficient degree of contingency and flexibility into the housing trajectory to ensure that the housing needs of the District are met and that a continuous five year supply of housing is maintained"*⁵³⁵. By the time of the resumed Hearing this figure had risen to almost 10 %⁵³⁶. However when assessed against the revised figure of 14,600, the headroom is now 9 %⁵³⁷. When combined with the reserved sites policy, this reinforces my view that the lapse rate can be reduced to 5 % on sites with outline planning permission and a resolution to grant.

396. Finally, under this head, Figure 7b provides indicative 5-year supply modelling, which suggests the Council can maintain an indicative 5-year supply to at least 2026/27. The April 2016 Housing Trajectory Graph is perhaps a more useful indication of the position over the latter half of the Plan period and might suggest the need to bring forward additional supply in 2025/26. However there are a range of levers open to the Council over that timeframe and hence this is not an issue that undermines the Plan's soundness at this stage.

Conclusion on the fifth main issue

397. At the resumed Hearing the complaint was made that the trajectory was too optimistic, but reasons have been given for disagreeing with that claim and why the April 2016 trajectory is now too pessimistic. Even if that reasoning proves to be wrong over time the allied point, that there is no 'Plan B', is misconceived because that is one of the purposes of the reserve sites that are to be identified in the SAP. If, for example, a problem is identified with the delivery of LMA because the construction of the SWRR takes longer than is programmed, the Council could proactively address any resulting shortfall in its 5-year supply by bringing forward a reserve site. Conversely, by their very nature, reserve sites are a strategic reserve and if the Council can show it is delivering well above the housing requirement over the life of the CS then this might help to meet some of the other identified purposes [67] and, as such, there might not be a need to bring forward the reserve sites. That does not however mean it is not appropriate to identify the full 20 % as a reserve. It is

⁵³⁵ Source of quote: paragraph 2.5, Document Ref. ED.14.3.1.

⁵³⁶ December 2015 housing trajectory shows 15,919 dwellings, which was 1,434 units over the housing requirement of 14,485 which, expressed as a percentage, is almost 10 %.

⁵³⁷ $15,842 - 14,600 = 1,242$ which, expressed as a percentage, is over 8.5 %.

there as a contingency, in case it is needed, but it must be correct that actual delivery above the requirement is material to meeting a wider need.

398. It will however take time to progress the SAP to a point where those reserve sites are identified to enable the Council to draw upon them as might be required in order to maintain a 5-year supply. The LDS indicates⁵³⁸ that the SAP is scheduled for adoption in April 2017. For this reason it is important to ensure that a robust 5-year housing land supply exists at the point when the CS is likely to be adopted and for at least the first 12 months. As was said at the start of the resumed Hearing, given the time, effort and resources that have gone into preparation of the Plan it would undermine the Plan-led system if, within a relatively short period after adoption, the policies for the supply of housing in the CS were found not to be up-to-date. Amongst other things the circumstances in which a recent appeal was allowed in Herefordshire⁵³⁹ are noted, which is why this report has gone to some lengths to identify realistic commencement and build-out rates for the key sites in the District. Recent judicial authority⁵⁴⁰ confirms there can be no certainties and it is therefore appropriate for me to exercise professional judgment based on the evidence.

399. The interim calculation has been updated to take account of the latest evidence before the examination and, amongst other things, the significant increase in the level of completions between the respective calculations is noteworthy. For the reasons that have been set out the level of commitments identified by the Council in its April 2016 trajectory should be increased by 357 [328, 335, 359, 367, 369, 374⁵⁴¹], which is reflected in Tables 2 and 3. There is no basis to dispute any other component of the commitments.

400. Table 2 shows the calculation with a stepped trajectory which, for the reasons given [319], is the most appropriate but Table 3, with an annualised trajectory, is provided to demonstrate that the claims⁵⁴² the stepped trajectory produces a more favourable outcome and/or rewards the Council are wrong.

Table 2: Calculation of 5-year supply at 1 April 2016 using the stepped requirement and taking account of the revised level of commitments⁵⁴³

A REQUIREMENT	566 x 5 = 2830
B LESS COMPLETIONS	2447
C SHORTFALL [A-B]	383
D COMMITMENTS	[6425 + 339] = 6764
E REQUIREMENT [894 x 5 PLUS C]	[4470 + 383] = 4853
F APPLY 20 % BUFFER TO E	[4853 x 1.2] = 5824
F 5-YEAR ANNUALISED AVERAGE	[5824/5] = 1165
G 5-YEAR SUPPLY	[6764/1165] = <u>5.8 years</u>

⁵³⁸ See Schedule at section 5 of the LDS, October 2015, Document ref. ED.13.8a.

⁵³⁹ Appeal decision APP/W1850/W/15/3006428 dated 24 February 2016.

⁵⁴⁰ *St Modwen Developments Ltd v Secretary of State for Communities and Local Government & Anor* [2016] EWHC 968 (Admin).

⁵⁴¹ Calculated as 125 + 40 + 40 + 102 + 30 + 20 = 357.

⁵⁴² Including representations 0481 and 0619, dated May 2016.

⁵⁴³ Figures mostly derived from the Council's April 2016 trajectory save for the additional 357 commitments, the derivation of which is detailed elsewhere, to which a 5 % discount has been applied, which gives rise to the figure of 339 in the table.

Table 3: Calculation of 5-year supply at 1 April 2016 using the annualised requirement and taking account of the revised level of commitments⁵⁴⁴

A REQUIREMENT	$730 \times 5 = 3650$
B LESS COMPLETIONS	2447
C SHORTFALL [A-B]	1203
D COMMITMENTS	$[6425 + 339] = 6764$
E REQUIREMENT [730 x 5 PLUS C]	$[3650 + 1203] = 4853$
F APPLY 20 % BUFFER TO E	$[4853 \times 1.2] = 5824$
F 5-YEAR ANNUALISED AVERAGE	$[5824/5] = 1165$
G 5-YEAR SUPPLY	$[6764/1165] = 5.8 \text{ years}$

401. In the circumstances the Council can show a 5-year housing land supply at the time of writing, in early June 2016, and there is evidence that this can be maintained going forward. The Council is likely to be able to rely upon all of the allocated sites to deliver completions within Phase 2 of the Plan and to a significant extent is in a position where it has control over its own destiny. The size of the margin, albeit above what should be considered a minimum, and the fact that it is moving in the right direction when compared to my interim calculation, which was undertaken on the same basis, gives me some comfort that there is now a robust 5-year housing land supply [my emphasis]. The Council should however be under no illusions that it needs to continue its recent good progress, as evidenced by the Housing Trajectory Graph dated 3 June 2016 for previous years, in improving housing delivery in the District. There is no room for complacency. If outline and reserved matters applications are not progressed expeditiously, particularly on the largest housing sites that are examined in this report, the concerns raised by participants might be validated. The Council should consider focussing its efforts in the short term on turning resolutions to grant into issued planning permissions and ensuring reserved matters are turned around quickly to allow houses to be built.

402. However the strategic policy constraints that have delayed the progress of many of these sites will be resolved when the CS is adopted⁵⁴⁵. This factor alone has the potential to make a material difference to the Council's ability to maintain the required housing supply. Conversely reconvening the Hearings to discuss housing land supply on a third occasion is not a good way forward: one has to exercise judgement and take a view at some point. As well as the additional resources being brought in to address the backlog of s106 [334], the Council said that a proposal had been approved in principle for a new settlement delivery team comprising of 6 staff. Taken together this strongly suggests that past performance will not be a guide to the future.

403. Finally, given my earlier finding that the Plan should include a calculation with a 5 % buffer [321] Table 4 undertakes this exercise. The Council should use the figures contained in Tables 2 and 4 to update the Plan at the point of adoption. This is in line with the basis on which the May 2016 consultation was undertaken and is recommended in the interests of soundness [MM34]. There will need to be consequential changes to the Figure 1 Trajectory Table

⁵⁴⁴ As for Table 2.

⁵⁴⁵ The CS itself has had a long gestation period but before that there was the RSS moratorium and so this has the potential to be the start of a new era.

and Graph and the supporting text, including the contingency which, based on the figures in this report, can be treated as additional modifications [6].

Table 4: Revision to Table 2 with a 5 % buffer to allow update to CS

A REQUIREMENT	$566 \times 5 = 2830$
B LESS COMPLETIONS	2447
C SHORTFALL [A-B]	383
D COMMITMENTS	$[6425 + 339] = 6764$
E REQUIREMENT $[894 \times 5 \text{ PLUS } C]$	$[4470 + 383] = 4853$
F APPLY 5 % BUFFER TO E	$[4853 \times 1.05] = 5096$
F 5-YEAR ANNUALISED AVERAGE	$[5096/5] = 1019$
G 5-YEAR SUPPLY	$[6764/1019] = \underline{6.64 \text{ years}}$

Issue 6: In relation to affordable housing, does the Plan make adequate and appropriate provision to meet the identified housing needs?

Requirements, thresholds and on-site provision

404. The Council has made clear that it does not seek affordable housing, whether from contributions or otherwise, from schemes within Use Classes C2 and C2a, but it does seek contributions from all new residential development comprising self-contained homes, including that proposed to meet specialised needs. The term '*self-contained homes*' appears to be a reference to the leading case of *Gravesham BC v SoS* [1982] 47 P & CR 142, as to what comprises a dwelling house. However the 1987 Use Classes Order makes the simpler distinction as to whether any particular premises are in use as a dwelling house, which is more important in a policy requirement of this nature. A unit within an extra-care development might appear to be self-contained on plan, but if it forms part of a wider care complex then it might well fall outside of Use Class C3.

405. The Council points to research⁵⁴⁶ to support its view that a categorisation by use class is misleading. Although there might be pressure to change the 1987 Use Classes Order it is a comprehensive classification that provides a useful distinction between use as a dwelling house and a residential institution. It is necessary to apply the statutory instrument as it is currently set out. Various parties have referred to a number of planning appeal decisions⁵⁴⁷ which, in turn, refer to various high court judgements, but the key is the concept of the planning unit. Whilst there might still be a need to make a judgement at the margin as to whether any particular development falls within Use Class C2 or Use Class C3, and this needs to be reflected in the policy, the 1987 Use Classes Order is the most appropriate starting point because it brings the manner of the use and the physical condition of the premises into play in determining whether any proposed development is within Use Class C3. For these reasons I recommend a change to part A of Policy CS.17 [MM36] to ensure consistency with national policy.

406. Ahead of the Hearings in January 2015, the Council put forward a series of proposed MMs to the thresholds within Parts A and B of Policy CS.17. These reflected the Written Ministerial Statement of 28 November 2014 and the Guidance that was issued after the submission of the Plan for examination⁵⁴⁸. Following the judgement of the High Court in *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 2222 (Admin), I sought the Council's view as to how it wished to proceed and whether it wished to revert to the submission version of the Plan. However the Council reported the issue to its Cabinet in October 2015⁵⁴⁹ and resolved to retain the modified version of Policy CS.17.

407. Given the advanced stage that the examination had reached in this respect, i.e. post-Hearing and with other proposed modifications having been the subject of consultation, it is understandable why the Council chose not to

⁵⁴⁶ See page 10 of published report at:

<http://www.knightfrank.co.uk/research/reports/retirement-housing-2014-2388.aspx>

⁵⁴⁷ Including appeal decisions: APP/H1840/A/13/2193666, APP/D0121/A/12/2168918 and APP/J3720/A/11/2153222 which, in paragraph 84, refers to APP/J3720/A/07/2037666.

⁵⁴⁸ Including paragraph ID 23b-012-20141128, which is no longer extant.

⁵⁴⁹ Document Ref. ED.12.6.

revise its approach. The Secretary of State was granted leave to appeal the judgement in *West Berkshire District Council and Reading Borough Council* by the Court of Appeal on 28 September 2015 and had the Council chosen to revert to the policy in the CS submission version this could, single handedly, have led to a significant delay in adoption if the appeal had succeeded.

408. The Council's decision was vindicated by the Court of Appeal judgment⁵⁵⁰, which allowed the Secretary of State's appeal on all grounds. The effect of the Court of Appeal's judgment is to reinstate the terms of the Written Ministerial Statement and allied to that fresh Guidance has been issued⁵⁵¹. Policy CS.17 is consistent with the Written Ministerial Statement and the new Guidance.

409. Whilst one party⁵⁵² has sought to remove the obligation for affordable housing from sites under 11 dwellings across the whole District, the Council is entitled to establish the lower threshold in designated rural areas under Section 157 of the Housing Act 1985. Given the need for affordable housing in the District the lower threshold of 6 or more dwellings is justified outside of the main settlements and none of the options put forward justify any further change because they would reduce the delivery of affordable housing in the rural area.

410. I therefore recommend the changes to the thresholds in part A of Policy CS.17, together with associated changes to the reasoned justification and the addition of two new DMCs, the first of which needs to be modified to delete reference to the national thresholds [**MM36, MM37 and MM38**], all of which are required in the interests of soundness.

411. A new paragraph is proposed in part B to require exceptional circumstances to be shown in order to permit the off-site provision of affordable housing on sites of 10 or more homes. This is consistent with '*Stratford-on-Avon District Council Plan Viability & Affordable Housing Study*'⁵⁵³, including paragraph 6.2.9 thereof. I recommend this change to part B of Policy CS.17 [**MM36**] in order to ensure that the Plan is justified.

Viability issue in respect of extra-care housing

412. As part of representations made during the consultation period in July 2014, one party submitted viability evidence⁵⁵⁴. It purported to show that extra-care accommodation could not support affordable housing contributions without being rendered unviable. This prompted the Council to commission fresh evidence⁵⁵⁵, but this was only provided after the CS was submitted for examination and was rebutted by the original party in a Hearing Statement⁵⁵⁶.

413. The Guidance⁵⁵⁷ says that Plan makers should not plan to the margin of viability, but should allow for a buffer to respond to changing markets and to

⁵⁵⁰ *R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.

⁵⁵¹ Including paragraphs 13-17, 19-23 and 31 in section 23b, as at [date] 20160519.

⁵⁵² Representation 8018, dated May 2016.

⁵⁵³ Document Ref. ED.4.2.4.

⁵⁵⁴ See original representation 0432.

⁵⁵⁵ PBA Technical Note, Document Ref. ED.4.2.4a.

⁵⁵⁶ Hearing Statement HS-62, December 2014.

