

## Anca Seaton

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**From:** Dan Whitney <[REDACTED]>  
**Sent:** 16 October 2023 16:46  
**To:** Planning Policy  
**Cc:** Martin Pollard  
**Subject:** Borough Plan Review - Regulation 19 consultation  
**Attachments:** Representation\_Form\_A\_\_Personal\_details.pdf;  
Representation\_Form\_B\_\_Your\_representation\_s.pdf

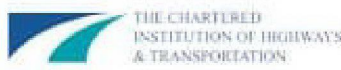
**Categories:** Processed

Good afternoon

Find attached our representations to the Borough Plan Review (Reg 19 consultation) submitted on behalf of our client, FCC Environment UK Ltd.

Please could you confirm receipt of these documents.

Regards  
**Dan Whitney**  
Senior Planner




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Regards  
**Dan Whitney**  
Senior Planner



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 <p><b>Nuneaton &amp; Bedworth</b> United to Achieve</p>	<p><b>Borough Plan Review</b> Publication Stage 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 Review Publication Stage

**Please return to Nuneaton and Bedworth Borough Council by 16<sup>th</sup> October 2023 via:**

**Email: [planning.policy@nuneatonandbedworth.gov.uk](mailto:planning.policy@nuneatonandbedworth.gov.uk)**

**Post: Planning Policy, Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, NUNEATON, CV11 5AA**

This form has two 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

	<b>1. Personal details*</b> * If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.	<b>2. Agent's details (if applicable)</b>
Title	<b>Mr</b>	<b>Mr</b>
First name	<b>Matthew</b>	<b>Dan</b>
Last name	<b>Hayes</b>	<b>Whitney</b>
Job title (where relevant)		<b>Senior Planning Consultant</b>
Organisation (where relevant)	<b>FCC Environment UK Ltd</b>	<b>Axis</b>
House no. and street		<b>Camelia House, 76 Water Lane</b>
Town		<b>Wilmslow</b>
Postcode		<b>SK9 5BB</b>
Telephone number		
Email address (where relevant)		

## Part B – Please use a separate sheet for each representation

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Name or Organisation:

3. To which part of the Borough Plan does this representation relate?

Paragraph	7.13 / 7.53 / 7.59 / 7.60 / 7.61 / 7.62 / 12.21 / 12.39
Policy	DS3 / DS4 / SA1 / SHA3 / NE3
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

See our comments on each individual policy / paragraph.

Please refer to the consultation response provided at the end of this form

.

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

6. 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 in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). 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.

Please refer to the consultation response provided at the end of this form.

(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/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication 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.**

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

<b>No</b> , I do not wish to participate at the oral examination	
<b>Yes</b> , I wish to participate at the oral examination	X

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Our client is promoting one of the proposed Strategic Allocations in the emerging development plan and would like the opportunity to discuss the matters raised in more detail.

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**Please note** the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	

## NUNEATON AND BEDWORTH BOROUGH PLAN REVIEW – PUBLICATION DRAFT PLAN – REGULATION 19 CONSULTATION RESPONSE

### Representations on Behalf of FCC Environment

This representation has been prepared on behalf of FCC Environment as part of their engagement on the Publication Draft Plan Regulation 19 Consultation.

We hope that these representations are taken in the spirit they are made. The intention is to assist the Council in the preparation of a robust plan that is resistant to challenge and to support the continued allocation of land at the former Judkins Quarry (referred to as Land at Tuttle Hill in the Draft Plan).

### *Strategic Policy DS3 – Overall Development Needs*

Paragraph 60 of the NPPF refers to the Government’s objective of significantly boosting the supply of homes.

Paragraph 61 of the NPPF states:

“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. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for” (emphasis added).

Further guidance is contained within the Planning Practice Guidance (PPG). Paragraph 2a-010 of the PPG answers the question: “When might it be appropriate to plan for a higher housing need figure than the standard method indicates?” as follows:

“The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.

This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan). Circumstances where this may be appropriate include, but are not limited to situations where increases in housing need are likely to exceed past trends because of:

- growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);
- strategic infrastructure improvements that are likely to drive an increase in the homes needed locally;
- or an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.

There may, occasionally, also be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently-produced Strategic Housing Market Assessment) are significantly greater than the outcome from the standard method. Authorities are encouraged to make as much use as possible of previously-developed or brownfield land, and therefore cities and urban centres, not only those subject to the cities and urban centres uplift may strive to plan for more home. Authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests.”

