

## **NUNEATON AND BEDWORTH BOROUGH COUNCIL**

An Extraordinary meeting of the Nuneaton and Bedworth Borough Council was held at the Town Hall, Nuneaton, on Wednesday, 24th May, 2017.

### **Present**

The Mayor (Councillor W.J. Hancox)  
The Deputy Mayor (Councillor C.M. Watkins)

Councillors D. Aldington, J.B. Beaumont, C. Bennett, I.C. Bonner, K.L. Brindley, R.G. Copland, G. Daffern, P.M. Elliott, D.A. Gissane, J. Glass, C. Golby, S. Gran, J. Gutteridge, D. Harvey, J. Haynes, J.A. Jackson, K.A. Kondakor, A.A. Lloyd, I.K. Lloyd, C.S. Phillips, N.J. P. Phillips, G.D. Pomfrett, M. Pomfrett, J. Sheppard, T.E. Sheppard, J.A. Tandy, R. Tromans

Apologies for absence were received from Councillors J. Haynes, J.A. Jackson, B.J. Longden and K.D. Wilson

### CL12 **Declarations of Interest**

The Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes. In addition the following Declarations of Interest were made:

Councillor J. Gutteridge declared a Disclosable Pecuniary Interest in the Borough Plan item by way of a family member owning land on an allocated site of the Borough Plan therefore, may not vote on this item however he would be allowed to speak. He left the room after speaking.

Councillor J. Jackson declared a Disclosable Pecuniary Interest in the Borough Plan item by way of being a Governor on the St Nicholas Chamberlaine Trust therefore, would take no part, nor vote on this item.

Councillor S.J. Margrave declared a Disclosable Pecuniary Interest in the Borough Plan item by way of being a Non Executive Director of Orbit Group Ltd and a Share Holder of Orbit Heart of Living Ltd trading as Orbit Living, in addition he is a Member of the Parochial Church Council (PCC), all Deanery Synods, Diocesan Synod and as such a member of the Coventry Diocesan Board of Finance Limited therefore, would take no part, nor vote on this item.

Councillor J. Sheppard declared a Disclosable Pecuniary Interest in the Borough Plan item by way of being a Director of Wembrook Community Centre therefore, would take no part, nor vote on this item.

Councillor T. E. Sheppard declared a Disclosable Pecuniary Interest in the Borough Plan item by way of being an associate of Wembrook Community Centre therefore, would take no part, nor vote on this item.

CL13 **Public Consultation**

a) Karl Mayer asked the following question:

In the agenda for tonight's meeting it states that in 2008 and 2012" This council confirms its long commitment that the woodlands be returned to the Green Belt" minutes 307 & 527. It then states, since those resolutions were passed, further work has been undertaken to progress the borough plan; part of that work was to assess the suitability of the woodlands being designated as Green Belt. The results of the assessment indicated that the land performed poorly against the published criteria in the NPPF. In addition, because of the need to increase the supply of housing nationally, there has been a number of legal cases setting out the legal principles for designating Green Belt land. Legal advice was sought which amongst other things, indicated that there is no lawful basis for increasing the Green Belt to incorporate the woodlands. As a result of this advice, officers have developed proposals that take some of the woodlands into housing allocation HSG4. To give this effect to this, it would be necessary to rescind minutes 307 and 527.

Question; " Have this council explored every avenue in returning Bedworth woodlands to the Green Belt, using in particular the test for a Boundary extension to " existing Green Belt " as HSG4 and the Greenbelt are adjacent to each other and in planning terms a quite a normal process. In this particular process it does not perform poorly in fact it scores highly 4 out of 5 to be precise. So before you delete minutes 307 and 527 was the boundary extension to "existing Green Belt " sought in the Legal Advice YES or NO?.