⁵⁵⁷ Paragraph ID 10-008-20140306.

avoid the need for frequent Plan updating. The Council's evidence purports to show that extra-care schemes would just be viable on green field out of centre sites but would be unviable at the proposed policy levels on brown field sites. The assumptions underpinning those findings have been criticised by the later evidence. It found that: i) the ratio of the total net saleable area to the total gross internal area in the PBA evidence was too high; ii) the unit size was too low and assumed that all of the units would be 1-bed; and, iii) the site density of 178 dph, i.e. 50 units on a 0.28 ha site, was far too high. Although solely based on McCarthy & Stone schemes these criticisms, most notably the density assumption in what is a rural District, have been made out. This finding is reinforced by the concession that the Council's evidence included all retirement homes, rather than being restricted to extra-care schemes.

414. Given the changes that have been recommended [405], it is likely that most extra-care schemes would fall outside the ambit of CS Policy CS.17 on the basis that they would not incorporate or comprise use as a dwelling house. However on the basis of submissions in relation to the SHMA [381] it might be in prospect that some extra-care schemes might be within Use Class C3 and hence caught by the policy. Although the existing policy wording contains a viability clause, which could be invoked, in the absence of evidence to show that extra-care schemes would be viable with any level of affordable housing, let alone 35 %, clarity is required. It would be possible to put a clause in the policy to exclude extra-care schemes, but what is now the third DMC offers a better way to achieve this outcome as a number of exceptions are identified and I recommend adding extra-care to that list to make the position unambiguous [MM38]. This would ensure compliance with the judgement in *Blyth Valley BC v Persimmon Homes (North East) Limited and others* [2008] EWCA Civ 861⁵⁵⁸. I recommend the consequential deletion of original DMC (4) to Policy CS.18 [MM41], in the interests of soundness.
415. Table 89 in the SHMA sets out an indicative requirement for 24 % affordable extra-care housing, but it must follow that if open market schemes are rendered unviable by the policy then there would be no extra-care provision at all. With subsidy, other providers, such as Housing Associations, might be able to contribute to the identified need for affordable extra-care housing.
416. This position is underlined by the subsequent PBA Economic Viability Study. The first point to note is that the Study's definition⁵⁵⁹ of extra-care makes no distinction by Use Class. The analysis in section 5.4 appears to have taken on board the earlier criticism [413] and, amongst other things, the size of units is higher and the density is lower. The outcome, in Table 6.1, is that extra-care is found to be viable with significant headroom for CIL but, whilst that is a matter for others, it is evident that is only achieved where no contribution is made to affordable housing. There has been no attempt to test any alternative scenario. This confirms the finding that it is appropriate to exclude extra-care from the ambit of CS Policy CS.17.
417. These changes would ensure that the Plan is positively prepared and so the criticism that the Plan gives rise to age discrimination in failing to meet the needs of older residents or is in breach of the 2014 Care Act is unfounded.

⁵⁵⁸ Document Ref. HD.44.

⁵⁵⁹ See Appendix A, Glossary, Document Ref. ED.14.2.1.

The: “clusters of suitable bungalows”⁵⁶⁰ as part of a supportive community appears to anticipate a retirement village⁵⁶¹ or similar form of development. The MM would ensure that such developments are encouraged because they would be viable and the Plan includes a requirement for extra-care as part of allocated land, e.g. as part of Proposal GLH. The claim that the Plan makes no provision for this group of the population is therefore entirely misplaced.

Is there a sound evidence base to underpin the proposed tenure mix?

418. Table 6.1 of the Council's ‘Plan Viability & Affordable Housing Study’ [PBA]⁵⁶² recommends that a target of 60 % social rent, 20 % affordable rent and 20 % intermediate housing be included as a target within the reasoned justification, to allow flexibility, where a scheme is marginal. The Council has maintained its view that this mix should be in the policy but has put forward a MM that describes it as a preferred mix and says it will be updated in SPD and take account of site specific issues and local circumstances. Such an approach would achieve the same objective and so I recommend changes to part C.
419. In reaching this view it is clear that the proposed tenure mix is based on the SHMA, which identifies a net need from 63 % of households who cannot afford over existing social rent levels⁵⁶³. Although there has been criticism that the SHMA undertook this analysis on a false premise, without reference to housing benefit, this was done for analytical purposes. Since the authors were clear that households can claim benefits in social and affordable tenures and that there is a degree of overlap between them⁵⁶⁴, this does not compromise the overall mix, which is also broadly consistent with Table 76 of the SHMA. This underpins the minimum figure of 60 % for social rented housing in the policy.
420. Although PBA undertook sensitivity analysis that looked at a different split between social and affordable housing to make schemes more viable that did not form part of its recommendation. However it does underpin, and therefore underline, its call for flexibility. Having a mix specified in the policy does provide a developer with certainty because it can only be varied via SPD, which itself is subject to consultation, or site specific considerations that are loaded towards increasing a site's viability. It would not be more onerous because the policy already specifies a minimum of 60 % social rented housing which, the Hearing was told, is more expensive to provide than intermediate housing.
421. A representation⁵⁶⁵ has however drawn attention to what is now the Housing and Planning Act 2016 and what it refers to as low cost market housing but which, in the language of that Act, appears to be starter homes. This discrepancy suggests that the particular form of words that has been advocated in that representation should not be used. However the Council does accept it is appropriate to future-proof the Plan to take this impending change to the definition of affordable housing on board and it is common ground that the SPD provides the appropriate mechanism. A change to the

⁵⁶⁰ Representation 4284, dated May 2016.

⁵⁶¹ Such as Maudslay Park, as referred to in Table 1, Document Ref. HD.98.

⁵⁶² Document Ref. ED.4.2.4.

⁵⁶³ Tables 77 and 100 of Document Ref. ED.4.3.3 are identical.

⁵⁶⁴ See, amongst others, paragraphs 9.58 and 11.46, Document Ref. ED.4.3.3.

⁵⁶⁵ Representation 0447, dated May 2016.

reasoned justification is also necessary given the potential significance of any change to the definition of affordable housing at the HMA level. For these reasons I recommend changes to part C and the reasoned justification to ensure Policy CS.17 is justified and effective [MM36, MM37].

On-site integration, delivery and other aspects of affordable housing

422. The Council has put forward a proposed MM to part D of Policy CS.17 in order to address the concern that there is a contradiction between the terms 'pepper-potted' and 'clusters'. There is now a consensus that the former term means scattering individual affordable units throughout the development, which is not best practice for maintenance and management purposes. In contrast dispersal in small clusters would ensure that the wider objective of development being tenure blind is achieved. As such I recommend this modification to part D of Policy CS.17 [MM36] in the interests of soundness.
423. The Council has put forward proposed MMs to part E of Policy CS.17, which include a requirement for all affordable housing to reflect the Council's quality benchmark standards that are set out in SPD. At the Hearing the Council conceded that because those standards are in the current SPD that this approach was the wrong way around. As worded the policy places too much emphasis on standards that do not form part of the Development Plan and could be said to give them undue weighting. For this reason I recommend a MM to part E of Policy CS.17 [MM36] to say such standards will be identified in SPD to support the policy because this is the most appropriate strategy.
424. The Council has put forward changes to the reasoned justification that clarify its approach to low cost market housing. Although it has been suggested that contextual information on what low cost market housing is in Stratford-on-Avon, e.g. affordability ratios, and how this might be achieved would be helpful, this might be difficult to define. It might also become out of date over the lifetime of the CS. Such a change is not necessary to achieve soundness.

Conclusion on the sixth main issue

425. On the sixth main issue I conclude that, subject to the main modifications that have been identified, which are necessary to ensure that the policies are justified, effective and consistent with national policy, the Plan does make adequate and appropriate provision to meet the identified housing needs.

Issue 7: In relation to housing mix and type, does the Plan make adequate and appropriate provision to meet the identified housing needs?

Housing mix and type, and specialised accommodation

426. Tables 98 and 99 of the SHMA⁵⁶⁶ provide 'Guidance' on market and affordable housing mix, respectively, and both are expressed within a narrow range. In contrast Policy CS.18 was originally drafted in a very rigid way in expressing a specific percentage, even to the extent of distinguishing intermediate housing from other types of affordable housing. The Council says the variation from the SHMA is because it has looked at a variety of evidence, including waiting lists, tenants, stock levels and liaison with Housing Associations, and that its nuanced approach is based on experience. The difficulty is that this is not clearly justified by the evidence base⁵⁶⁷. In the absence of a sound evidence base there is no basis for departing from the SHMA.
427. Although reasons were given in the IC for revisiting the OAN, in respect of housing mix the SHMA remains the most comprehensive evidence before the examination and so there is no basis to require the mix to be re-appraised. In reaching this view account is taken of the views expressed in May 2016 but, amongst other things, the basis for the wider range of market housing⁵⁶⁸ being advanced is opaque and does not appear to be based on local evidence. The accompanying report: "*Getting the Right Mix*" arrives at a framework, in Figure 6.1, in which the starting point is local evidence. The housing need has been assessed in terms of the: "*scale and mix of housing*"⁵⁶⁹ in the SHMA and no party has provided comprehensive local evidence that should be preferred.
428. For the above reasons I recommend MMs to part B of Policy CS.18 and the reasoned justification [**MM39 and MM40**] so as to recite the guidance from the SHMA, which would replace the embedded table with the ranges in the SHMA. In view of the second bullet-point of paragraph 50 of the Framework, i.e. that LPAs should identify the size, type, tenure and range of housing, the incorporation of the modified mix into the policy is appropriate and justified. Paragraphs 9.54 and 9.70 of the SHMA say the analysis of mix should inform policies. Taking account of the Framework and the SHMA there is a sound basis to include the table in the policy rather than the reasoned justification.
429. The modified text put forward by the Council says the final mix achieved on any site will be informed by the up-to-date position set out in SPD, taking account of any relevant site specific issues and evidence of local market circumstances, which would allow flexibility. Paragraph 9.54 of the SHMA makes clear that the mix is not: "*intended to be prescriptively applied to every site given that some sites and locations may be more appropriate for different types and densities of housing development*". Although it has been claimed that the reference to SPD gives rise to a degree of uncertainty, it is the most appropriate way in which to update the mix and thereby achieve the flexibility that the development industry seeks. The SPD could set out criteria that might be taken into account in considering any variation from the policy range,

⁵⁶⁶ Page 198, Document Ref. ED.4.3.3, but note that tables 75 and 80 are identical.

⁵⁶⁷ Note: Matter H Hearing Statement HS-33, dated December 2014, does not even refer to Document Ref. ED.4.3.12 but as this is time expired the SHMA should be preferred.

⁵⁶⁸ Representation 1151, dated May 2016.

⁵⁶⁹ Source of quote: paragraph 2a-003-20140306 of the Guidance.

e.g. the mix to be achieved on an urban brownfield site might be different from that on a rural greenfield site. When viewed in this light the reference to the SPD does not have any implications for the viability of housing schemes. Accordingly I recommend a MM [MM39] to ensure that the Plan is effective, but the 2 sentences should be linked so that it is clear that the SPD will inform the final mix to be achieved on any site, in order to reflect the SHMA and take account of local circumstances, in the light of paragraph 50 of the Framework.

430. In reaching this view account has been taken of representations submitted in May 2016 but, given the policy has become more flexible during the course of the examination, it is surprising substantial new objections have been made. Reasons are given why the range in the table is evidence based and why the policy provides flexibility and so the case for setting out factors in the policy has not been clearly made out. A decision maker must still take account of material considerations in reaching a decision but setting out a generic list of factors in the policy would only serve to undermine the Plan-led approach. Whilst the Wallingford appeal decision⁵⁷⁰ is noted, comparable comments in the Oxfordshire SHMA are not found in the Warwickshire SHMA. The letter from Persimmon⁵⁷¹ has also been taken into account but on its face it makes clear that the company: “...don't dispute the basis for imposing such a policy”. The author's view that each area, presumably at reserved matters stage, of a large site has to slavishly deliver the mix required by Policy CS.18 is disputed by the Council and the wider point about housing supply is dealt with elsewhere [372].

431. The Council has put forward a number of other modifications to the text of part B of Policy CS.18, outside of the table. One specific change proposed is that in the absence of an intermediate housing mix being specified in the table, it seeks a new sentence that would say this form of housing should not be provided as one bed homes. The rationale appears to be that this form of affordable housing is family orientated. Paragraph 11.40 of the SHMA says individual authorities may decide to provide an alternative proportion of 1 bedroom homes for a number of reasons and in the circumstances the Council's approach is reasonable. However I recommend that the sentence be revised to enable an exceptional justification to be advanced to justify some provision, rather than a blanket ‘no’, which would allow for limited flexibility [MM39] and ensure the Plan is positive, e.g. it might allow a case to be made for first time buyers to get on the property ladder via shared ownership. The case for flexibility in respect of the last sentence that currently prescribes [“will”] the need for double bedrooms has also been made out⁵⁷² and hence I recommend a similar clause that allows for exceptions [MM39].

432. Appendix A to the Council's ‘Plan Viability & Affordable Housing Study’ [PBA]⁵⁷³ uses the housing mix derived from Tables 98 and 99 of the SHMA for the majority of its calculations. The evidence of PBA to the Hearing was that viability only improves when the typology moves away from flats to housing due to, for example, the cost of installing lifts. However in that context it seems anomalous for the Council to seek to specify maisonettes, which is by

⁵⁷⁰ Appeal decision APP/Q3115/W/15/3032691.

⁵⁷¹ Dated 18 April 2016, reproduced at Appendix 6 to representation 7394.

⁵⁷² Representation 1151, dated May 2016.

⁵⁷³ Document Ref. ED.4.2.4.

definition a 2-storey dwelling with similar units above or below, as being an acceptable form of affordable dwelling, whilst ruling out flats and apartments. Affordable housing provided in the form of a maisonette⁵⁷⁴ would still appear to need a service lift. There is no reason why a first floor flat or apartment could not have its own front door. The Council originally put forward a MM to strike through the relevant sentence⁵⁷⁵ but subsequently appeared to retract from that position in the Consolidated Hearing Modifications dated 26 January 2015. Whilst the explanation in paragraph 5.4.2 of the original text is noted this is an inadequate basis on which to include such a blanket restriction.

433. PBA's study assumed that 17.5 % of affordable dwellings would be provided as 1-2 bed flats and so, in the absence of a clear rationale for the stipulation, there is no basis to include the disputed sentence. I recommend the sentence be deleted and that the mix should include flats and apartments [**MM39**] in order to ensure that the Plan is justified.