The consultation draft plan explains that the local housing need is 442 dwellings per annum.

However, the Council recognises that there are circumstances which mean that the housing requirement should be higher than the local housing need. This is essentially set out in the latest report “towards our Housing Requirement” as referred to in para 6.21 of the consultation draft.

Paragraph 6.22 then explains that a planned economic growth scenario has led to the proposed requirement of 545 dwellings per annum. This approach accords with para 61 of the Framework and para 2a-010 of the PPG.

However, the Council should also consider the final section of para 2a-010 of the PPG which explains that where previous assessments such as a recently produced SHMA have led to a higher figure. In Nuneaton, the current adopted housing requirement (and the allocations to meet that requirement) is set out in the current plan.

Policy DS4 of the current Borough Plan sets out that 14,060 dwellings will be delivered between 2011 – 2031. The housing requirement is stepped as follows:

- 2011 – 2018: 502dpa; and
- 2018 – 2031: 812dpa

The housing requirement of 812 dwellings per annum is significantly greater than the local housing need and the proposed housing requirement set out in the Borough Plan Review. On this basis, and with reference to para 2a-010 of the PPG the housing requirement of 812 dwellings per annum should be retained.

In terms of 5YHLS, the Council should be clear whether it is seeking to have its 5YHLS confirmed through the Local Plan as per para 75 of the NPPF / para 68-010 of the PPG.

But in any event, we would expect to see “clear evidence” for the inclusion of category b) sites in the deliverable supply as required by the definition of “deliverable” on page 67 of the NPPF.

### ***Strategic Policy DS4 – Residential Allocations***

We support the allocation of 'Land at Tuttle Hill' as one of the strategic housing allocations within Nuneaton and Bedworth – reference SHA3. It is considered that the site's allocation would contribute towards the soundness of the Local Plan given its clear compliance with the Plan's overarching strategy and objectives and its consistency with national policy, specifically:

- It would materially contribute to the achievement of objectively assessed housing needs.
- It would comply with the proposed settlement hierarchy and spatial strategy set out in Policy DS2 which prioritises development in Nuneaton – noting that the site features in every housing Strategy Option Considered by the Council and assessed within the Sustainability Appraisal.
- It is on a brownfield site, the development of which is explicitly supported by Policy DS1 and DS2 and Section 11 of the NPPF – Effective Use of Land. Particularly Paragraph 119 which states: “.....*Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land*”.
- The site is the only strategic scale brownfield site that has been put forward for allocation within the emerging Local Plan, with all other proposals on greenfield sites. Noting that Nuneaton and Bedworth Council have adopted a 'brownfield first' approach to make maximum use of underused or vacant sites within the urban areas. There is also currently significant government support for the delivery of brownfield development with the government committing funds to enable the delivery of brownfield development across the UK.
- The site is in a sustainable location within easy reach of existing services and amenities.

Whilst supporting the Allocation, we do have specific concerns regarding the current drafting of Policy SHA3 and the Sustainability Appraisal that has been carried out in support of the allocation. The latter contains inaccuracies, a lack of overall clarity in terms of how it has been prepared and scored in addition to a lack of any formal conclusions on the assessment of individual sites.

### ***Policy SA1 – Development Principles on Strategic Sites***

#### ***Criterion 1***

This requires development to comply with various standards / requirements, including 95% of new homes to be Part M4(2) Building Regulation compliant and 5% to be Part M4(3) Building Regulation compliant.

Firstly, it is noted in the Viability Assessment that the requirement for 5% of homes to meet M4(3) compliant exceeds national policy expectations and that it has an impact on viability. We therefore do not consider that this should be included within the policy.

The requirement in relation to both Part M4(2) and M4(3) is also inconsistent with Policy H5 which explicitly states that it is not necessary where robust justification is presented



as to why these types of dwellings would be unviable or physically impossible. This should also be more explicit within Policy SA1.

### **Criterion 7**

The wording of Criterion 7 has been amended from the previous version, removing the requirement for 'designated' local wildlife sites (LWS) to be surveyed for their ecological importance and stating that such sites "will be protected".

The wording means that only 'potential' LWS are required to be surveyed. However, we strongly consider that the policy should continue to require designated LWS to be surveyed for their importance. A blanket protection of LWSs is clearly inconsistent with the proposed allocation of SHA3 which includes a section of an LWS.