I am asking this tonight and appealing to you not to rescind minutes 307 and 527, manly because I think you should stick to your word and return the woodlands to the Green Belt where it belongs. If tonight you do decide to rescind minutes 307 and 527 the Action Group will be calling for councillors Danny Aldington and Tony Lloyd to resign from this council for misleading the electorate of Slough Ward due to the notorious leaflet which read "Labour has a proven history of protecting the woodlands. It remains council policy to protect it and as your Labour councillors we have NO intention of changing our policy as long as long as we are in power". So come on Councillors Danny Aldington and Tony Lloyd stick to your promise and "SAVE THE WOODLANDS "

Karl Mayer (Woodlands Action Group)

Cabinet Member for Planning and Development responded as follows:

When assessing whether or not land at the Woodlands could be placed in the Green Belt in the Borough Plan the assessment and legal advice sought was on the basis of the criteria as set out in the National Planning Policy Framework section 9 Green Belts

b) Dennis White asked the following question:

HSG9 appears to have been included in the plan at the last minute. As you have acknowledged in the plan, Nuneaton is the most densely populated town in Warwickshire and Whitestone has major current traffic problems resulting in congestion and air pollution. HSG9 forms part of a green belt environmental outdoor asset greatly treasured by Whitestone residents. How have you decided that this current green belt land should be used for development without identifying any exceptional circumstances, not consulting with the residents as required by the National Planning Framework Policy guidelines and not undertaking a proper traffic and pollution study as would be expected if you were looking after the interests of residents whom local councillors are elected to do?

Cabinet Member for Planning and Development responded as follows:

In making allocations in the Borough Plan the Council has to be sure that they are both developable and deliverable. In this way only land put forward by land owners was considered to be deliverable. These sites were then tested against the vision and objectives for the Plan and development strategy as outlined in the Plan. When brownfield sites were suitable for development they have been included in the Plan for development, however there is not enough brownfield land to meet the full housing and employment needs for the Borough.

This has meant that some sites in the Green Belt have been allocated for development, this has been the case for the version of the plan consulted on some years ago. Explanation for having to include land within the Green Belt is included in the Plan. Before allocations could be made the Council has worked with Warwickshire County Council who are the Highway Authority who developed a strategic transport assessment of the whole of the plan. This work was carried out during 2016 and fed into the Plan which was consulted on in January, February and March of this year. The Strategic Transport Assessment identified the main road improvements needed to minimise any disruption to the road network as a result of the housing allocations.

Each development that comes forward will have to contribute money to help fund these road improvements. In the same way other facilities such as schools and doctors surgeries has also been considered, and

development will also pay towards the new or extended provision required. The consultation period for this Plan ran between 31<sup>st</sup> January and 13<sup>th</sup> March this year and all objections or comments made at that time will be forwarded to the Planning Inspectorate with the Plan for the independent Inspector to consider

Angela Reeves asked the following question:

Why is School Lane Green Belt land being put forward for building when there are brown field sites such as Hawkesbury Junction and Galley Common still to be utilised?

Cabinet Member for Planning and Development responded as follows:

I am not aware of the location of the land at Hawkesbury Junction suggested however, most of the land around there is also within the Green Belt. Of the land that is not within the Green Belt the Council have recently given approval for 262 houses on one site and are minded to approve 300 on another site. The reason for the allocations will be forwarded to the Planning Inspectorate for their consideration

Martin Vernon asked the following question:

With specific reference to HSG7 & HSG8, when did NBBC notify Warwickshire Highways about the additional employment and housing sites in the 2017 Draft Plan?

Cabinet Member for Planning and Development responded as follows:

Nuneaton and Bedworth Borough Council notified Warwickshire County Council as the highway authority about the new housing and employment sites being considered in February 2016. The sites were then assessed through an update Strategic Transport Assessment which was commissioned jointly by Nuneaton and Bedworth Borough Council and Warwickshire County Council. The findings then fed into the consideration of sites which culminated in the Borough Plan which was subject to consultation between January 31<sup>st</sup> and 13<sup>th</sup> March this year.

Ljubisa Cvetkovic asked the following question:

When did WCC run their traffic models for all the sites, and where are these outputs from the traffic models for the 2017 version of the Local Plan & where are the results publicised along with an explanation?

Cabinet Member for Planning and Development responded as follows:

The traffic modelling on suggested sites was undertaken throughout June and July 2016. The raw data from the modelling was not published as part of the final Strategic Transport Assessment report,

however, the results and the final outputs are included in the report. The report is available on Nuneaton and Bedworth Council web site.