434. Although concerns were expressed about the reference to bungalows the viability appraisal was conducted at a high level and affordable bungalows might not have the high land take associated with open market bungalows. Moreover the Guidance has been revised since the Hearing session⁵⁷⁶ but continues to refer to bungalows for older people. The requirement that 3 and 4 bed affordable units should be provided as houses does reflect the viability assumptions. No such restriction is proposed in respect of market housing.

435. Part C of Policy CS.18 relates to specialised accommodation, including meeting the housing needs of older persons. The proposed modification to part C put forward by the Council is however broad and merely gives extra-care as an example. Accordingly there is no need to expressly refer to the full continuum of options for one particular sector or otherwise. Although it is recognised that accommodation for the over 55s without an element of care is likely to be a significant component in the provision of housing in the District, such demand is likely to be met by the market. There is no need for reference to be made to it within part C of Policy CS.18. On this basis I recommend this MM [**MM39**] in the interests of soundness.

Flexible design and space standards

436. In the submission version of the Plan the Council sought to anticipate changes to Government policy in requiring all homes to be built to the optional higher level of accessibility set out in the Building Regulations. This was discussed at the original Hearing in January 2015, but 12 months later on the last day of the resumed Hearing the Council put forward a MM to part D of Policy CS.18 that sought to require: i) all market homes to be built to the optional housing standard in respect of wheelchair adaptability; and, ii) all affordable homes to be built to the optional housing standard in respect of wheelchair accessibility and adaptability. The Council said this should be done: "*Should the Inspector consider it necessary...*"⁵⁷⁷. However the Council needs to provide evidence by

⁵⁷⁴ Defined as: "a set of rooms for living in, typically on two storeys of a larger building and having a separate entrance", in the Concise Oxford English Dictionary.

⁵⁷⁵ See bottom of page 95 of Document Ref. ED.1.1.h.

⁵⁷⁶ Paragraph ID 2a-021-20160204.

⁵⁷⁷ Source of quote: page 6, Council's Hearing Statement HS.33, Matter E, December 2015.

reference to the examples given in the Guidance⁵⁷⁸. The Council changed its stance at the end of February 2016 in order to require *all* homes to be built to the optional '*accessible and adaptable dwellings*' standard in part M4(2) of the Building Regulations. This was the subject of an exchange of views with me⁵⁷⁹, which was published to inform feedback during the consultation in May 2016.

437. Starting with viability, an allowance for the equivalent of the lifetime homes standard has been included in the Council's '*Plan Viability & Affordable Housing Study*' [PBA]⁵⁸⁰. This is clear from paragraphs 5.5.20-5.5.25 of the report, which says that the high end value of £500 per dwelling has been assumed. The Council points out that this is similar to the figure for a 3-bed house in the DCLG Cost Impacts study⁵⁸¹. That appears to be true for all house types but not for apartments, where the costs are almost double⁵⁸². On this basis the viability evidence supports a distinction being drawn between houses and flats. This informed the basis on which the May 2016 consultation was undertaken.
438. The only evidence to which reference was made in January 2015 was Figure 59 of the SHMA⁵⁸³, which shows that the proportion of older people living in the District is higher than that for other local authorities in Warwickshire. However this is inadequate given that the Council now seeks to apply the optional standards to *all* houses. The Guidance talks about appraising data from various sources and the accompanying '*Guide to available disability data*'⁵⁸⁴, whilst it does refer to housing for older people⁵⁸⁵, it does so over a period of time rather than at a point in time. Moreover the optional standards relate to wheelchair accessibility and adaptability, but there was no reference to evidence of the future need for housing for disabled people.
439. The Council now refers to: i) Table 83 of the SHMA that shows the projected change in the population of older persons is almost 40 %, above the HMA average; and, ii) Table 86 of the SHMA that shows that over the Plan period mobility problems are expected to increase by 82 %, compared with an average of around 65 % in the HMA. There is also reference to Table 90 of the SHMA but this shows that the number of people with a health problem or disability in the District is below the average for the HMA, the West Midlands and England. The Guidance says it is for LPAs to set out how they intend to approach demonstrating need, so there is some latitude, but whilst Tables 83 and 86 of the SHMA comprise some evidence of local need they do not justify the blanket approach advocated by the Council. As has been pointed out⁵⁸⁶, Table 84 of the SHMA shows that pensioner households comprise only around 21 % of all households in the County and there is likely to be a degree of overlap between elderly households and those with health or mobility issues.

⁵⁷⁸ Paragraph ID 56-007-20150327.

⁵⁷⁹ <https://www.stratford.gov.uk/files/seealsodocs/171644/RE%20Submission%20of%20outstanding%20information%20following%20examination%20hearings.pdf>

⁵⁸⁰ Document Ref. ED.4.2.4.

⁵⁸¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf

⁵⁸² Table 45, Ibid.

⁵⁸³ Document Ref. ED.4.3.3.

⁵⁸⁴ <https://www.gov.uk/government/publications/building-regulations-guide-to-available-disability-data>

⁵⁸⁵ The data contained therein refers to those aged 65+, not 60 + contained in Figure 59.

⁵⁸⁶ Representation 1151, dated May 2016.

440. In light of the above it is clear that the evidence base does not support the contention that all new houses should be built to the optional standard and the Council has not sought to quantify a proportion as envisaged in the Guidance. The Council has fairly conceded that it does not have the benefit of evidence arising from a specific study conducted in accordance with the Guidance and whilst it is recognised this is an evolving area of policy, the concerns that have been raised regarding this policy approach are well founded. Among other things the view that the standard would make a house up to 15 % larger, that standard house-type designs would be rendered obsolete and this would slow delivery⁵⁸⁷ is material. In the circumstances I recommend a MM to delete the penultimate sentence of Policy CS.18D [MM39], to ensure the Plan is justified, and a consequential deletion to paragraph 5.4.5 [MM40].
441. The position in respect of space standards has materially changed since the relevant Hearing was convened. The Government has published nationally described space standards⁵⁸⁸, but the Guidance that accompanied them⁵⁸⁹ says LPAs should provide justification for requiring internal space policies, including evidence of the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed. No such analysis has been provided during the examination.
442. The Guidance also says: the impact of adopting the space standard should be considered as part of a Plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply; and LPAs will also need to consider impacts on affordability where a space standard is to be adopted. Whilst it would have been difficult to anticipate the Guidance the net effect is that the requirements of the Guidance have not been met. In any event the Council's rationale for seeking the standard for affordable housing is that the Homes and Communities Agency is operating nationally described space standard benchmarks that leads the Council to believe that many Registered Social Landlords will seek to incorporate the space standards into their new homes. However, as the Council has acknowledged⁵⁹⁰, that might mean the Council's ambitions are realised irrespective of the policy. For these reasons I recommend a MM to delete the final sentence of Policy CS.18D [MM39] in the interests of soundness and, in particular, to ensure it is effective.
443. On a related point DMC (5) is unsatisfactory to the extent that it requires schemes to meet the County Council's internal space standards. The Guidance says that an LPA should only require an internal space standard by reference in their Local Plan to the nationally described space standard rather than a local standard [my emphasis]⁵⁹¹. In the circumstances I recommend a MM to delete original DMC (5) [MM41] to ensure it is consistent with national policy. The enhanced technical standard for water is dealt with elsewhere [469].

⁵⁸⁷ Representation 1151, dated May 2016.

⁵⁸⁸ [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416451/150324 - Nationally Described Space Standard Final Web version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416451/150324_-_Nationally_Described_Space_Standard_Final_Web_version.pdf)

⁵⁸⁹ Paragraph ID 56-020-20150327.

⁵⁹⁰ <https://www.stratford.gov.uk/files/seealsodocs/171644/RE%20Submission%20of%20outstanding%20information%20following%20examination%20hearings.pdf>

⁵⁹¹ Paragraph ID 56-018-20150327.

Miscellaneous points in relation to Policy CS.18

444. The first bullet-point of paragraph 50 of the Framework says LPAs should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It then gives examples, '*such as*' people wishing to build their own homes. The Plan makes no explicit provision for self-build, but equally nothing in the Plan limits people wishing to build their own homes on individual plots. There is nothing in the Framework that says self-build should be treated exceptionally and permitted in the countryside, and so there is no deficiency in the Plan on this basis.
445. The title to part B of Policy CS.18 is '*General Needs Housing Mix*'. Although it has been suggested that the policy should properly distinguish between C2 and C3 accommodation, on this basis it is clear that the mix is not intended to apply to other forms of residential accommodation, including C2 and C2A.

Modifications to Strategic Objective 15 and Policy CS.19

446. The Council put forward a MM to Strategic Objective 15 in response to representations made during the consultation in July 2014, which anticipates that a mix of sizes, types and tenures of housing will be built. The reasoning is evident in the Assessment of Representations⁵⁹². To ensure that the Plan is consistent with national policy and otherwise meets the tests for soundness I recommend the MM to this Strategic Objective [**MM05**].
447. The Council put forward a MM to Policy CS.19 in response to representations made during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁵⁹³. On this basis I recommend the MM to Policy CS.19 [**MM42**] in the interests of soundness.

Conclusion on the seventh main issue

448. On the seventh main issue I conclude that, subject to the main modifications that have been identified, which are necessary to meet the tests for soundness in paragraph 182 of the Framework, the Plan does make adequate and appropriate provision to meet housing needs in terms of housing mix and type.

⁵⁹² Page 18, Document Ref. ED.2.7, September 2014.

⁵⁹³ Page 161, Document Ref. ED.2.7, September 2014.

Issue 8: Is the approach to the Green Belt consistent with national policy?

449. The Framework, for example at paragraph 90, identifies forms of development that are not inappropriate in the Green Belt and I recommend the use of this term. Policy CS.10 originally set out 4 forms of development that are not inappropriate but, as drafted, it conflates Green Belt and non-Green Belt harm. This contrasts with paragraph 88 of the Framework, which makes a distinction between harm to the Green Belt by reason of inappropriateness and any other harm. The Council has put forward a proposed modification that separates the types of harm in order to make this distinction clear, which I recommend in order to be consistent with the Framework [MM25]. Whilst it has been suggested the final sentence, following (e), is superfluous because paragraph 88 of the Framework refers to: “*any other harm*” it is appropriate.
450. The Council has put forward a proposed modification to Policy CS.10 that requires limited infilling in LSVs identified in accordance with Policy CS.16 to be a form of development that is not inappropriate. Consequential changes are proposed to the reasoned justification at paragraph 4.1.7, together with the deletion of DMC (1). Reflective of the position that has been reached in the LSVs, the identification of the BUABs is properly a role for the SAP and I recommend paragraph 4.1.7 say this [MM26]. The Green Belt should continue to wash over the identified BUABs and the villages should not be excluded from the Green Belt: there has been no evidence, e.g. in the form of a Green Belt review, to justify such an approach. However, in line with the fifth bullet-point of paragraph 89 of the Framework, limited infilling within the identified Green Belt LSVs would not be inappropriate development. This appears to reflect the evidence and the preference given by the Council at an earlier stage⁵⁹⁴. With careful drafting of the BUAB there appears to be no reason to define the term infill in the reasoned justification because it involves a fact and degree assessment. In a larger settlement it might be a bigger gap but the converse is also true and where there is doubt the term ‘*limited*’ should inform the judgement. The claim⁵⁹⁵ the word ‘*solely*’ should be added to this sentence is not justified because it is clear that the rationale for the BUAB is limited infilling, but it is conceivable that a NP might use the tool for other purposes.
451. In that context each of the original criteria in respect of which comments have been made are examined in turn. In respect of (a) it is not necessary that the term ‘*small scale*’ be defined in Policy CS.10 or its reasoned justification. The Council submits it is a relative term that depends on the context; I agree. Paragraph 79 of the Framework identifies the first essential characteristic of Green Belts to be openness and so it is appropriate that this should remain as the cornerstone of the criterion’s test and not be removed as has been argued.
452. Turning to (b), the proposed test is one of ‘*materially greater impact*’ but this contrasts with the third and fourth bullet-points of paragraph 89 of the Framework, which are based on measurement alone. The Council said that its proposed approach is coloured by instances where a modest cottage in the Green Belt might be substandard for modern life, but such instances are likely to be rare and might, in any event, give rise to very special circumstances. As such I recommend that the test of size is preferable, but because the term

⁵⁹⁴ See page 3 and, in particular, the top of page 4, Document Ref. ED.5.7.

⁵⁹⁵ Representation 5471, dated May 2016.

'small scale' is a test of size there is no good reason to reject this term and the fourth bullet-point of paragraph 89 can be adapted to achieve this [MM25]. I recommend this to ensure that the Plan is consistent with national policy.

453. Turning to (c) it was said on behalf of the development industry that it should be replaced by the sixth bullet-point of paragraph 89 of the Framework. Noting that the Council's proposed modifications would delete the second sentence and the test of character from the first, what is left goes beyond the Framework, rather than being more restrictive, insofar as it would permit a change of use of previously-developed land. There is no sound basis for such an approach. The Council indicated at the Hearing that it would be happy to include the term: "...whether redundant or in continuing use". The policy test in the sixth bullet-point, which is absent from (c), would ensure development would not have a greater impact on the purpose of including land in the Green Belt. Taking these points together I recommend that it is necessary to replace (c) with the substance of the sixth bullet-point of paragraph 89 in order to be consistent with the Framework [MM25].

454. The third and fourth bullet points in paragraph 89 of the Framework make a distinction between the reference points for assessing impact for different forms of development. For extensions the reference point is the '*original building*' and for replacement buildings it is '*the one it replaces*'. However original DMC (3) to Policy CS.10 merely refers to '*the existing situation*' and so to be consistent with national policy I recommend a MM that adopts the language in the Framework [MM27].

455. The IC addressed the proposed allocations under Policy CS.10 and there is not a sound basis to revisit its findings. I recommend MMs to Policy CS.10 and the reasoned justification, including the reversion to the original scale of release for REDD.2 [but subject to 312] and deletion of Proposal SUA.3 and the entry from section 8.1 [MM25, MM26, MM56, MM84, MM88]. These MMs ensure consistency with national policy.

456. The claim⁵⁹⁶ that a substantive addition is required to the fourth bullet-point in the explanation to Policy CS.xx is not persuasive. The first Strategic Objective, together with Policy CS.10 and its reasoned justification, sets out the Council's position with regard to the Green Belt and so there is no need to re-state it. A statement that the Council will seek to locate housing outwith its own Green Belt might compromise the outcome of the exercise, but there is also no need for part D of Policy CS.16 to be more explicit in terms of Green Belt release⁵⁹⁷.