Not all LWS are of equal value, and some do not include biodiversity features that would justify their continued designated. The protection of LWS should be based upon up-to-date ecological information and seek to ensure that features are conserved, enhanced and created. There should, however, not be unconditional protection of LWS where it can clearly be evidenced that they no longer qualify for designation. This approach would accord with the NPPF which sets out that a Development Plan should distinguish between the hierarchy of designated sites and protect / enhance sites of biodiversity value in a manner commensurate with their statutory status. A LWS is a local designation which is afforded limited weight and protection.

We also consider that the wording should require the addressing of the outcome of any survey associated with the ecological importance of a LWS or part thereof. This is particularly if the survey reveals that the value of the site / part of the site included within, or potentially affected by, a strategic allocation, is below the thresholds for acceptance as a LWS and does not contain the features / species that led to its designation.

It is recommended that criterion 7 reverts back to its previous revision and is modified to read as follows (or similar):

**7. Designated and** potential local wildlife sites within or affecting the site will be surveyed for their ecological importance ~~while designated local wildlife sites will be protected.~~ **The results of the survey will inform an assessment of the impact on or loss of the local wildlife site and any associated mitigation measures.**

### **Criterion 16**

Criterion 16 asks for strategic developments to comply with the relevant Concept Plan SPD and Design Code. However, as pointed out in our previous representations on the Preferred Options consultation, these plans do not form part of the consultation in the context of the emerging Local Plan, and they should be if they are to be relied upon. In addition, many of the adopted SPD's / Design Codes no longer reflect the proposed allocations. For example, the site area associated with SHA3 differs significantly to the area allocated in HSG11 (it now includes land to the east and west of the Coventry Canal). Consequently, the HGS11 SPD no longer properly reflects the allocated area.

If reliance is to be placed upon the SPD's and Design Codes, it will be necessary for them to be updated (where required) and for them to be the subject of wider public consultation as part of the Local Plan evidence base.

### ***Final Paragraph - Viability***

We welcome acknowledgement in the final paragraph of the policy wording that independent financial viability assessment can be submitted where any element of the policy or those in the site-specific policies are deemed unviable. However, it should also refer to any other policy relevant to the strategic allocations, including the Affordable Housing Policy H2.

It would be very difficult for development proposals to meet all the criterion in Policy SA1, and the individual policy requirements set out in the site-specific policies, whilst maintaining their viability and deliverability. Such flexibility will be particularly important when considering the brownfield sites that are being put forward for allocation in the plan, particularly strategic sites like SHA3.

### ***Movement and highway access, including wider road improvements***

#### ***Paragraph 7.13***

Paragraph 7.13 of the supporting text to policy SA1 states:

*“The Strategic Transport Assessment (2023), prepared by Warwickshire County Council, is a document which considers the potential impacts of all proposed strategic housing and employment allocations within the borough until 2039. This assessment sets out a number of strategic road improvements for each of the strategic allocations and/or the local area.”*

An updated version of the Strategic Transport Assessment (STA) was published in May 2023. This assessed the proposed site allocations for 2031 interim and 2039 end of plan years, to identify and define a phased set of infrastructure measures required through the life of the plan to facilitate growth in traffic on the transport network. The assessment supports the introduction of all of the proposed site allocations, including SHA3, subject to the delivery of the proposed mitigation measures outlined.

In relation to SHA3 and the wider Judkins Quarry site, the sensitivity test concludes that the traffic generated by 450 homes and 3.7ha of employment land could be accommodated on the local network without the need for any additional mitigation measures (beyond those already proposed the allocation). While the results of the assessment are positive and welcomed, we will continue to carry out more detailed appraisals and reviews with WCC Highways in relation to the proposed development at SHA3.

### ***Policy SHA3 – Tuttle Hill***

The proposed allocation of this site is unreservedly supported. It would clearly comply with the overarching approach to the distribution of strategic development sites within the Development Plan, particularly the objective of bringing forward sites in sustainable locations in the main settlements and the promotion of brownfield land over greenfield and land within the Green Belt.

### ***Viability***

In terms of Policy SHA3 the key development principles requires the developer / promoter to pay several different financial contributions in connection with the site's redevelopment. In addition to this, it also requires a series of infrastructure requirements including:

- a new bridge across the Coventry Canal,
- the creation of direct access between the site and the canal towpath,
- provision of a new access onto Tuttle Hill,
- improvements to the existing access off Tuttle Hill
- enhanced accessibility and the structural condition of heritage assets along Coventry Canal,
- Enhancements to canal towpath.

