

 <p>Nuneaton & Bedworth United to Achieve</p>	<p>Borough Plan Main Modifications Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

Borough Plan Main Modifications

Please return to Nuneaton and Bedworth Borough Council by 7th November 2018 via:

Email: planning.policy@nuneatonandbedworth.gov.uk

Post: Planning Policy Consultation, Town Hall, Coton Road, NUNEATON, CV11 5AA

This form has 2 parts:

Part A – Personal details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

	1. Personal details*	2. Agent's details (if applicable)
Title	Mrs	Mr
First name	Kay	Rhys
Last name	Williams	Bradshaw
Job title (where applicable)		Planning Consultant
Organisation (where applicable)		Howkins & Harrison
House number		
Street		
Town		
Post code		
Telephone		

number		
Email address		

3. Which of the following age brackets do you fall within?

Up to 15	
16-19	
20-29	
30-39	
40-49	
50-59	
60-69	
70-79	
80+	

Part B – Please use a separate sheet for each representation

4. Howkins & Harrison LLP	
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5. To which main modification does this representation relate?

MMC reference	MM83
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6. Do you consider the Borough Plan is:

6.(1) Legally compliant

Yes	
No	X

6.(2) Sound

Yes	
No	X

Please mark with an 'X' as appropriate

7. Please give details of why you consider the main modifications are not legally compliant or are unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the main modifications, please also use this box to set out your comments.

Proposed Main Modification MM83 – Policy HSG8 West of Bulkington inserts the following text:
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"25. The northern parcel will require a strategic green edge to the north of the boundary to provide a defensible boundary. This area should include open space and the proposed allotments."

We are of the opinion that this modification is not legally compliant in that it prevents a legal right of access across the site to the land to the north. It is not sound in that it sterilises my client's land to the north. The owners of the land covered by Policy HSG8 are legally obliged to provide a vehicular access to the land to the north (highlighted in green on the attached plan). Our concern is twofold in that, in the short to medium term at least, my client requires continued access to the land for farming purposes. In the long term, a strategic green edge would preclude any form of future development to the north of this allocation.

We are firmly of the view that the established mature hedgerow to the north of my client's land already acts as a natural green edge to the land beyond. Good design principles indicate that open space should be centrally located where the site allows. This does not preclude an element of open space on the northern edge but a defensible boundary would make both unfettered access and future expansion incredibly difficult.

Please find attached to this form evidence of the legal requirement to maintain access to the land to the north.

8. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified at 5 above where this relates to soundness. You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Rather than point 25 as suggested by MM83, we consider that Policy HSG8 should be amended so that existing point 18 reads:

18. Creation of hedgerow with hedgerow trees along northern, western and southern boundary (to be maintained as a Green Belt defensible boundary). The hedgerow to the new northern boundary must include vehicular access so as to allow the continued agricultural use of the land beyond.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

9.

Signature: (If you are filling in an electronic copy, please just type your name)	R Bradshaw
Date:	07/11/18

Guidance notes for Representation Form

1. Introduction

1.1 The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements and is sound. The publication of the Schedule of Proposed Main Modifications to the Borough Plan Publication (2017) document is a formal stage in the Examination process. Representations should relate specifically to the legal compliance and soundness of the proposed main modifications. The Council has prepared a schedule setting out the proposed Main Modifications it considers necessary in order for the Borough Plan to be found sound. This document, along with an updated Sustainability Appraisal Report and Habitats Regulations Assessment have now been published for public consultation, alongside other updated documents that helped inform the modifications.

2. Legal Compliance

2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) of the PCPA before moving on to test for soundness.

2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
 - The plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF, 2012). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at the main modifications stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases, the group should indicate how many people it is representing and how the representation has been authorised.