Conclusion on the eighth main issue

457. On the eighth main issue I conclude that, subject to the main modifications that have been identified, including the deletion of Proposal SUA.3, the Plan's approach to the Green Belt is consistent with national policy.

⁵⁹⁶ Representation 5471, dated May 2016.

⁵⁹⁷ See representations 1151 and 8027, dated May 2016, for examples of changes sought.

Issue 9: Does the Plan contain effective policies to protect the historic environment and deliver high quality design?

458. Dealing initially with the historic environment, paragraphs 133 and 134 of the Framework distinguish between substantial and less than substantial harm to a designated heritage asset. However, despite putting forward proposed MMs to Policy CS.8 following consultation with, amongst others, Historic England, that distinction remained unclear. Nevertheless the Council has put forward a further proposed MM to part B of Policy CS.8 that makes this distinction and applies a different policy test to non-designated heritage assets. Related DMC (2) should refer, twice, to heritage rather than historic assets and extra DMC (3), which would enable the identification of non-designated heritage assets on accessible local lists, should refer to the Warwickshire record as well as that maintained by the Council. Subject to these changes, made in response to a representation in May 2016⁵⁹⁸, I recommend these MMs [**MM21 and MM22**], which ensure that this aspect of the Plan is consistent with national policy.
459. In reaching this view account has been taken of representations that have been made in May 2016 but there is little benefit in merely reciting paragraph 133 of the Framework. The decision maker has a duty under section 38(6) to ensure that other material considerations are weighed in the balance and so there is no need for the policy to include the phrase '*balanced judgement*'. Whilst part B in particular would apply to development proposals the claim that part A would be of no assistance to decision makers is not accepted. In reaching this view it is material that the only change to Policy CS.8 that has been sought by Historic England⁵⁹⁹ seeks express reference to the Planning (Listed Buildings and Conservation Areas) Act 1990 [the 1990 Act]. However as the decision maker has a duty to apply those tests there is nothing to be gained from such a significant revision to part B of the policy. I recommend instead a further DMC [**MM22**] because it is the most appropriate strategy. Finally the claim that '*in situ preservation*' in DMC (2) is inconsistent with the Framework is not made out. Among other things paragraph 126 says heritage assets are: "*an irreplaceable resource*" and the presumption flows from that.
460. In contrast to the adopted Local Plan, no policy is proposed with regard to the designation of additional conservation areas. However part A of Policy CS.8 reflects the statutory duty arising from the 1990 Act and part C deals with Conservation Area Appraisals. It is unnecessary for the Plan to include a further policy or clause to deal with additional Conservation Areas when section 69 of the 1990 Act would provide a statutory basis for undertaking such work.
461. Turning to design, the Police have objected to the proposed MM to Policy CS.9, which would delete reference to national design guidance, including '*Secured by Design*'. The Council's rationale is based on the Housing Standards Review, which indicated that a single standard for security based on the provisions of British Standard PAS24 would be introduced via the Building Regulations⁶⁰⁰. The transitional arrangements confirmed that additional technical requirements should not be set out in Local Plans after September 2014.

⁵⁹⁸ Representation 0952, dated May 2016.

⁵⁹⁹ Representation 6363, dated May 2016.

⁶⁰⁰ See paragraph 87, Document Ref. HD.46.

462. The Deregulation Bill received Royal Assent on 26 March 2015. Accompanying it was a Written Ministerial Statement⁶⁰¹ that said from the date of Royal Assent, i.e. 26 March 2015, LPAs should not set out in their emerging Local Plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. The Written Ministerial Statement is unambiguous and so whilst the position in South Worcestershire and Herefordshire is noted because Policy CS.9 applies to all development, including new dwellings, it is not appropriate to retain the reference to '*Secured by Design*' in the upper-case policy. Even if the reference was moved from the first sentence to criterion (7) of part B this would still be the case. For this reason I recommend a MM to delete this reference from Policy CS.9 [**MM23**], which would ensure that the Plan is consistent with national policy. However, this and other design guidance referred to in the reasoned justification remains extant and provides relevant design guidance that can be applied when interpreting the policy, e.g. what constitutes '*effective measures*' when assessing non-residential development. In these circumstances reference to it in the reasoned justification would not be inappropriate since it would not comprise an additional policy requirement. This would ensure '*Secured by Design*' can be applied in those circumstances where it remains relevant. Although other minor revisions to criterion (7) have been put forward as part of the May 2016 consultation⁶⁰² response these add little to the factors that should be taken into account in assessing safety.
463. The Council put forward MMs to part B of Policy CS.9, the reasoned justification and the DMCs in response to representations made during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁶⁰³. I recommend these MMs [**MM23 and MM24**] in the interests of soundness.
464. On the ninth main issue I conclude that, subject to the main modifications that have been identified, which are necessary to ensure that the policies meet the tests for soundness, the Plan contains effective policies to protect the historic environment and deliver high quality design.

⁶⁰¹ See link: <https://www.gov.uk/government/speeches/planning-update-march-2015>

⁶⁰² Representation 4549, dated May 2016.

⁶⁰³ Page 49, Document Ref. ED.2.7, September 2014.

Issue 10: Are the Plan's provisions to mitigate and adapt to climate change, reduce greenhouse gas emissions, increase biodiversity and not increase flood risk justified and achievable, and does the Plan contain effective policies to protect and manage the natural environment?

Climate change and sustainable construction

465. Part A of Policy CS.2 cross-refers to other policies in the Plan, but this is not inappropriate in an overarching policy as it provides useful signposts to more detailed policies on aspects of climate change and sustainable construction. The resulting policy is not long and unwieldy. The Council has acknowledged that changes are required to part B of Policy CS.2 to reflect the removal of the Code for Sustainable Homes [CSH] and its incorporation into Building Regulations. It has proposed revisions to the energy hierarchy to ensure that it is a ranking system rather than a series of bullet-points. As noted elsewhere [462] the position with regard to the energy performance of new dwellings has changed, but this is not reflected in DMC (2) and I recommend it be deleted as a consequence. My attention was drawn to this in the latest representations⁶⁰⁴ and the point was perhaps overlooked because the original representations made a wider point about DMCs, which I have dealt with elsewhere [7], rather than focusing on the particular problem with the wording of DMC (2)⁶⁰⁵. However the wording of the other DMCs is appropriate. For these reasons I recommend MMs to Policy CS.2 and its reasoned justification, including the DMCs, together with a revision to Strategic Objective 4⁶⁰⁶ [MM08, MM09 and MM05] in the interests of soundness.

Sustainable energy

466. The Council originally put forward proposed modifications to part A of Policy CS.3 to set a threshold in order to establish when a development should assess the potential for decentralised energy provision. That threshold was commercial development of 1,000 m² or residential development of 100 or more dwellings. The Council now says such a threshold is inappropriate because the requirement should relate to the viability of connection to an existing or future District heating network. Although there is a legitimate concern that in the absence of the study being part of the evidence base there might be scope for development costs on any given site to increase, this is unfounded because the MM contains a viability clause. In the circumstances the assertion that the viability clause renders the policy: "PR waffle" and/or: "meaningless"⁶⁰⁷ is misplaced. I therefore recommend this MM to Policy CS.3 and its reasoned justification [MM10 and MM11] in order to ensure that the Plan is justified but not rendered ineffective.

Water environment and flood risk

467. No party has pursued an objection to Policy CS.4 to the Hearing stage of the examination. The EA set out a robust justification for the policy and the

⁶⁰⁴ Representation 7394, dated May 2016.

⁶⁰⁵ This might be why it is not dealt with on page 22 of Document Ref. ED.2.7.

⁶⁰⁶ See rationale on page 18, Document Ref. ED.2.7, September 2014, which was updated again in 2016.

⁶⁰⁷ Source of quotes: representation 7548, dated May 2016.

County Council, as Lead Local Flood Authority, wrote a letter of support⁶⁰⁸. A number of MMs have been proposed to the policy, its reasoned justification and the DMCs, largely in response to representations made by the EA, and the rationale for them all is evident in the Assessment of Representations⁶⁰⁹. I therefore recommend these, picking up the EA's identified error⁶¹⁰, together with a revision to Strategic Objective 6⁶¹¹, as MMs [**MM12, MM13, MM14 and MM05**], which are necessary in the interests of soundness.

468. A further MM has been sought⁶¹² to part A which, in essence, is an example of a land use practice that could reduce run-off. In the circumstances this is not a point that goes to soundness, which is my role under paragraph 182 of the Framework and in any event it could be said to duplicate the third bullet-point in C.4 of Policy CS.5. Whilst it is said⁶¹³ that the steps set out in the final 2 sentences of part A should be required rather than encouraged the example of woodland creation and management neatly illustrates why that might not always be practical and given the EA's position the change is unnecessary. It has been claimed⁶¹⁴ that the revision to Strategic Objective 6 suggests that flooding will increase but, noting that the change was advocated by the EA, the underlying rationale is precisely the opposite. The change seeks to challenge any complacency that the current level of flooding is acceptable.

469. The Council has put forward a late modification to part C of the policy to achieve the enhanced technical standard for water usage. Applying relevant Guidance⁶¹⁵, the Water Cycle Study Update 2015 is evidenced local need. The Guidance confirms the new optional requirement is 110 litres per person per day rather than per household⁶¹⁶. PBA tested viability for CSH Level 4, which was a similar standard. In these circumstances the enhanced technical standard is justified and I recommend this change together with a revision to the reasoned justification as MMs [**MM12 and MM13**].

Landscape

470. Paragraph 113 of the Framework requires LPAs to set criteria based policies against which proposals for any development on or affecting landscape areas will be judged. The Council has recognised that Policy CS.5 did not adopt a criteria based approach but has put forward a MM in order to achieve this outcome. Although doubts have been raised about what is meant by the term '*significant contribution to character, history and setting*' and how this would be judged, there is inevitably a value judgement to be made when dealing with landscape issues. As the feature has to make a *significant* contribution it appears to be a high bar and would be informed by the evidence base, including that referred to in the reasoned justification. In that context the term is not inappropriate. I recommend the MMs to Policy CS.5, subject to

⁶⁰⁸ Document Refs. HD.55, HD.55a and HD.55c, respectively.

⁶⁰⁹ Page 27, Document Ref. ED.2.7, September 2014.

⁶¹⁰ Representation 1777, dated 28 April 2016.

⁶¹¹ See rationale on page 18, Document Ref. ED.2.7, September 2014.

⁶¹² Representation 4485, dated May 2016.

⁶¹³ Representation 5965, dated May 2016.

⁶¹⁴ Representation 6279, dated May 2016.

⁶¹⁵ Paragraph ID 56-015-20150327.

⁶¹⁶ Compare paragraph ID 56-014-20150327 with Appendix E, Water Neutrality, Document Ref. ED.14.6.1, which says '110 l/h/d'.

making the policy more positive by saying development '*will*', rather than '*could*', be permitted where the criteria are met [MM15]. The rationale for other changes is evident in the Assessment of Representations⁶¹⁷. So whilst it is claimed⁶¹⁸ that it was inappropriate to modify B.1, because a Landscape and Visual Impact Assessment should be required, the modified policy strikes the right balance: it should be determined pre-application on an individual basis. I therefore recommend the MMs to the policy and the DMCs [MM15, MM16].

Natural environment

471.Paragraph 109 of the Framework says the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity only where possible [my emphasis]. This contrasts with Policy CS.6, which expects proposals to secure a net gain in biodiversity. Although the District covers a large mainly rural area with various geologies, this is far from unique and does not justify departing from national policy. In the circumstances I recommend a revision to Policy CS.6 and its reasoned justification, including the MMs that have previously been put forward for reasons set out in the Assessment of Representations⁶¹⁹ [MM17 and MM18]. In reaching this view representations made in response to the consultation in May 2016⁶²⁰ have been taken into account but both the biodiversity hierarchy and the wording with regard to SSSIs was suggested by NE. In particular the policy test with regard to biodiversity is consistent with paragraph 118 of the Framework, but as the second bullet-point thereof does refer to: "*an adverse effect*" on a SSSI, the wording of part A should be revised as has been advocated⁶²¹ to be consistent.

Green Infrastructure

472.Paragraph 109 of the Framework says LPAs should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of green infrastructure. In that context the policy is neither vague nor unhelpful and it is required; the policy is supported by NE, WWT and Warwickshire County Council. I recommend the MMs that have been put forward to Policy CS.7 and its reasoned justification [MM19, MM20] to ensure that the Plan is consistent with national policy.

Conclusion on the tenth main issue

473.On the tenth main issue I conclude that, subject to the main modifications that have been identified, which are necessary to ensure that the policies are positively prepared, justified, effective and consistent with national policy, the Plan's provisions to mitigate and adapt to climate change, reduce greenhouse gas emissions, increase biodiversity and not increase flood risk are justified and achievable, and that the Plan contains effective policies to protect and manage the natural environment.

⁶¹⁷ Pages 35 and 36, Document Ref. ED.2.7, September 2014.

⁶¹⁸ Representations 3268 and 6279, both dated May 2016.

⁶¹⁹ Page 40, Document Ref. ED.2.7, September 2014.

⁶²⁰ Representations 4987 [section 12] and 6279, both dated May 2016.

⁶²¹ Representation 1151, dated May 2016.

Issue 11: Is the Plan's approach to retail development supported by an up-to-date evidence base and is it consistent with national policy?

474. Paragraph 158 of the Framework is under a title '*Using a proportionate evidence base*' and requires LPAs to ensure that their Local Plan is based on adequate, up-to-date and relevant evidence. Paragraph 161 says this evidence base should be used to assess, among other things, the quantitative need for retail development and the role and function of town centres. Further advice on planning for town centres is set out in the Guidance⁶²².
475. Colliers's Convenience Goods Retail Study⁶²³ was undertaken in June 2008, approximately 6 years before submission of the CS for examination and prior to the publication of the Framework in March 2012. However the original study has been updated in April 2012 and again in March 2014⁶²⁴. Although the 2006 expenditure data is somewhat out-of-date, because a consistent price base is used throughout the assessments the final conclusions in terms of scale and type of retail floor space that is needed is fit for purpose. The most recent study does not take account of the extension to the existing Co-op. However this is of a small scale and was expressly taken into account in the decision to grant planning permission for a large foodstore with a net retail sales area of 1,800 m² in Shipston-on-Stour⁶²⁵. In these circumstances the evidence base would appear to be proportionate and sufficiently up-to-date.