This is alongside the need to meet other policy requirements within the emerging Local Plan including, but not limited to, 25% affordable housing, open space (in accordance with the Open Space SPD) and climate change interventions.

FCC Environment have been contemplating development of this site for some time and have a good understanding of what is required to bring forward development on the site.

The main issue associated with the site, which is common to most large brownfield development sites, is that there is a number of abnormal works and costs necessary in order to make the site suitable for development. When the cost of the abnormal works is added to the above-mentioned policy requirements, it raises issues regarding the site's viability, when considered in the context of a viability assessment.

FCC Environment have carried out some initial viability assessments in relation to the sites redevelopment and remain confident that a viable residential development can be brought forward on the site. The company are keen to work with the Council to assess the viability of the site and to ensure that the policy wording has the flexibility that is needed to secure its delivery.

In this regard, we do note the wording on viability that is included in the final paragraph of Policy SA1 and this is welcomed. We consider that the wording should be retained by in the event that circumstances change, or further matters arise that could affect viability of a strategic sites. However, that should not preclude viability testing to support the allocation of strategic sites and the formation of policies.

### ***Key Development Principles***

Within Criterion 1, reference to the number of dwellings to be provided has changed from "at least 400" to "at least 350". This change will ensure that there is adequate flexibility in relation to the number of dwellings.

A total of 11 out of the 14 proposed “key development principles” set out the requirement for different financial contributions that should be made towards various services, facilities or infrastructure. We would question if these are actually “key development principles” and whether they should therefore be listed out within the policy. Any contributions would in any case be drawn out during the planning application process. As it stands, they are not compatible with the development of a brownfield site where there are abnormal works and costs which need to be accounted for within a Viability Assessment. This should be rectified by providing a more general comment on the need for contributions subject to financial viability in line with the final paragraph of Policy S1.

A Viability Assessment produced by Dixon Searle has been published (August 2023), including a review of site allocation proposals. Paragraph 3.3.13 states that “overall, our findings are that this element of review indicates as per both the emerging findings and full typologies review discussed, with development considered able to continue to come forward viably based on the BPR proposals”. We will be undertaking our own viability assessment to accompany the planning application. This would be more detailed than the Dixon Searle assessment and the requirement for 25% affordable housing and any S106 contributions are subject to this viability assessment and subsequent discussions with the local authority. However, we would reiterate that the proposed development will be viable.

The 6th principle refers to segregation between proposed and existing uses. However, there will be no provision for a dedicated access for the landfill / Household Waste Recycling Centre, therefore we suggest amending the wording to:

6. Provision of one or more new access points onto Tuttle Hill, as well as improvements to the existing access in order to ~~provide segregation between~~ **encourage the segregation of** proposed and existing uses.

### ***Form of Development***

There continues to be some contradictions in the policy criterion provided under the heading ‘form of development’ and the approach that is being advocated in connection with the Coventry Canal. On the one hand, the policy wording seeks to ensure that:

- the Coventry Canal is a key reference and focal point to the development,
- better public access is provided to the Canal, with direct access between the site and the canal towpath
- there is better interpretation of the Canal from within the site;
- housing directly addresses the Canal.

However, it also seeks to retain and enhance the wooded character of Coventry Canal and green infrastructure along the Canal.

These requirements appear contradictory, for example you can’t better interpret the canal or direct houses towards the canal if all you can see is dense woodland planting along its boundaries. Some further thought is needed as to how these requirements are framed.

The form of development also states that the development should:

*“Retain views towards the man-made mound (Mount Judd) as a feature and landmark within the landscape.”*

Whilst it is acknowledged that Mount Judd is a local landmark, it is not conferred any formal heritage or landscape status, nor does it have any features that make it particularly attractive or distinctive. In addition, views towards Mt Judd would also encompass the former quarry and operational landfill. With this in mind, it is questionable whether views should be directed towards Mt Judd, particularly when there is already an imperative of the policy to make the Coventry Canal the focal point of future development. In addition, a significant proportion of the site will not have direct views of Mt. Judd in any case.

On a related note, FCC are concerned that by making Mt Judd a focal point of the development it may encourage unauthorised access. Mt Judd is currently not open to the public but is the subject of frequent trespass, which is dangerous given the steep slopes.