Corrinne Vernon asked the following question:

Where is there a single document that clearly quantifies all the costs of infrastructure, and why didn't NBBC provide and maintain a website register, or list, of Call for Sites submissions as has been done by Rugby Borough Council:

[https://www.rugby.gov.uk/downloads/file/1075/call\\_for\\_sites\\_register\\_2016](https://www.rugby.gov.uk/downloads/file/1075/call_for_sites_register_2016)

Cabinet Member for Planning and Development responded as follows:

Each of the Strategic Allocations in the Borough Plan has its own policy. This lists the infrastructure requirements such as schools, doctors and open space required to support that particular allocation. The infrastructure Delivery Plan which sits alongside the Borough Plan and has also to be submitted to the Planning Inspectorate also detail specific schemes which will be brought forward during the life of the Plan. This document is available on the Nuneaton and Bedworth Council web site and has been drawn up with the infrastructure providers. The Infrastructure Delivery Plan includes the costs and expected delivery timescales for the transport schemes for the Strategic Transport Assessment. The infrastructure delivery plan is a live document and will be updated annually to take advantage of funding opportunities that come forward during the life of the Plan as well as additional information from service providers. The Council published a list of the Call for sites as part of the Strategic Land Availability Assessment. i.e. all the sites which were put forward were included in this document. This includes a map of the sites .This document can also be found on Nuneaton and Bedworth Council website and formed apart of the consultation exercise undertaken on the Borough Plan.

Kevin Moore asked the following question:

In the borough plan in regards to Bedworth, I am very concerned about an area in which your planning to give building consent to, so I ask why is an area being considered that has flooded twice in the last ten years which the devastation was all over social media in video for all to see, namely the woodlands, Bedworth and why has this land not been designated the 3C status that is rightfully needed?

Cabinet Member for Planning and Development responded as follows:

The Borough Plan has been prepared in conjunction with infrastructure delivery partners including the Environment Agency and Warwickshire County Council as Local Lead Flood Authority. All developments have been assessed and mitigation in the form of new infrastructure

identified where required. Any new infrastructure has been included within the Infrastructure Delivery Plan. All comments and objections to the plan will be forwarded to the Planning Inspectorate in full for the Inspector to consider.

Brian Walmsley asked the following question:

I hear a lot of complaint about “The Borough Plan”, and we keep hearing on news coverage that the Conservative Government demand councils allocate more land for housing developments, to ease the national housing shortage. Can you please advise me which areas have been suggested for the necessary developments by the Conservative Councillors?

Cabinet Member for Planning and Development responded as follows:

The first stage in Borough Plan process was in 2009 when consultation was undertaken on the issues and options stage .Government legislation and guidance states how Local Authorities undertake the preparation of Local Plans. This includes Objectively Assessing their housing and employment needs. Allocations in the Local Plan have to be developable and deliverable, sites cannot be allocated for development unless there is a reasonable prospect of them being developed during the Plan Period. i.e. in this case before 2031. To ensure sites are available Councils have to undertake call for sites so that landowners have the chance to put forward their sites to be considered. These are then assessed against the vision objectives and development strategy as set out the plan. Sites were assessed and have been considered at various stages by members of the Council either through the member/officer working party, by cabinet or by Full Council.

All the sites allocated have been out forward for development by the landowners or agents acting on behalf of the land owners. However, I can tell Mr Walmsley that all of the sites came to the Borough Plan Working Party at some point and that the Conservatives have declined to take part in this process for the last 4years and it is quite clear that they don't want any development anywhere and are content for our Borough to stagnate.

Kyle Evans asked the following question:

Point 157 on the National Planning Policy Framework states that Local Plans should ‘be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations’, can the Portfolio Holder tell me what evidence he has that this Authority has done the above successfully, in particular can he tell me whether or not he believes the co-operation with the public during the Borough Plan Consultation was a success?