Retail impact assessment threshold

476. The evidence base⁶²⁶ supports a retail impact assessment threshold of 1,000 m² in respect of comparison goods and this has not been challenged. However, despite commissioning 3 studies from the same agent, there is no equivalent recommendation for convenience goods. The comparison study's finding that additional significant out-of-centre retail development could impact adversely on strategies for improving the town centre and the potential for retail investment, is not readily transferrable. It is not a good basis on which to lower the default threshold of 2,500 m² in paragraph 26 of the Framework. Although the town centres are relatively small, which is a relevant factor in the Guidance⁶²⁷ this, in itself, is insufficient justification to lower the threshold.
477. The Council has required a retail impact assessment for a modest scheme at Shipston-on-Stour that, at 929 m² gross, was below the locally set threshold of 1,000 m² established in the adopted Local Plan. Moreover the assessment found the scheme would have a significant adverse impact on the town centre. There is no reason why the Council could not take a similar line in future and this view is reinforced by the proposed MM to the policy. In the circumstances I recommend that the definition of large-scale retail development, which forms

⁶²² See section 2b, starting at paragraph ID 2b-001-20140306.

⁶²³ Document Ref. ED.4.5.4.

⁶²⁴ Document Refs. ED.4.5.2 and ED.4.5.1, respectively.

⁶²⁵ Appeal Ref: APP/J3720/A/13/2194850 granted planning permission for a retail store, as well as up to 54 dwellings, community use and a large 'extra-care' retirement development on 23 February 2015.

⁶²⁶ Paragraph 7.71, Document Ref. ED.4.5.3.

⁶²⁷ See paragraph ID 2b-016-20140306.

the basis of retail assessments, be revised and, taking account of a recent representation⁶²⁸, which is necessary in order to achieve consistency, I recommend a MM to the DMC [**MM48 and MM50**]. The revisions incorporate the other MMs to the policy that were put forward by the Council during the examination process, which are necessary in the interests of soundness.

Is there a need to allocate sites outside the town centres?

478. The key representations that were made in respect of retail matters during the examination concerned Shipston-on-Stour. Following the conclusion of the original retail Hearing, planning permission was granted for a large foodstore comprising of 1,500 m² of convenience and 300 m² of comparison retail space. However the receipt of this decision was anticipated at the Hearing.

479. Following this grant of planning permission I recommend a revision to paragraph 5.8.10 of the reasoned justification to Policy CS.22 in order to delete the second sentence [**MM49**] in the interests of soundness. However there is no need to revise the policy or its reasoned justification in order to make an allocation. The eighth bullet-point of paragraph 23 of the Framework says that, in drawing up Local Plans, LPAs should set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. That is what the Council has done. The site at Shipston-on-Stour is conceded to be around 600 m from the edge of the town centre and so no allocation is appropriate. The fourth paragraph of the policy says that any sites for large-scale retail development will be identified in the SAP, but based on earlier analysis the proposed store at Shipston-on-Stour would not be so defined.

Conclusion on the eleventh main issue

480. On the eleventh main issue I conclude that, subject to the main modifications that have been identified, the Plan's approach to retail development is supported by an up-to-date evidence base and is consistent with national policy.

⁶²⁸ Representation 7778, dated May 2016.

Issue 12: Are the following provisions of the Plan consistent with national policy, supported by evidence and effective: (i) special landscape areas; (ii) areas of restraint; (iii) the area strategies; (iv) accommodation for gypsies, travellers and travelling showpeople; (v) tourism and leisure development; (vi) healthy communities; (vii) transport and communications; (viii) developer contributions; and, (ix) the evening and night-time economy?

(i) Special landscape areas

481.Paragraph 109 of the Framework says: “*The planning system should contribute to and enhance the natural and local environment by: • protecting and enhancing valued landscapes...*”. There is no reason to equate valued landscapes with the national designations discussed in paragraph 115 of the Framework. This is consistent with the fifth core planning principle in paragraph 17 of the Framework and so local landscape designations are acceptable. Paragraph 116 of the Framework is expressed negatively and in that context the proposed wording of Policy CS.12, which seeks to resist harmful development, is not without precedent. Whilst acknowledging that development proposals do bring benefits the decision maker has a duty under section 38(6) to ensure that these are weighed in the balance and so there is no need for the policy to expressly set that out. The final limb of the policy, read together with DMC (3) makes clear that certain forms of development would be acceptable in Special Landscape Areas [SLAs]. However the MM, which would require account to be taken of the cumulative impact of development, is recommended to protect such areas, with a consequential revision to the DMC [MM28 and MM29]. Whilst it is claimed⁶²⁹ that this is not compensation for what has been deleted and that the original text should be reinstated, the fact is that this is additional text in the policy itself.

482.A number of representations were made during the consultation in July 2014 with regard to the boundaries of the SLAs, but the Council has put forward a series of modifications to revise the boundaries which address these points⁶³⁰. The Study⁶³¹, which comprises the evidence base to underpin this policy, provides a robust basis to justify the geographical extent of the SLAs. However given the endorsement of Proposals REDD.2 and ALC.3 consequential changes are required to the boundary of the Arden SLA on the Policies Map.

(ii) Areas of restraint

483.The brief for the landscape sensitivity assessment expressly sought a full review of Areas of Restraint [AoR], including whether the designation is still justified⁶³². Although that study pre-dates the Framework it is a substantial piece of evidence that undertook a comprehensive appraisal of the identified areas in the adopted Local Plan. Amongst other things it proposed a new AoR for Kineton, which suggests it comprised a fresh assessment. It is a robust evidence base that justifies the geographical extent of their designation.

484.Paragraph 157 of the Framework says: “*...Local Plans should:... • identify land*

⁶²⁹ Representation 3268, dated May 2016.

⁶³⁰ See Document Ref. ED.1.1b.

⁶³¹ Document Ref. ED.4.11.2.

⁶³² See paragraph 1.3, Document Ref. ED.4.11.3.

where development would be inappropriate, for instance because of its environmental or historic significance...". This is consistent with the fifth and tenth core planning principles in paragraph 17 of the Framework and it would appear that role is envisaged for AoR. By way of example the justification for the Southam AoR includes reference to it being a green corridor for recreation and access and to its contribution to the setting of the Conservation Area and listed buildings. As such AoR are justified and consistent with national policy.

485. The landscape sensitivity assessment does not however fully justify the AoR boundaries proposed for Southam. It says: "*Maintain current boundaries to include main elements of river corridor, churchyard, public open space, large gardens and fields but exclude area north of Watton Lane/sewage works development site as it is not publicly accessible and/or widely visible and does not contribute to the setting of the valley or Holy Well*"⁶³³ [my emphasis]. There is nothing in the evidence base that would lead to an alternative view and so it is not appropriate to merely carry forward the existing boundary. The Southam AoR boundary should therefore reflect the evidence base.

486. It would not be appropriate for a mechanism to be set out in the Plan to enable parcels of land to be removed from an AoR. Policy CS.13 does not preclude development and even where a conflict with the policy is identified it is conceivable that material considerations might justify a departure. This is underlined by the planning permission at Shipston-on-Stour that was granted on appeal⁶³⁴. Inadequate reasons have been given to delete the section of the policy that concerns large scale development and a precise definition of this term could inadvertently exclude something that, relative to any particular area, might be significant. It is appropriate for a fact and degree assessment to be made by the decision maker. For these reasons no change is necessary.

(iii) The area strategies: Policies AS.1-AS.9

487. Paragraph 154 of the Framework advises that: "*Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*". In response to concerns that the 9 area strategy policies fail to apply this policy, the Council has put forward a change to each policy that would say the extent to which each principle is applicable will be assessed, whilst replacing each bullet-point with sequential numbering. This would go some way towards addressing these concerns and, in the scenario that a conflict was identified, enable a decision maker to better articulate what the conflict was, e.g. '*contrary to criterion x*'. I recommend modifications to each of the area policies on this basis [MM53, MM60, MM63, MM65, MM67, MM69, MM71, MM74, MM76] in the interests of soundness.

488. There remains a concern that, by including the vision and aspirations for each town in the relevant area strategy policy, it would be difficult to interpret and apply. By way of example Policy SUA.1, for Stratford-upon-Avon, would contain over 40 criteria and the Council has acknowledged that some of these are aspirations that would not be relevant to the determination of a particular planning application. However it would not be a straightforward task to separate out these points and, if this exercise were undertaken, difficult to

⁶³³ Source of quote: page C9 of Document Ref. ED.4.11.3.

⁶³⁴ Appeal decision APP/J3720/W/15/3007063.

know where they might be included in the Plan. The Vision for each of the towns, in section 1.4 of the Plan, is already comprehensive. In these circumstances, given that my role is restricted to ensuring soundness rather than '*improving*' the Plan, it is not essential for me to undertake this task. As long as the proposed modifications are made the criteria will enable a decision maker to exercise judgement as to whether any given principle is engaged.

489. The Council put forward a MM to Policy AS.1B in response to representations made with regard to Stratford Hospital during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁶³⁵. In the interests of soundness I recommend the MM to Policy AS.1B [**MM53**].
490. In response to representations⁶³⁶ the Council has agreed that the scale of development in Bidford-on-Avon is such that it is no longer appropriate for it to be characterised as: "*limited*". I therefore recommend a MM [**MM62**] to paragraph 6.3.11 of the reasoned justification in the interests of soundness.
491. With specific reference to Policies AS.4, AS.5, AS.6, AS.7 and AS.8 a series of MMs have been identified which mainly arise from the EA's letter dated 17 July 2014⁶³⁷. The reasoning for the modifications is evident from the Assessment of Representations⁶³⁸. I recommend modifications to each area policy on this basis [**MM65, MM67, MM69, MM71, MM74**] in the interests of soundness.
492. With specific reference to Policy AS.6, a number of points have been made in relation to Shipston High School, or Academy as it is referred to in the CS. The first point to make is that it is evident from paragraph 76 of the previously mentioned appeal decision in Shipston-on-Stour⁶³⁹ that contributions were made to the High School pursuant to extant Local Plan policies. So whilst it has been suggested that there is no further funding available: "*now or in the future*" which would provide the capacity to increase the school roll, this claim is contradicted by other evidence before the examination. Part 2⁶⁴⁰ of the Schedule of Infrastructure Projects expressly refers to investment to '*increase capacity*' in the form of '*6th form provision*' and so there is no need for the policy to say that the school needs to be redeveloped in order to be expanded.
493. The Council intends to prepare a new Playing Pitch Strategy and to update the IDP, as envisaged elsewhere [9]. Part B of Policy AS.6 refers to improvements to sports facilities at the school and to an all-weather pitch, and there is reference to a possible sports hall in the IDP. Pending publication of the Playing Pitch Strategy there is not a sound evidence base that would support reference to a sports hall in the policy or an all-weather pitch at the High School in the IDP. Although there is no reason to doubt the support for locating these facilities at the High School that in itself is not conclusive.
494. In response to representations in May 2016⁶⁴¹ the Council has acknowledged that there is an inconsistency between Policy AS.6 and the IDP insofar as the

⁶³⁵ Page 173, Document Ref. ED.2.7, September 2014.

⁶³⁶ Representation 0448, dated May 2016.

⁶³⁷ July 2014 consultation response [1777].

⁶³⁸ P. 187, 188, 190, 194 and 196, respectively, Document Ref. ED.2.7, September 2014.

⁶³⁹ Appeal Ref. APP/J3720/A/13/2194850, dated 23 February 2015.

⁶⁴⁰ Document Ref. ED.13.11a.

⁶⁴¹ Including representations 1116, 2946 and 5652.

former seeks provision of a new medical centre but this is omitted from the latter. The Council has put forward what would become a third paragraph on page 6 of the IDP and proposes to update the reference in the associated schedule. These changes are recommended in order to ensure that the Plan is positively prepared and able to meet Shipston-on-Stour's infrastructure requirements [**MM89, MM90**]. This is done on a precautionary basis because the IDP was part of the Submission Version of the Plan but as the IDP and the associated Schedule is intended to be a working document further updates, as required, can be undertaken in the future.

Policies AS.10 and AS.11

495. The Council has put forward a MM to the start of Policy AS.10 that says the policy would apply to the residual parts of the District other than the main towns, Proposal GLH and Large Rural Brownfield Sites [LRBS], but this list should now include Proposal LMA. Whilst this was previously set out in the reasoned justification this change would avoid ambiguity. In that context combining villages with countryside into a single policy makes sense even if, in presentational terms, that puts it slightly at odds with the housing trajectory that distinguishes between LSVs and Other Rural Locations. However that is not a sound justification to require separate policies for villages and the rest of the countryside particularly as criterion (b), which would permit small scale housing schemes, is drawn much wider than just LSVs.
496. Other modifications have been advanced and of particular note is a change to the second paragraph that would ensure the presumption in favour of sustainable development is embedded in the policy. The final bullet-point, with regard to higher quality agricultural land, is proposed to be modified and the revised emphasis would better reflect paragraph 112 of the Framework. I recommend the MMs to Policy AS.10 and the consequential change to the reasoned justification [**MM79 and MM80**] in the interests of soundness.
497. The Guidance says that all settlements can play a role in delivering sustainable development in rural areas⁶⁴². Policy AS.10 would achieve this objective by setting out, in criteria (b) to (j), the form of residential development that would be acceptable; it is far from being a blanket restriction on housing.
498. It is not necessary to revise the order of the bullet-points within the policy so that the re-use of previously-developed land would be first because the list is not a hierarchy. Other changes to the Plan, including to the Vision and a new Strategic Objective, are proposed that would provide an appropriate emphasis on previously-developed land, which better reflects the Framework, including the eighth core planning principle in paragraph 17. On this basis I recommend these MMs [**MM01, MM03, MM05 and MM07**]. The new Strategic Objective deals with the substance of the point raised in May 2016 with regard to MM01⁶⁴³ because revised paragraph 1.10 is deliberately referring to LRBS. The Glossary uses the Framework's definition of previously-developed land and the entry for brownfield land cross-refers to it such that the terms are interchangeable in the Plan. It would not be appropriate to use a wider definition of the term because that would be inconsistent with the Framework.

⁶⁴² Paragraph ID 50-001-20140306.

⁶⁴³ Representation 8023, dated May 2016.