Within development principle 20, the word “possible” should be changed to “practicable”.

### **Paragraph 7.53**

This paragraph refers to the part of the site designated as a LWS, stating that it supports a number of valuable habitats and species and great crested newts.

Firstly, it should be noted that only less than 7% of the LWS would be permanently lost as a result of the development. Secondly, following detailed ecological assessment work, it has been established that this part of the LWS does not include the biodiversity features that would justify its continued designation. There are habitats bordering the LWS but these are proposed to be protected.

Finally, the status of the LWS no longer reflects the actual status of the designated site. There has been a notable deterioration in the part of the LWS that is included within SHA3 which has been verified through ecological assessments carried out over the last 5 years. The deterioration in that part of the LWS means that it no longer contains the specific features and characteristics that led to its designation in 2015.

As part of the development proposals, FCC will include significant ecological mitigation and enhancement, both within the site and its wider landholding, along with public open space provision.

Reference to commercial matters is not relevant to the site’s allocation and we would suggest the following changes to the wording of Paragraph 7.55.

*“The site is understood to be in two ownerships, **and the landowners have an agreement but the landowners see the value in working together** to bring the site forward in a comprehensive and integrated manner. ~~It is essential that landowners come to a voluntary agreement based on sharing the cost of off-site and on-site infrastructure requirements~~”*

### **Canal improvements**

### **Paragraph 7.59**

Improvements can only be made to the Canal and the land under the control of the Canal and Rivers Trust (CRT) with their agreement. Whilst there have been positive discussions with the CRT regarding the redevelopment of the allocated site, we suggest the wording of Paragraph 7.59 should be amended to reflect the fact that FCC Environment do not have control over the canal corridor. The suggested changes to the wording are set out below.

*~~The d~~ Development of the site ~~will take the~~ **should seek to** improve the setting of the canal, **and explore opportunities** ~~including for~~ better public access and interpretation. The canal offers the opportunity to become part of green infrastructure for the strategic site and a sustainable transport route with an existing towpath, which ~~cs~~ should be upgraded to encourage access.*

## ***Flooding***

### ***Paragraph 7.60***

The flood risk assessment carried out in support of the existing planning application for redevelopment of the site concluded that the Canal can be discounted as a potential source of flood risk for the site. Consequently, there is no risk of canal flooding or the need for a specific investigation in this regard.

### ***Paragraph 7.61***

It is stated that the SFRA Level 2 concluded that both Sequential and Exception Tests are required for this site. These should however not be required given the location of the site within Flood Zone 1 and the very low risk of surface water flooding. The SFRA map for the 0.1% surface water flood extent (the most extreme event considered) only shows minor pockets of surface water flooding in isolated low points on site (as would be found on most large sites). These low points would be removed as part of the development and the associated risk removed. We are preparing a detailed surface water drainage assessment to support these conclusions and are happy to engage with further discussions on this.

## ***Future Development Potential***

### ***Paragraph 7.62***

Reference to the potential for land at the wider Judkins Quarry to come forward for development within the plan period is supported. However, consideration should be given to formalising this within the BPR.

The Strategic Transport Assessment (May 2023) includes sensitivity testing which demonstrates that additional employment and housing can be achieved at the wider site without the need for any additional mitigation measures (beyond those already proposed for the housing allocations). We are aware that funding may be available from the West Midlands Combined Authority to facilitate a larger strategic development on the wider Judkins site which is wholly within settlement boundary and well located in relation to

Nuneaton town centre. We therefore consider that it should either be identified as a future area of growth or a longer-term strategic opportunity to bring additional development forward, in a more formal manner than the current wording allows.

### ***Policy NE3 – Biodiversity and Geodiversity***

#### ***Biodiversity offsetting***

This part of the policy states that “If the habitat loss cannot be replaced on site, the replacement should be provided, in the Borough”. However, our understanding is that the Warwickshire metric (which is to be used until replaced by national metric) places no restriction or limitation on the use of land outside the Borough when coming to a conclusion on habitat replacement. In addition, the current Defra metric also allows biodiversity net gain through land that is outside of the host borough, albeit that would affect the overall multiplier score. In light of this, we don’t believe that the wording of the policy should be so restrictive and it should be reworded to state that there is a preference for net gain to be provided within the Borough, but not an absolute restriction on the basis that it is incompliant with the provisions of the Warwickshire and Defra metrics. In addition, Nuneaton and Bedworth is a relatively small Borough in area, that has limited capacity for the provision of compensatory habitat and, as such, over time such a restrictive limitation on the provision of compensatory habitat could become untenable. In light of both of these points there should therefore be allowance for replacement provision outside the Borough boundary.