Cabinet Member for Planning and Development responded as follows:

Throughout the whole process of the Borough Plan there has been cooperation with other bodies. This includes Coventry City Council, Warwickshire County Council all other districts within Warwickshire and Hinckley and Bosworth District Council. I can tell Mr Evans that all other Conservative led Warwickshire districts want NBBC to take an extra 2000 houses on top of those already identified in the Borough Plan. I can also tell him that the Chamber of Commerce have objected to the plan because they want to see more housing and more employment land allocated. As well as formally consulting those at each stage officers have worked with officers at those Councils on a regular basis. Joint studies on such things as Green Bet review and Strategic Housing Market assessment have been jointly procured and managed with these authorities. There are just over 900 people, groups and statutory and non-statutory consultees on the data base who again have been consulted on all stages of the Borough Plan process. Public consultation on the Plan has been carried out in line with government guidance. All the drop in events for the recent consultation were well attended and many members of the Public received specific letters informing of the events. Given the number of responses received to the consultation I would say that the consultation events had been a success.

Jeff Langbridge asked the following question:

In this council's newly released Housing Strategy on population, one paragraph stands out as absolutely shocking. "The following graph shows there is already a STRIKING difference between the population density in Nuneaton and Bedworth compared to its neighbouring authorities." In 2013 there were 1,592 people per square kilometre in Nun/Bed compared to Rugby at just over 200, North Warwickshire at just under 200 and Warwick who scored second highest at 491. This is maybe why are roads are blocked and services stretched, not to mention the pollution that it must be causing. May I say this should have been the council's main argument when it came to housing numbers but sadly they seem to have missed the bus big time and gone for the 14,000 which tonight should be ripped up and started again and certainly not sent to the inspectorate?

I will end by asking that this council do not rescind minutes 307 and 527 and stick to their word and return Bedworth Woodlands to the Greenbelt where it belongs. If not, Councillors Danny Aldington and Tony Lloyd must resign from this council for misleading the electorate of Slough ward with their famous leaflet which reads "Labour has a proven history of protecting the Woodlands. It remains council policy to protect it and as your Labour councillors we have NO intention of changing our policy as long as we are in power." So come on Councillor Aldington and Lloyd. Stick to your promises.

Cabinet Member for Planning and Development did not wish to reply to this statement.

Peter Gilbert asked the following question:

I would like to ask and urge the borough council cabinet to see reason and not allow a borough plan to become council policy that demands a massive industrial estate behind Goodyers End School and heavy industrial traffic making traffic and road safety issues significantly worse on Bowling Green Lane and Goodyers End Lane.

Cabinet Member for Planning and Development responded as follows:

The Borough Plan is at the stage of submission to the Planning Inspectorate for independent examination. At this stage the Plan will be examined by an Inspector all the objections and comments received during the recent consultation period will be forwarded to the Planning Inspectorate who will consider them all. Where an Inspector highlights issues that he considers are the main issues he will arrange for hearings to be held for interested bodies to attend and to put their concerns directly to them after which he will consider them and complete a report which will be forwarded to the Council for consideration.

Michele Kondakor made the following statement:

I just wanted to make a statement, I really want to urge this Council not to take the current draft version of the Borough Plan forward to the Planning Inspector. The Infrastructure Delivery Plan does not cope with what is being proposed, the air quality documents that have been put in there does not tie up with the amount of traffic we would have already not alone what we would have if this goes ahead. On the draft it says that the CCG commented on every housing allocation and that it did not include adequate primary medical care and there is nothing in the Infrastructure Delivery Plan that indicates this is going to be achieved. So I would urge you to go back to the drawing board and rejig everything so that we have something that could actually be approved

Cabinet Member for Planning and Development did not wish to reply.

Bhagwant Pandaher asked the following question:

I am calling on the leading Labour group on the borough council to consider the unnecessary use of green belt on School Lane before they made their decision on sending the borough plan off for submission. Will the labour borough council please reconsider their original decision and vote against the adoption of a Borough Plan? That will deplete Exhall's green belt, increase traffic and congestion on school lane and Coventry road and significantly damage the environment and air quality for Exhall residents?