499. The Council has put forward a series of modifications to Policy AS.11. Within (1), Gaydon Site, these appear to be largely agreed, apart from whether the car storage should be '*ancillary*'. The case of *Crawley BC v Hickmet Ltd* [1998] JPL 210 held that storage takes place when something is put away for a period of time because it is not needed or its use is not contemplated in the short term. In the context of the planning unit, which in the case of JLR is a large car plant, car storage could be envisaged to be on a significant scale without giving rise to the making of any material change in the use of the land. Unless physical operations were required to facilitate such use, in which case it is conceivable that planning permission might be required for such works, car storage would not normally be development and so the policy is irrelevant. It is difficult to conceive of a situation in which car storage would not be ancillary to a car plant that was involved in the manufacture of those cars and so, in the context of the relevant planning unit, the word ancillary is superfluous. On this basis I recommend the proposed modifications without the word ancillary [MM81] in the interests of soundness.
500. In the remaining parts of Policy AS.11 concerned with (2), Former Engineer Resources Depot, (3) Former Southam Cement Works and (4) Former Harbury Cement Works, the Council put forward a MM to revise the form of residential development that would be acceptable. The original wording was restricted to local needs or that which was justified in relation to other uses on the site. It implied that residential development would have to be justified in connection with employment or other uses on the site. However it is unclear how that would have worked in practice and, if such housing development were justified, whether occupancy would be restricted in some way. Such an approach appears to be inconsistent with the identification of LRBS in Policy CS.16 for open market dwellings. Revised wording that imposed an additional test of '*specific circumstances*' has also not been justified by the evidence.
501. Reasons are given [139, 268] why the figures in part A of Policy CS.16, including LRBS, are not a cap but an indication of quantum and so the claim that Policy CS.16A acts: "...as a ceiling to development"⁶⁴⁴ is not made out. However an unquantified approach that would countenance '*residential development of an appropriate form and scale*', '*of a form and scale that meets the needs of the district*' or '*the form and scale of development being consistent with Policy AS.11*', would be too open ended and potentially give rise to a conflict with the spatial strategy that has been tested via the SA. The Council is already relying on LRBS in the Plan period from 2011 as a source of housing supply. In the future Policy CS.16D envisages the SAP will identify reserve housing sites. It must be in prospect that LRBS have such a role to play because they are sustainable locations and so there is no inconsistency between Policies CS.16 and AS.11. The final bullet-point of Policy AS.11 (2) and (4) does serve a purpose in agreeing residential development and, as such, I recommend this MM [MM81] in the interests of soundness.
502. In relation to part (2) of Policy AS.11, the Former Engineer Resources Depot, criterion (a) makes reference to a Masterplan but this is said to have been provided solely in relation to a planning application consented in 2010 and varied in 2012. The Council subsequently granted planning permission for a

⁶⁴⁴ Source of quote: page 79, representation 0619, dated May 2016.

further 465 dwellings at Meon Vale⁶⁴⁵. As things appear to have moved on the criterion appears to have been superseded. In the circumstances I recommend a MM that would require a fresh Masterplan to be provided in the event of a material departure from what has been permitted⁶⁴⁶ [MM81] to ensure the Plan is justified. Only at that stage would it govern future development.

503. In relation to part (4) of Policy AS.11, the Former Harbury Cement Works, there is no basis to delete the requirement that departures from the Masterplan must be justified. However I recommend a MM to ensure that the Masterplan is taken into account [MM81] in the interests of soundness.

(iv) Accommodation for gypsies, travellers and travelling showpeople

504. The Council updated its evidence base as at August 2014 in order to properly inform its assessment of the need for gypsy and traveller accommodation over the lifetime of the CS. The headline figures are set out in Figure 3 of the report⁶⁴⁷, which identifies the need for 71 pitches to be provided in the period to 2031. This has been accepted by the Council, which has revised Strategic Objective 14 to deliver this quantum; see the Assessment of Representations for further details⁶⁴⁸. Whilst broad locations for sites are identified on Map 1, associated with Policy CS.20, the Council intends to bring forward a Gypsy and Traveller Local Plan, which the LDS⁶⁴⁹ anticipates will be adopted in 2017.

505. In this broader context paragraph 11 of Planning Policy for Travellers Sites [PPTS] requires a criteria based approach. The proposed revision to the opening sentence of the policy would put this on a more neutral footing rather than requiring all of the criteria to be met. The first criteria indicates that sites should not be located within the Cotswolds AONB and whilst there is nothing in PPTS regarding such areas, the Framework says great weight should be given to conserving the landscape and scenic beauty of such designated areas. Accordingly this limb of criterion (a) is justified and the signpost to Policy CS.11 is appropriate.

506. Related criterion (c) contains no preclusion on sites in proximity to the AONB and the requirement for a buffer to minimise visual impact is consistent with paragraph 115 of the Framework and the weight to be given to conservation. Such a criterion is not discriminatory because, in contrast to most forms of conventional housing, sites for gypsies, travellers and travelling showpeople are capable of being permitted in the open countryside. Criterion (b), insofar as it refers to Special Landscape Areas, does not say that such a designation would preclude sites and, as such, it is acceptable.

507. The proposed modification to criterion (d) reflects the Guidance⁶⁵⁰ and has been changed in response to representations made in the consultation by the EA. The rationale is set out in the Assessment of Representations⁶⁵¹. The proposed modification to criterion (g), to include reference to emergency

⁶⁴⁵ Planning application No 14/01186/OUT, but excluding the C2 component.

⁶⁴⁶ In other words other than substitution of house types or other very minor changes.

⁶⁴⁷ Document Ref. ED.4.3.9.

⁶⁴⁸ Page 18, Document Ref. ED.2.7, September 2014.

⁶⁴⁹ Document Ref. ED.13.8a.

⁶⁵⁰ Including paragraph ID 7-065-20140306 and 7-066-20140306.

⁶⁵¹ Page 162, Document Ref. ED.2.7, September 2014.

services, was put forward in response to representations made by the Police and it is not unreasonable. Its effect is not to require sites to be accessible to emergency services by transport modes other than the private car. Rather the last limb of the policy requires the sites to be accessible by other transport modes. So, by way of example, it might be anticipated that residents might be able to walk to a Post Office or take their children to school on bicycles. Finally criterion (l) reflects policy in PPTS that seeks to promote peaceful and integrated co-existence between the site and the local community. For all of these reasons the criteria in Policy CS.20 would be fair whilst facilitating the traditional and nomadic life of travellers, as required by paragraph 11 of PPTS.

508. For these reasons I recommend the MM to Strategic Objective 14, as well as to Policy CS.20 and its reasoned justification [**MM05, MM43 and MM44**] in the interests of soundness. My position in this matter is reinforced by the letter of support dated 27 April 2016⁶⁵². The second DMC should be deleted because the design guide has been withdrawn⁶⁵³ [**MM45**] and whilst there is reference to it in paragraph 5.6.2 that is not determining site design going forward.

(v) Tourism and leisure development

509. The Council put forward MMs to Policy CS.23 in response to representations made in the consultation in July 2014 from the promoter of Meon Vale and the EA, respectively. The rationale is clearly set out in the Assessment of Representations⁶⁵⁴. On this basis I recommend the proposed modifications to CS Policy CS.23 [**MM51**] in the interests of soundness.

(vi) Healthy communities

510. The Council has put forward modifications to Policy CS.24 to delete excess text that would be rendered unnecessary as a result of a proposed definition of community facilities in the Glossary. I recommend the proposed modifications to Policy CS.24 and the Glossary in order to simplify the policy wording [**MM85 and MM92**] in the interests of soundness. Since the definition of community facilities includes the emergency services there is no need for express reference to the Police in the policy. The Council has confirmed that, at a minimum, only one criterion needs to be satisfied and, in the case of the emergency services, criterion (a) would apply. As such criteria (b) and (c) would not be an impediment to the re-use of surplus facilities and there is no need to expand the last sentence of part A.

(vii) Transport and communications

511. The potential reinstatement of the railway and the safeguarding of the line of the railway is dealt with elsewhere [**248**]. However in addition paragraph 4.3.3 of the Business Case Study recommends the eastern deviation of the route alignment at Long Marston in preference to the route to the west of the industrial estate, which is safeguarded in the Local Plan. The Business Case Study says that the western route would make the grade separation of Station Road more challenging due to the proximity of the road junction. Although

⁶⁵² From the *National Federation of Gypsy Liaison Groups* [reference 7017/0007].

⁶⁵³ <https://www.gov.uk/government/publications/designing-gypsy-and-traveller-sites-good-practice-guide>

⁶⁵⁴ Page 170, Document Ref. ED.2.7, September 2014.

the Council has claimed that there would be no substantive purpose in safeguarding the eastern deviation because, apart from requiring the demolition of one property, it would otherwise follow the alignment of the existing rail tracks, this does not appear to be borne out on the plan. The Business Case Study refers to the acquisition of 400 m of green field land in one field, which the without prejudice plan shows to lie to the east of the Greenway. The extent of safeguarded land, including highway realignments at Station Road and Milcote Crossing, is shown among the proposed updates to the Policies Map, which was also the subject of consultation in March 2016. In the circumstances, whilst it is a matter for the Council, there would appear to be no need to safeguard the western deviation although, pending the outcome of the GRIP 4 study, a precautionary approach might be justified at present.

512. Turning to airfields, it follows from the allocation at Proposal LMA that this site should be removed from the ambit of Policy CS.25E. Reasons were given in the IC why the first sentence of paragraph 6.9.19 of the CS should be deleted; it is factually wrong. However given that the aviation activity at Wellesbourne Airfield is lawful and it is unclear that it would be extinguished by the notice that has been served [122], Policies AS.9 and CS.25E are appropriate in supporting such use and providing a permissive framework for future aviation development. In reaching this view the claim that the landowner is entitled to use the airfield after December 2016 for any other lawful use⁶⁵⁵ is noted, but the making of any material change in the use of the land would require planning permission. There is no evidence before the examination that this has been granted and the Development Plan, including the CS once adopted, would be the starting point for the assessment of any application that is made. To that extent the Council has control over the future use of the airfield.

513. This stance is consistent with paragraph 33 of the Framework, which requires account to be taken of their growth and role in serving business, leisure, training and emergency needs. There is evidence before the examination to show that the airfield fulfils all of these roles⁶⁵⁶ and so I reject the claim that: *"...there is no evidence available for the need to 'support and enhance' the aviation related functions"* of the airfield⁶⁵⁷. Indeed it is material to note that in contrast to Wellesbourne Airfield there is no evidence submitted in relation to Snitterfield, but no dispute Policy CS.25E is appropriate in order to support its use as a lawful general aviation airfield. The Framework also refers to the Government Framework for UK aviation⁶⁵⁸, which identifies its strategy to include: *"Maintaining a viable network of business and general aviation"*⁶⁵⁹. The associated text identifies that such airfields are particularly important for local businesses. There is extensive evidence before the examination to show that the airfield is a not insignificant source of employment in its own right, as well as supporting businesses in the wider area and facilitating a market that appears to draw a large number of visitors to the area⁶⁶⁰. There is no directly comparable facility in the District to fulfil these roles. The airfield's role as part of a network, which the Framework for UK aviation notes are almost all

⁶⁵⁵ Section 10.2, representation 4987, dated May 2016.

⁶⁵⁶ Hearing Statements HS-31 and HS-64, dated December 2014, notably the former.

⁶⁵⁷ Source of quote: section 10.2, representation 4987, dated May 2016.

⁶⁵⁸ <https://www.gov.uk/government/publications/aviation-policy-framework>

⁶⁵⁹ Source of quote: title to paragraph 1.86 Ibid.

⁶⁶⁰ A view reinforced by the large number of representations submitted in May 2016.

privately owned and operated, reinforces the need for proposed modifications.

514. The original text in paragraph 6.9.5 of the CS records the airfield's roles, but the proposed policy changes, which meet the tests for soundness set out in paragraph 182 of the Framework, would ensure this mix of uses is supported going forward. For these reasons I recommend the MMs to Policies AS.9 and CS.25E, as well as the change to the Vision, which is consistent with Policy AS.9 [**MM76, MM86 and MM03**]. These changes would not prevent the possibility that some economic development could come forward, in line with Policy AS.9C, but only that compatible with the retention of the airfield.

515. Finally the Council put forward MMs to Policy CS.25A, CS.25F and the DMCs in response to representations made during the consultation in July 2014. The reasoning is evident in the Assessment of Representations⁶⁶¹. On this basis I recommend MMs to Policy CS.25A, CS.25F and the DMCs [**MM86 and MM87**] in the interests of soundness.

(viii) Developer contributions

516. The Guidance⁶⁶² makes clear that charging authorities may not use CIL to fund affordable housing. Policy CS.26 appears to reflect the Guidance⁶⁶³ insofar as it confirms that there is still a role for contributions to be pooled from up to five separate planning obligations for a specific item of infrastructure (e.g. a local school) that is not included on the charging authority's Regulation 123 list. Paragraph 153 of the Framework says SPD should be used where it can aid infrastructure delivery. In the circumstances Policy CS.26 is consistent with national policy because it is in accordance with the CIL Regulations 2010.

517. It is not necessary for Policy CS.26 to make a special case for school funding as education features prominently in the Schedule of Infrastructure Projects. Since this is referred to in paragraph 7.3.2 of the reasoned justification to Policy CS.26 there is no need for the cross-reference to be contained in the policy itself. The penultimate sentence of Policy CS.26 contains the word 'should' rather than 'will' because delivery is outside of the Council's control. There does not appear to be a difference in substance between the position taken by the District and County Councils as to the timing of infrastructure. In the circumstances there is no justification to modify Policy CS.26.

(ix) Evening and night-time economy

518. The Police have sought the inclusion of an additional policy to explicitly deal with the evening and night-time economy. It says the failure to adopt such an approach could place excessive and unsustainable demands on the emergency services, which could be in contravention of the DtC and section 17 of the Crime and Disorder Act 1998 (as amended). In respect of the first, the Police are not a prescribed body⁶⁶⁴ and so the claim is not made out. Turning to the second the Police withdrew reliance on the statutory provisions at the Hearing.

519. Reliance is instead placed on paragraphs 58 and 69 of the Framework, to the

⁶⁶¹ Pages 224 and 232, Document Ref. ED.2.7, September 2014.

⁶⁶² Paragraph ID 25-071-20140612.

⁶⁶³ Paragraph ID 25-100-20140612

⁶⁶⁴ Regulation 4 of the 2012 Regulations.

extent that both concern the creation of safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. However Policy CS.9, which deals with design and distinctiveness, already requires development to incorporate effective measures to help reduce crime and the fear of crime. One of the criteria in Policy AS.1 also supports uses which create a diverse and prosperous night-time economy. It is not the case that the CS does not address the topic.

