 <p><b>Nuneaton &amp; Bedworth</b> United to Achieve</p>	<p><b>Borough Plan</b> Main Modifications Representation Form</p>	<p>Ref: 4015</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
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Please return to Nuneaton and Bedworth Borough Council by 7<sup>th</sup> November 2018 via:

Email: [planning.policy@nuneatonandbedworth.gov.uk](mailto: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	* If an agent is appointed, only the Title, Name and Organisation boxes in section 1. are required. Agent details should be completed in section 2. MRS	
First name	ELIZABETH	
Last name	CLEMENTS	
Job title (where applicable)		
Organisation (where applicable)		
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. Name or Organisation	
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5. To which main modification does this representation relate?

MMC reference	MM66 (Policy HSG4 – Woodlands)
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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.

<p>I wish to raise major concerns with main modification MM66, in particular the creation of "a new access from the site to Newtown Road".</p> <p>Firstly, this new road would run through the well-preserved ridge and furrow on the Woodlands site. This ridge and furrow is some of the best-preserved of its kind Warwickshire. The ECUS (Environmental Consultants) NBBC Borough Plan Heritage Assessment (2016) states on Page 65 "Areas of well-preserved ridge and furrow should be retained through careful siting of green space within the strategic site. Where possible field boundaries should be retained through their incorporation into green spaces and corridors".</p>
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This comes from the Councils own evidence base. This is emphasised further: *“the ridge and furrow in this location which has medium heritage significance...”* and that developing this site is *“regrettable”*.

On the 29<sup>th</sup> May the independent Government Inspector issued this quote as part of his advice notes to the Borough Council. In this, Mr Spencer states *“The ECUS report ascribes these features medium heritage significance and paragraph 7.5.1 of the main ECUS report recommends that they should be retained (my emphasis)”*, and further states *“I will expect to see the proposed main modifications address this matter in terms of the re-write of paragraphs 6.64 and 6.65 of the Plan and a clarification of any harm to non-designated heritage assets in light of criterion 19 of the Policy and paragraph 6.66 of the Plan”*.

The Council clearly have not addressed this in the main modifications, and on these grounds, HSG4 Woodlands should be deleted from the Borough Plan with immediate effect due to the inability to access to grant the site road access to the A444 without breaking Borough Council policy.

Under the Highways Act 1980, there must be a Highway Order if this site were to be considered for inclusion. This is because major roads would have to be closed for these works to take place (in this case the exit slip road from the A444, Woodlands Road and Newtown Road). This plan must therefore have to be dealt with at a Public Inquiry, as confirmed by the portfolio holder who covers the Highways Department at Warwickshire County Council. If during this Public Inquiry the Inspector was to rule against this new transport access route, then this would put the whole housing allocation for Policy HSG4 Woodlands into question, as no more than 170 dwellings (Source: HSG4 Woodlands Assessment, 16<sup>th</sup> April 2018) can be built on the Woodlands, with no new highways provisions to link the site to the A444.

This proposed road bypass the Local GP Surgery and the local Newsagent and necessitate the current link between Newtown Road and Woodlands Road being closed off entirely. This is concerning because of the amount of road and foot traffic from nearby areas such as Croft Pool. With a busy arterial road in place, the proposed infrastructure represents a great risk to the many pedestrians who access the shop, and who would need to cross the road to get there. This is a really serious issue. The road would become a danger to residents, it really would create significant harm. As mentioned above, in order for all parties and stakeholders to assess the real harm this road would cause on the local community, there needs to be Public Hearings under the Highway Act 1980.

Finally, I would like to highlight discrepancies within the costings for this project. These can be found in the ‘Budget Cost Estimates’, found within HSG4 Woodlands Assessment, 16<sup>th</sup> April 2018. The project is estimated to cost £2,622,994.50. However, a previous estimate, circa 2009, for the cost of a slip road accessing the A444 from the north of Newtown Road, without a traffic island or arterial road being included was estimated to cost closer to £4,000,000.

The breakdown also includes no estimates for any statutory diversions, any safety audits that might be required or mitigation against poor ground conditions, which due to the tendency of the area where the road is proposed to flood would be needed. The report also says that no costs are allowed for full attenuation because of new areas of carriageway being minimal. This is despite almost the entirety of the new road, island and slip road being new carriageway.

Due to the proposed width of the road infrastructure, compulsory purchasing of land belonging to households from numbers 17-21 Woodlands Road would unequivocally be required, which is not

considered in the budget cost estimates. Due to the points raised above, it is likely that the finished road infrastructure would cost beyond £2.6 million to complete.

In addition, I would like to draw attention to the recent Local Plan examination hearings, where in front of Mr Spencer; one of the promoters of the development, Arbury Estates, stated unequivocally that they would not be willing to contribute anything towards a highway project of this scale. In fact, I recall the representative from Arbury Estates saying the Estate would submit a separate Planning Application if faced with this possibility, so they would not have to contribute anything towards Highway/ Traffic projects. If promoters of the site are not willing to contribute financially, then the site is not viable or sustainable.

Finally, I would like to point out that neither NBBC or WCC Highways informed us as residents about the proposed new road. The NPPF clearly states that residents need adequate Consultation on matters like this. As such its only right that we have Public Hearings about this new road, under the Highways Act 1980.

(Continue on a separate sheet / expand box if necessary)

**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 7 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.

For the Borough Plan to be legally complaint and sound, policy HSG4 Woodlands needs to be removed from the Borough Plan with immediate effect, because the new transport access route is financially undeliverable and in-opposition to Borough Council policy and the inspector's emphasis on ridge and furrow land being maintained.

Without this direct access to the A444, the County Council has said within the modelling support they supplied:

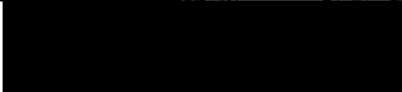
*"HSG4, at the level of proposed development (i.e. 689 dwellings), cannot be accommodated without a direct access to the A444 when assuming no additional strategic highway infrastructure (over and above that presented in the IDP) is included."*

(Continue on a separate sheet / expand box if necessary)

**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)	
Date:	15/11/18

# 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.