Cabinet Member for Planning and Development responded as follows:

The Borough Plan is at the stage of submission to the Planning Inspectorate for independent examination. At this stage the Plan will be examined by an Inspector and all the objections and comments received during the recent consultation period will be forwarded to the Planning Inspectorate who will consider them all. Where an Inspector highlights issues that he/she considers are the main issues he/she will arrange for hearings to be held for interested bodies to attend and to put their concerns directly to them after which he will consider them and complete a report which will be forwarded to the Council for consideration. Whether or not the Plan is approved for submission to this independent examination is a matter for Full Council, not just the ruling group.

Mark Sullivan asked the following question:

The Report to Cabinet and Full Council does not provide any explanation for why the housing requirement for the Borough is set at 13,374 houses (2011-2031) in the latest Borough Plan published in January 2017 and not 6,560 for that period. It does not explain why the alternative calculation of a requirement of 6,560 for the Plan Period made and submitted by Cllr K A Kondakor has not been accepted and used in preparing the housing policies of the Plan. Can the Portfolio Holder responsible for the Local Plan prepare and publish a detailed statement that analyses the two alternative housing requirement figures for the Borough for the Plan Period and explain why the calculations by Cllr Kondakor has not been used to prepare the Plan?

Cabinet Member for Planning and Development responded as follows:

The Borough Plan document includes within it a section on the overall development needs of the Borough .This includes full explanations of the housing and employment needs for Nuneaton and Bedworth Borough between 2011 and 2031 and it was not considered necessary for the whole of this section to be reproduced in the Cabinet and Committee report. The methodology for agreeing housing numbers has been drawn up with the other authorities in Warwickshire and Coventry City Council and forms part of the Duty to Cooperate. This methodology has been accepted by the independent inspectors examining the other Local plans most recently those prepared by Coventry City Council and Warwick District Council. I am aware that Councillor Kondakor has made representations to the Borough Plan, these comments will be forwarded to the Planning Inspectorate at the same time as the plan is submitted. If the Inspector considers this is a main issue to be discussed at a Hearing he will be invited to put his thoughts and evidence before the Inspector.

I would also add that the Council has properly trained, professionally qualified, experts in the field of Planning and Development. Councillor Kondakor, to my knowledge, is not.

Kate Coyle made the following statement:

This evening I would like to concentrate on the Bedworth part of Nuneaton and Bedworth. It is good to know the Borough Plan submission to the Inspector is at last being voted on tonight. It appears that much work has been done by the Council on this plan but not so much on communicating the Plan to the public either verbally or in the written composition of the Plan. The responses to the plan has underlined how difficult the methodology used, to come to the number of houses proposed, sits with the number of jobs available to people who may want to come and live in Nuneaton and Bedworth but work elsewhere, most of these jobs will not be well paid/full time jobs but will be part time/low paid jobs. So far the jobs that Nuneaton and Bedworth may have thought would come from Friargate in Coventry for example have not materialised. The failure of this 100million pound project resulted in the loss of 15,000 jobs and the Royal Institute of Chartered Surveyors withdrawing because of the high rates and other unresolved issues such as the length of time in discussion and the slow build process. Expensive rates and leases also deter companies and, as in the past, this plan with no investment planned for the future centre of Bedworth or its residents. There is no money for refurbishment or infrastructure. Bedworth has been neglected over the years and again in this plan, the only thing this Plan seems fit to do is to use our little bit of Greenbelt for industrial, residential and traveller sites, it is a travesty to say the least. However if the Inspector can see something in the plan to disagree with this then maybe there is hope yet for Bedworth, as up to now the Local Enterprise Partnership has also not assisted or helped NBBC with Investments in Bedworth, so the Borough Plan will do nothing to help stem the demise of Bedworth. So those voting tonight I urge you to remember there is a Bedworth as well as a Nuneaton in this Borough and consider this before you cast your vote to pass or not as the case may be this Borough Plan.

Cabinet Member for Planning and Development did not wish to reply.

#### CL14 **Borough Plan Submission**

In accordance with Procedure Rule Part 4A, Paragraph 3.1(iii) of the Council's Constitution, the Monitoring Officer has requested the calling of an Extraordinary Meeting to consider representations made following consultation on the draft publication version of the Borough Plan. The purpose of the meeting is to consider the representations received and to decide whether or not to submit the Plan to the Secretary of State for independent examination.