520. The Police assert that crime statistics show that the evening and night-time economy presents an increased risk of crime. However less than half of all crime appears to take place in the 12-hour period from 1900-0700 hours and so, on the basis of the evidence before the examination, the claim is not made out. Whilst account has been taken of policies that have been endorsed elsewhere these relate to Area Action Plans rather than strategic plans. In the circumstances there is not a clear basis to require the extra policy sought because, as the Council observes, the matters at issue appear to arise at all times of the day and are covered under the terms of Policy CS.9. However, in recognition that particular crime types, such as alcohol related crime, can be focussed on some neighbourhoods, the Council has put forward an additional sentence in relation to the evening and night-time economy within criterion (7) of part B to Policy CS.9. It would provide the policy hook to address specific problems and so it is recommended in order to ensure that the Plan is sound [MM23]. There is no basis to go further and in particular certain aspects of the wording that has been put forward by the Police might be said to duplicate the licensing regime.

Conclusion on the twelfth main issue

521. On the twelfth main issue I conclude that, subject to the main modifications that have been identified, these provisions of the Plan are consistent with national policy, are supported by evidence and would be effective.

Issue 13: Does the Plan include provisions for adequate and effective delivery, monitoring and review?

522. Under each policy a delivery mechanism has been identified, including bodies where appropriate, and for each Proposal the *'where, what, when and how'* of delivery is spelt out. Reasons have been given for finding that the housing trajectory is realistic and hence that the proposed allocations are deliverable. Accordingly there is no need to identify further allocations for housing and the decision about reserve sites is a matter for the Council to identify in the SAP. In addition to the dwellings already built a number of planning permissions have been granted across a range of sites and the big strategic allocations will take time to be built out, which confirms that development is likely to come forward over the lifetime of the Plan.
523. The *'Plan Viability & Affordable Housing Study'*⁶⁶⁵ found that all the residential development typologies relevant to the planned trajectory are viable, but that the level of CIL might have to be reviewed when all costs are included. The *'Community Infrastructure Levy Economic Viability Study: Draft Charging Schedule'*⁶⁶⁶ made recommendations as to the level of CIL charge. It found that at the recommended levels of CIL there was a significant funding gap of £86 m⁶⁶⁷. The report anticipates this will be narrowed by future government grants and local funding, but there remain grounds for finding a shortfall in infrastructure funding. The *'Community Infrastructure Levy Economic Viability Study: Submission Charging Schedule'*⁶⁶⁸, which has updated and refined the levels of CIL, found that potential residential CIL receipts, at £44.9 m, would be materially lower than the earlier report, £61.1 m⁶⁶⁹. CIL will be subject to examination in the future but, noting the later report has no comparable table, at face value the funding gap could be greater than that identified in 2014.
524. The IDP sets out how implementation of the Plan will be supported through the delivery of necessary infrastructure, in areas such as transport, education, health, green infrastructure, emergency services, utility services and social infrastructure. For each infrastructure project a party has been identified to lead delivery and a figure given for the estimated costs. A range of funding sources is envisaged from public and private sources, including CIL, s106 and s278. However many of the *'big ticket'* items are anticipated to receive funding from other sources. An example is the £17.01 m cost of improving telecommunications where 6 other sources of funding, apart from CIL, are identified. The £12 m cost of improving junction 12 of the M40 is already committed from other sources, including HE. Amongst other things the cost of the new hospital at Stratford has materially reduced from £44 m to £23.9 m. New big ticket items, such as the SWRR, are being met by the Developer. On balance, whilst the funding gap is significant and the fact that the latest report omits the equivalent table is of concern, noting again that the IDP is intended to be a working document [9], there is no clear evidence to suggest that the IDP is undeliverable. However hard choices might have to be made further down the line in terms of prioritising the delivery of infrastructure.

⁶⁶⁵ Document Ref. ED.4.2.4.

⁶⁶⁶ Document Ref. ED.4.2.6.

⁶⁶⁷ Table 6.3, Document Ref. ED.4.2.6.

⁶⁶⁸ Document Ref. ED.14.2.1.

⁶⁶⁹ Compare Table 6.2, Document Ref. ED.4.2.6 with Table 8.2, Document Ref. ED.14.2.1.

525. The Council's Authority Monitoring Report [AMR] will constitute the main monitoring component and provide most of the necessary evidence on which to assess the success or failure of delivery, and what alternatives might realistically be pursued in the event of the latter. The AMR will ensure that the effectiveness of the implementation of the CS would be adequately monitored. Amongst other things a number of '*Monitoring Indicators*' are set out under each policy. Although the Council has indicated that these will be reassessed and refined over time⁶⁷⁰, the indicators that have been established in the CS appear to be SMART, i.e. *Specific, Measurable, Assignable, Realistic and Time-related*. Taken together these should allow a clear picture to be gained in the AMR in order to inform the Council whether, for example, it needs to bring forward reserve sites.
526. It is not accepted that Policy CS.16D is ineffective as drafted on the basis that it contains no trigger point for the release of reserve sites⁶⁷¹. The precursor to the 4 bullet-points is that: "*Reserve sites will be released in the following circumstances*" [*my emphasis*] and that is unambiguous. To take the first example if, once the SAP has identified reserve sites, the Council is unable to show a 5-year housing land supply then the policy says reserve sites will be released. It does not need to be 5.25 years, as has been suggested, because the trigger is whether there is an identified shortfall [but see 527]. That is likely to be in an AMR but it might be if successive appeal decisions point to a deficit or even conceivably if a single appeal decision was pointing to a large deficit, e.g. perhaps due to a change in methodology. If the Council does not take steps to bring forward a reserve site in those circumstances then either the interests in that site will bring it forward, ultimately via the appeal route if necessary, or the Council faces the prospect of routinely losing housing appeals, which is effectively what has been taking place recently. In the face of that unsatisfactory position the reserve sites approach enables the Council to regain some control if the trajectory does not come forward as planned. In that scenario it would be in the Council's own interest for it to use the mechanism and hence a more elaborate form of trigger is unnecessary.
527. As one party has observed⁶⁷² it is in prospect that the SAP can set out a clear mechanism for prioritising the release of reserve sites: that approach must be correct because the first step in that process should be identifying those sites. For this reason it is inappropriate for the CS to deal with this matter. However a MM to the first bullet-point under Policy CS.16D is recommended to make clear the objective is to maintain a 5-year housing land supply rather than just react to a shortfall, which is necessary in the interests of soundness [MM33].
528. In the circumstances, there is no need for additional targets to be set out in the Plan, including to identify things like date of approval of SPD, date of commencement and date of first completions. The monitoring regime should ensure that any risks to non-delivery are '*flagged up*' and interventions made to alleviate those risks if this proves to be necessary. As a last resort the Council has committed itself to a Plan review in certain circumstances [65]. For these reasons I conclude on the thirteenth main issue that the Plan includes provision for adequate and effective delivery, monitoring and review.

⁶⁷⁰ See for example section 6, Document Ref. ED.5.3a.

⁶⁷¹ May 2016 consultation response Ref 4987.

⁶⁷² Paragraph 1.11, Representation 8048, dated May 2016.

Assessment of Legal Compliance

529. My examination of the compliance of the Plan with the legal requirements, including that undertaken in the IC, is summarised in the table below.
I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme [LDS]	The CS is identified within the approved LDS dated October 2015 [Document Ref. ED.13.8a] which sets out an expected adoption date of June 2016. The content and timing of the CS is broadly compliant with the LDS.
Statement of Community Involvement [SCI] and relevant regulations	The SCI was updated and revised in April 2014 [Document Ref. ED.3.2] and consultation has been compliant with the requirements therein, including the consultations at all stages on the post-submission proposed 'MM' changes.
Sustainability Appraisal [SA]	SA has been carried out and is adequate because the problems identified in the IC have subsequently been addressed or are capable of correction.
Appropriate Assessment [AA]	The Habitats Regulations Assessment Screening Report dated April 2014 [Document Ref. ED.3.16] sets out why AA is not necessary. Although this was prepared in the context of the Proposed Submission Version of the CS, given that there are no European sites in the District and that the screening report found the Plan is not likely to lead to adverse effects on any European sites either alone or in-combination with other plans, it is considered to be adequate.
National Policy	The CS complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The CS complies with the 2004 Act and the 2012 Regulations.

Overall Conclusion and Recommendation

530. The Plan has a number of deficiencies in relation to soundness for the reasons set out above and in the IC which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above, read in conjunction with the IC where necessary.

531. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in Appendix 2 the Stratford-on-Avon Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Pete Drew

Inspector

This report should be published on the Council's website⁶⁷³ with links to the following documents identified as appendices:

Appendix 1: Interim Conclusions [IC].

Appendix 2: The updated Schedule of Main Modifications [MM].

Appendix 3: The updated Infrastructure Delivery Plan [IDP].

Appendix 4: The updated Schedule of Infrastructure Projects.

⁶⁷³ <https://www.stratford.gov.uk/planning/core-strategy-examination-2.cfm>

Appendix 6 Shropshire Council: Examination of Shropshire Local Plan 2016-2038 – Inspectors’ Interim Findings following stage 1 hearings sessions

ID28

Shropshire Council. Examination of Shropshire Local Plan 2016-2038

Inspectors: Louise Crosby MA MRTPI, Carole Dillon BA (Hons) MRTPI and Nick Palmer BA (Hons) BPI MRTPI

Programme Officer: Kerry Trueman

Tel: 07582 310364, email: programme.officer@shropshire.gov.uk

Mr West
Planning Policy
Shropshire Council
PO BOX 4826
Shrewsbury
SY1 9LJ

15 February 2023

Dear Mr West

Inspectors' Interim Findings following stage 1 hearings sessions

1. Set out below are our interim findings in relation to a number of matters following the stage 1 hearing sessions in July last year and January this year. Some of these findings require the Council to do additional work and some are just confirming Main Modifications (MMs) that were agreed at the hearings and other matters that were discussed, such as updating the evidence base.

Duty to Cooperate (DtC)

2. Following the hearing sessions, we wrote to you on 26 July 2022 (ID17) asking for you to provide more information in relation to the DtC and the activities that took place in relation to this prior to the submission of the Plan for examination.
3. We have now received this and had a chance to consider it and hear from the Council and representors on the matter at a further hearing session on 17 January 2023. Consequently, we can confirm that we are satisfied that the Council has met the legal duty set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended), in so far as it imposes a duty on a local planning authority to co-operate with other local planning authorities, the County Council and prescribed bodies or other persons by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation. Therefore, the examination can proceed.

Next Steps

4. Before we proceed to stage 2 hearing sessions there are a number of matters where we consider more work is necessary to make the plan sound and these are set out below. We have also taken this opportunity to set out our thoughts on other matters which we said we would give further thought to at stage 2 of the examination.

Plan Period

5. During the matter 1 hearing session the Council agreed to consider whether the Plan period and Local Housing Needs Assessment should be aligned along with any implications of doing so, including those relating to the Housing Requirement set out in policy SP2 and the supply of sites identified in Policies S1 to S21. Please advise what stage the Council have reached with this.

Saved Policies

6. During the matter 3 hearing session the Council agreed to review the means by which the necessary SAMDev policies would be “saved” to ensure that they will, as intended, remain extant for Development Management purposes should the Plan be adopted. Can you please provide further information on how the Council intends to do this, along with any necessary MMs.

Gypsy and Traveller Transit Site Provision

7. During the matter 5 hearing session the Council agreed to provide a cabinet report and minutes regarding new transit site provision for the Gypsy and Travelling community. Can this please be placed on the examination website.
8. Also, as part of the matter 5 hearing session, the Council provided an updated position in respect of the need and supply of pitches. Using this data can the Council please update Table 7.9 and the GTAA conclusion and executive summary as an addendum to the 2019 GTAA Update – Final Report. The Plan’s relevant supporting text should be reviewed in view of this.
9. The Council will be aware of the judgment *Lisa Smith v SSLUHC* [2022] EWCA Civ 1391 of 31st October 2022, regarding the interpretation of the Planning Policy for Traveller Sites and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. Can the council please consider whether, in light of this judgment, they wish to review the traveller site needs in the GTAA, and if not, the justification for this?

Unmet Housing and Employment Land Needs of the Association of Black Country Authorities (ABCA) and Policy SP2

10. The Council has identified the need for housing in the County as being 28,750 homes (1430 dwellings per annum) over the Plan period, based on the ‘high growth scenario’ and 300 ha of employment land based on a ‘balanced employment growth scenario’, as set out in the Sustainability Appraisal and Site Assessment Environmental Report, dated December 2020 (SA). The housing

requirement figure in policy SP2 is around 30,800 homes (1400 dwellings per annum) and the employment land requirement is around 300ha. The increase in the total quantum of housing is to take account of the different time period. The annual requirement is virtually the same. However, it is the Council's intention that the Plan should provide 1,500 new homes and 30ha of employment land over the plan period in order to help address a need for housing and employment land in the Black Country, that would otherwise not be met. We consider the question of this unmet need further below.

11. At the hearings, the Council suggested that these 1,500 new homes and 30ha of employment land is accounted for within the aforementioned housing and employment land requirement in policy SP2. We cannot see how. They are not mentioned in the SA and form no part of the growth scenarios considered therein. Consequently, we are concerned that there has been a conflation of housing need and housing requirement and also employment land need and employment land requirement – but these are two distinctly different things.
12. You will appreciate that we need clarity on this point, and the Plan itself must also be equally clear. We therefore ask that the Council provides us with a Topic Paper that unambiguously sets out the need for housing over the plan period and the local plan's housing requirement and the same for employment land. On the face of it, it seems to us that the latter is likely to be the sum of Shropshire's housing/employment need plus the 1,500/30ha homes/employment land relating to unmet need in the Black Country – whatever the case may be, these requirement figures should be made clear in the Plan, through a main modification to policy SP2.
13. This strategic issue crosscuts a number of important matters, including the Plan's development requirements, spatial distribution, Green Belt release and site allocations. As such, it has resulted in a great deal of discussion during the hearing sessions to date. The Council's approach to identifying the housing and employment land needs derived within Shropshire itself is sound. In principle, the Council's intention to address some of the Association of Black Country Authorities (ABCA) unmet needs (1500 homes and 30ha of employment land), aligns with the spirit of the DtC. It is clear that the Council and the ABCA authorities are all content with this contribution and this is set out in a Statement of Common Ground (SoCG), signed prior to the submission of the Plan for examination. We recognise that there is a lack of any prescribed formula in national planning policy for calculating any uplift to Shropshire's housing need to meet some of this externally derived unmet need.
14. Since the initial stage 1 hearings the joint plan making arrangements for the ABCA Councils have materially changed as these four separate councils are now preparing individual plans. The councils are all individually preparing their respective evidence bases, but utilising some of the existing joint evidence that has already been prepared. As a consequence, their anticipated adoption dates will be later than that of the previously proposed joint plan. Despite this new plan making context, there is no reason before us to find that the identified unmet needs in the Black Country area will disappear.