#### **Paragraph 12.31**

The last Ecology Assessment for Nuneaton and Bedworth Borough Council was published in 2014 and the last assessment of local wildlife sites was carried out in 2015. By the time the emerging Local plan is adopted these assessments will be around 10 years old and the information underpinning them may be older still. A lot of change can occur within designated sites within a 10-year period, particularly if they are unmanaged.

We are concerned that the status and boundaries of the designated sites may no longer reflect the actual status of the designated sites by the time the Plan is adopted. For example, there has been a notable deterioration in the part of the LWS that is included within SHA3 which has been verified through ecological assessments carried out over the last 5 years. The deterioration in that part of the LWS means that it no longer contains the specific features and characteristics that led to its designation in 2015.

#### ***Monitoring***

#### ***Paragraph 12.39 and Table 35***

Within Table 35, in relation to local wildlife sites (Monitoring ref: NE3a), it is indicated that the target is for “no deterioration; maintain at favourable status”. This is an unrealistic target in the context of allocating sites for housing on sites which are partly within local wildlife sites.

If in allocating Site ref SHA3 the Council does not simultaneously secure a formal change to the Local Wildlife Site designation (which is partly affected by the allocation) then there will be a potential conflict with the stated aims of NE3a and the associated monitoring targets in Table 35. Otherwise, a policy conflict may exist.

### **Nuneaton and Bedworth Borough Plan Review: Sustainability Appraisal, Appendix C (2023)**

Whilst the planned allocation and extent of the proposed allocation SHA3 is supported, we are not in agreement with aspects of the sustainability appraisal that was carried out in relation to the site which is referred to under reference ABB-2 (contained within Appendix C of the Nuneaton and Bedworth Borough Plan Review Sustainability Appraisal (SA) Second Interim Report: Regulation 18; July 2023). There are several inaccuracies which need reviewing and rectifying. These were pointed out in our previous representations to the Local Plan Preferred Options but have not been addressed within the updated SA. The inaccuracies are summarised below:

- The statement that 7.9ha of the site is within Grade 3 agricultural land is incorrect. The site does not contain any agricultural land, it has historically housed buildings in connection with Judkins Quarry operation and has never subsequently been within an agricultural use. There are also no known restoration requirements that necessitate its return an agricultural use.
- It is not clear how the assessment has arrived at a moderate impact in relation to landscape character and there is no evidence of the methodology that has been used to carry out the assessment. However, given the status of the site, the fact that it comprises previously developed land and lying next of a former quarry / landfill site, it is highly likely that its allocation and subsequent redevelopment would have beneficial effects on landscape character.
- It is not agreed that the site is 716m from a local centre – Abbey Local Centre is situated circa 350m from site.
- The SA states that there are no built-up centres within 800m of the site despite acknowledging that Nuneaton Town Centre is within 716m and ignoring the fact that Abbey Local Centre, which is much closer at circa 350m away.
- There are employment sites within 800m, and this should not be classified a major negative effect in the site appraisal, it should be neutral at worst.
- It is difficult to see why the presence of 7 bus stops within 800m of the site has been classified a moderate negative effect in the SA, it is surely a positive aspect of the development.
- The fact there are no railway stations within 800m is marked as a major negative effect. However, the station is only circa 1000m from the site and should only be a minor / moderate negative effect.
- There are 2 primary schools within 800m not 1 - both Abbey C of E School and Camp Hill Primary School are within 800m of the site. In addition, St Annes Catholic Primary is only just over that distance.
- There is more than 1 green / open space within 800m of the site, this includes but not limited to, Weddington Meadows (including Weddington Walk), the public open space





(including MUGA and Skate Park) to the rear of Camp Hill School, Stanley Road recreation Ground, the Dumbles Nature Area, and Sandon Park.

We respectfully request that the site appraisal for A+BB-2 (SHA3) is reviewed and updated to reflect the abovementioned matters. AXIS / FCC Environment have extensive knowledge of the site and its surroundings and would be willing to engage in this process.

As touched upon in the bullet points above, the appraisal of individual sites within the Sustainability Appraisal contains no information on the methodology that has been adopted, no clear understanding of the scoring that has been used.