Councillor Aldington moved that the recommendations made from the Cabinet meeting held 24<sup>th</sup> May, 2017 prior to this Extraordinary Council be accepted. This was seconded by Councillor Harvey.

A recorded vote was taken on the Borough Plan Submission as follows:

For:

Councillors D. Aldington, J. D. Beaumont, C. Bennett R.G. Copland, G. Daffern, P.M. Elliott, J. Glass, W.J. Hancox, D. Harvey, A.A. Lloyd, I.K. Lloyd, C.S. Phillips, N.J.P. Phillips, G.D. Pomfrett, M. Pomfrett, J.A. Tandy and C.M. Watkins.

Against:

Councillors I.C. Bonner, K. Brindley, D.A Gissane, C. Golby, S. Gran, K.A. Kondakor, R.T. Smith and R. Tromans.

Abstention: None

**RESOLVED** that

- a) the Borough Plan together with the Sustainability Report, Habitat assessment and Housing and Employment evidence be approved for submission to the Secretary of State for Independent Public Examination;
- b) the Director of Regeneration and Public Protection and the Acting Head of Planning Policy and Economic development be given delegated authority to make any necessary amendments to the documents referred to in 2.1 of the report ((a) above) and to prepare and to submit other supporting technical documents in discussion with the Portfolio Holder for Planning and Development and suggest modifications when requested by the Planning Inspector during the examination;
- c) that the Council requests the Inspector to recommend modifications to the submitted Borough Plan to the Council in the event that the Inspector considers that such modifications would be necessary to make the submitted plan sound;
- d) minutes 307 of the 3rd December 2008 and 527 of the 18th April 2012 of Council be rescinded for the reasons set out in the report;

- e) the 3 ordinary petitions referred to in the report be accepted and forwarded to the Planning Inspectorate for consideration;
- f) the Council will give serious consideration to the use of its compulsory Purchase powers in respect of any potential withdrawal of allocated land that was put forward for development as part of the “call for sites” where this could undermine the Council’s ability to meet the delivery of the objectives of the plan and Objectively Assessed Housing Need or employment land needs;
- g) the Council continues to work in effective cooperation with other local authorities to identify how the remaining shortfall in provision to meet the Objectively Assessed Housing Need for the Housing Market Area can be jointly resolved; and
- h) the report be marked not for call in by reason of urgency on the grounds that the recommendations will be considered by Council immediately after this meeting.

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Mayor

## Council - Schedule of Declarations of Interests

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	D. Gissane		Member of Warwickshire County Council	
	C. Golby		Member of Warwickshire County Council	
	S. Gran		Member of Warwickshire County Council	
	D. Harvey		Director on the Pride of Camphill Board	
	D. Harvey		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak & vote

	J.A Jackson	Any matter relating to the Employment policies and procedures of Nuneaton & Bedworth Borough Council or SLM Community Leisure (by reason of her husband's employment with Nuneaton and Bedworth Borough Council and Sport and Leisure Management)		Dispensation to speak and vote on matters that do not relate specifically to her husband's contract of employment or the service unit in which he is employed.
	J.A. Jackson		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote
	K.A. Kondakor		Member of Warwickshire County Council	
	A.A Lloyd		Governor of George Eliot hospital	
	A.A Lloyd		Representative on the Hospice Charity	
	B.J. Longden		Daughter and son-in-law work in the NHS	
	S. Margrave		A Director with Orbit Group Ltd	
	S. Margrave		Doctoral Researcher with Worcester Business School	
	S. Margrave		Member of the General Synod of the Church of England	

	C.S Phillips		Member of Warwickshire County Council	
	G. Pomfrett		Warwickshire Police and Crime Panel	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	
	J. Sheppard		Director of Wembrook Community Centre.	
	J.A. Tandy		Partnership member of the Hill Top and Caldwell Big Local.	
	K.D Wilson		Non Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak and vote
	K.D Wilson	Employee of the courts service		