15. However, we are mindful that confirmation of the exact quantum requires the examination of these plans which is some time away and other councils will also be assisting in meeting some of the unmet needs since it is not and should not be the sole responsibility of Shropshire Council to meet all of ABCAs unmet needs for housing and employment land. This would be highly unlikely in any event given the emerging scale of unmet need, the Green Belt constraint within Shropshire, particularly in the part closest to the boundary with ABCA areas and also the AONB constraint in the southern part of the plan area. Nonetheless it remains an important strategic cross boundary matter that should not be deferred.
16. It is clear is that the unmet housing and employment needs being accommodated in Shropshire is the starting point as there is agreement to revisit the unmet need with a view to providing further assistance once the local plans for the ABCA councils have been examined and adopted. As set out above this is likely to be a number of years away given the stage they are currently at.
17. However, it was not until a point between the Regulation 18 and 19 stages of the plan making process that the Council agreed to accommodate 1500 dwellings and 30ha of employment land to support the unmet needs emerging in the ABCA area. This was after most of the evidence base had been completed, including the SA.
18. Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 requires that an environmental report for the purpose of the regulations must identify, describe and evaluate the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives, taking into account the objectives and geographical scope of the plan. The SA will need to show how these requirements have been met as well as recording the wider assessment of social and economic effects.
19. We are concerned that the objectives and geographical scope of the Plan changed when the Council agreed to accommodate some of the unmet needs of the Black Country, but unfortunately the SA was not revisited. The SA is based on meeting only the needs of Shropshire. It tested different housing and economic growth options as well as different distribution options, but these were all based on just meeting the needs of Shropshire.
20. Further SA work therefore needs to be undertaken to assess the likely effects of the proposed strategy – which is based on meeting Shropshire’s housing and employment needs and contributing towards unmet needs from the Black Country. In carrying out this work, consideration also needs to be given to the selection of the preferred strategy when judged against reasonable alternatives. For example, by testing a scenario which includes the originally envisaged ‘high growth scenario’ and a contribution towards unmet housing needs.
21. If the intention is to contribute towards the unmet need from the Black Country, then for effectiveness this distinction needs to be set out in the housing and employment land requirements in the Plan. In doing so the Council will also

need to consider which site or sites in the Plan will be identified to meet that need. This also needs to be subject to sustainability appraisal to reflect the objectives and geographical scope of the Plan.

22. If, following the additional SA work, the Council chooses to pursue the same growth option as before then it follows that the housing and employment land requirements will increase, and more sites will be required. Consideration will also need to be given to the distribution of development since accommodating some of the unmet needs may result in more sites being required in the part of Shropshire nearest the Black Country. It would therefore be helpful if, once the Council has carried out the additional SA work, the proposed strategy in relation to the housing and employment land requirement is set out in the topic paper requested at paragraph 12 above. The Plan should also make clear what the Council's strategy is, through main modifications.
23. Given the Council were planning on releasing Green Belt land to meet its own needs, it seems unlikely that the unmet needs of the Black Country could be met without the release of Green Belt land. Can the Council please provide a revised Green Belt Topic Paper setting out the exceptional circumstances for releasing Green Belt land to meet its own needs and as a separate exercise the exceptional circumstances for releasing land to meet the unmet needs of the Black Country.
24. Great importance is placed on Council's having up to date plans by national planning policy. As set out above there is a requirement to carry out additional work on the SA and to produce topic papers and some main modifications to the Plan once the SA work is complete and there a clear way forward. This is likely to require a pause in the examination whilst the work is undertaken. Once the work has been undertaken, we will take a view on whether we consider further public consultation is required. The need to carry out this additional work will delay the examination and adoption of this Plan. However, we are unable to identify an alternative remedy that would avoid such a delay unfortunately. The additional work we have identified is necessary for us to find that the Plan is sound.
25. Regardless of the outcome of this work, it is likely that there will be a further request from the individual Black Country authorities in the future to meet some more of the unmet needs, but this could be dealt with by way of an early review trigger built into policy SP2 or by relying on the statutory 5-year review process set out in the Framework. We would welcome the Council's formal views on these alternative approaches.
26. Furthermore, we note that the related indicators and targets set out in the Plan's monitoring framework only focus on delivery within the Plan area against the Plan's overall proposed development requirements. In addressing some of the unmet needs of ABCA then the Plan's performance in doing so needs to be monitored. A failure to do this would undermine the effectiveness and therefore soundness of the Plan's approach to meeting housing and employment needs. The monitoring framework will need to be reviewed in light of this concern.

27. Any changes to the Plan as a result of the above will need to form the basis of Main Modifications which should be submitted to the examination.

Habitat Regulations Assessment

28. The matter of the River Clun and nutrient neutrality was discussed at the hearings in July. Shortly after the hearings the Government issued a Written Ministerial Statement (WMS) entitled '*Statement on improving water quality and tackling nutrient pollution*'. The Council's letter of 16th September 2022 (GC16) addresses the WMS. This suggests that the WMS may alter the position of Natural England and the Environment Agency on this matter. Can the Council please approach these organisations with a view to preparing updated SoCG. Once this is done can the Council advise on the implication of the latest position for the Plan and whether any outstanding issues could be dealt with by MMs.

Green Belt – RAF Cosford

29. The Council's Green Belt Topic Paper sets out the exceptional circumstances for the release of land from the Green Belt. This includes 214.2 ha of land at RAF Cosford which is a strategic site in the Plan (policy S21). The Council proposes to inset RAF Cosford in the Green Belt, in recognition of its existing and future operational areas and requirements. Para 7.18 of the Plan says that this will enable numerous and complementary development opportunities and that in turn these will complement and facilitate delivery of the Economic Growth Strategy for Shropshire and the objectives of the Plan.
30. One of these development opportunities is the development of the Midlands Air Ambulance Charity headquarters, however we understand that this now has planning permission despite it being in the Green Belt, demonstrating that this was not a barrier to development. The RAF base has grown and developed over many years and is now also home to the RAF Museum Cosford. There is no evidence before us to demonstrate that the site's Green Belt status has in anyway prevented it being developed in a manner consistent with its use as an RAF base or indeed related activities such as training facilities and domestic accommodation.
31. Paragraph 143(b) of the Framework which advises that when defining Green Belt boundaries, plans should not include land which it is unnecessary to keep permanently open. However, it seems that the site has large areas of undeveloped land which, if developed, could harm openness of the surrounding Green Belt land. It would also make it more difficult for the Council to control future non-military related development on the site as other general development management policies would apply.
32. To summarise, we find that exceptional circumstances do not exist to justify the removal of this site from the Green Belt. Consequently, the Council will need to draft a MM to ensure that this site remains within the Green Belt and make any necessary map changes.

Infrastructure Delivery Plan (IDP) and Strategic Funding Statement (SFS)

33. We still have some concerns about the gaps in the IDP and would urge the Council to treat this as a living document and aim to keep populating it when new figures become available.
34. In terms of the SFS, as set out at the hearings this should be forward facing rather than backward looking. The PPG advises that *“this should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the Plan-period”*¹. Can the Council please provide a timescale for updating the SFS.

Five-year Housing Land Supply

35. The Council has requested that we confirm their 5-year housing land supply as part of the examination of the Plan policies. However, the PPG² advises that, among other things, *“when confirming their supply through this process, local planning authorities will need to be clear that they are seeking to confirm the existence of a 5-year supply as part of the plan-making process and engage with developers and others with an interest in housing delivery”*. Crucially, the Council have confirmed that they did not do this and therefore we cannot confirm the 5-year housing land supply through the local plan examination process.
36. In addition, the matter of 5-year housing land supply will be considered at stage 2 of the examination once we have examined the site allocations in the Plan. We still have serious doubts over whether we can fully consider this matter and come to a conclusion on whether the Council have a 5-year supply of housing land given that many of the sites the Council are relying on are allocated in the SAMDev plan and therefore are not before us.

Housing Requirement

37. The housing requirement in the Plan is expressed as ‘around’ 30,800 new homes and the employment land as ‘around’ 300ha. In our view these development requirements should be expressed as definitive minimum figures for both monitoring and effectiveness.

Specialist Housing/Older Persons Housing

38. Paragraph 62 of the Framework requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including older people. The Council’s evidence shows that there is a much higher number of older people residing in the Plan area than the national average.

¹ Paragraph: 059 Reference ID: 61-059-20190315

² Paragraph: 010 Reference ID: 68-010-20190722

39. Whilst there is a requirement within policy DP1 to provide older persons housing on sites of 50 dwellings or more, the amount that will need to be provided is not quantified and it is also not clear why the threshold of 50 dwellings has been chosen. The PPG advises that *“plan-making authorities should set clear policies to address the housing needs of groups with particular needs, such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period (our emphasis)”*³.
40. Whilst the PPG advises that Council’s ‘could’ provide indicative figures, we consider that as there is clear evidence of a higher-than-average need for such accommodation in this particular instance, either the policy should include indicative figures, or the Plan should contain a specific policy to deal with specialist housing.
41. Also, neither this Plan, nor the SAMDev plan appear to make any provision for this sector of the community, by allocating land for specialist housing or requiring it to be provided in some of the larger allocations. This would be another positive way in which the Council could address this matter. Please can the Council give some further consideration to this important matter.

Policy SP4 – Sustainable Development

42. The Council agreed during the hearings that they would introduce a MM to delete policy SP4 from the Plan and instead rely on national planning policy to ensure that development in the district is sustainable. This needs to be included in the list of MMs.

Policy SP5 – High-Quality Design

43. The Council agreed to look at the wording of policy SP5 and whether it should contain a reference to the National Design Guidance. Can the Council please confirm if they have done this and what the outcome was. Any changes will need to be set out as a MM.

Policy SP6 – Health and Wellbeing

44. A discussion took place at the hearings regarding criterion 5a. of this policy and whether it should refer to ‘improved’ health facilities and criterion 10 and its requirement for a Health Impact Assessment for all major development proposals. The Council agreed to give the wording in these 2 criteria further consideration. Can you please confirm the outcome of this and whether any MMs are being advanced as a result.

³ Paragraph: 006 Reference ID: 63-006-20190626

Policy SP10 – Managing Development in the Countryside

45. It was agreed during the hearings that this policy wording needs to clarify that it does not apply to sites in the countryside that are allocated for development in this Plan or any other adopted development plan. This revised policy wording will need to be set out in as a MM.

Policy SP12 Shropshire Economic Growth Strategy

46. We do have some concerns about the effectiveness of this policy as a great deal of it seems to be more of a vision rather than a strategic policy. Can the Council please review this policy in the context of the advice in relation to strategic policies set out in paragraphs 20 to 23 of the Framework. Proposed changes will need to be set out as MMs.

Policy SP13 – Delivering Sustainable Economic Growth and Enterprise

47. It was agreed at the hearings that the text box 'Figure SP13.1', should be incorporated into policy SP13. This will need to be included as a MM.

Strategic Settlements and Sites

48. We have set out our concerns above regarding the removal of the RAF Cosford site from the Green Belt. We have no further comments to make on policy S21 or policy S20 which relate to the former Ironbridge Power Station site.
49. Turning to Tern Hill and policy S19, we have concerns about the deliverability of the affordable housing that would be required in connection with the development of this proposed site allocation given the evidence set out in the Council's Viability Study 2020 (EV115.01) and the fact that the trajectory shows that 400 of the 750 proposed dwellings will be delivered after the Plan period.
50. This also leads us to find that there is a lack of evidence to demonstrate that this proposed allocation will be capable of supporting the necessary infrastructure and services planned. Given the site's location away from any main settlements, it is important that it contains a range of services to limit trips by private car. Therefore, we require evidence which demonstrates that the appropriate necessary infrastructure would be delivered at the appropriate stages in the delivery of this site to serve its occupants.
51. Finally, as discussed in detail at the relevant hearing session we have some concerns about the vagueness of some of the policy wording in policy S19. The Council agreed it would look at this with a view to improving its precision and certainty for the benefit of developers and local residents. These changes should be advanced as MMs.

Strategic Flood Risk Assessment

52. The issue of whether the Council's Strategic Flood Risk Assessment (SFRA) was up to date in terms of hydraulic modelling and fluvial flood risk was raised at the relevant hearing session. It was agreed that the Council would provide a note of clarification regarding the methodology and data relied upon and whether any updating is necessary. Also, the Council should review whether the SoCG with the Environment Agency needs to be updated in view of this.

Local Development Scheme

53. During the matter 1 hearing session the out of datedness of the Local Development Scheme (LDS) and the reasons for that were discussed. We would be obliged if the Council would keep the LDS under review and arrange an update. A note to this effect should be placed on the Council's examination website to inform web users of this.

Overall Conclusions

54. For the reasons set out above, as things stand, the development strategy set out in the Plan is unsound and further work and main modifications will be required to progress the examination. We appreciate that there is a lot in our letter for the Council to consider. Therefore, we have not set a deadline for a response. However, it would be helpful if you could provide an indicative timescale for a response. When you respond in full to our letter can you please also provide a timetable for the additional work that is required for soundness.
55. Once we have a timescale for any additional work, we can then agree some provisional dates for the stage 2 hearings. At these hearings it is likely we will first need to re-consider some of the stage 1 matters as then the development management policies in the plan and the site allocations.
56. The Council and participants should be aware that the above comments do not represent our full findings on these matters, which shall be set out in our final report having considered any representations made in response to further public consultation and/or further hearing sessions which may be required in due course.
57. We are not inviting comments to this letter from representors, they will be given an opportunity to comment on the above matters in due course, either through representations to consultation organised by the Council, through hearing statements, appearing at hearing sessions or through the opportunity to comment on MMs.
58. Should the Council require any further clarification on any of the above matters you can contact us through the Programme Officer.

Louise Crosby, Carole Dillon and Nick Palmer

Examining Inspectors

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk

@LichfieldsUK

lichfields.uk