

Nuneaton and Bedworth Borough Council

Borough Plan Review (2021 - 2039)



Statement of Common Ground between
Nuneaton and Bedworth Borough Council,
Arbury Estate and Richborough
Strategic Site: SHA2

July 2024

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Organisations

- Nuneaton and Bedworth Borough Council (NBBC).
- Arbury Estate.
- Richborough.

Introduction

This Statement of Common Ground has been prepared to establish the main areas of agreement between NBBC, the landowner of strategic housing allocation site SHA2, Arbury Estate and the appointed promoter, Richborough. This Statement identifies where further work is required to achieve soundness and demonstrate deliverability to the Planning Inspector.

NBBC has fully engaged with Arbury Estate and Richborough on the development of the Council's Local Plan from the outset. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Arbury Estate and Richborough have been formally consulted at every stage of consultation on the Borough Plan Review together with its accompanying Sustainability Appraisal and the Habitat Regulations Assessment. Arbury Estate and Richborough made representations to all three stages of consultation on the Borough Plan Review (representation number 106 for Arbury Estate and representation number 110 for Richborough, in relation to the Regulation 19 consultation). The Duty to Cooperate Compliance Statement outlines in detail the engagement activities and outcomes undertaken during the Plan's preparation.

Arbury Estate and Richborough support the allocation SHA2, within the Borough Plan Review. This Statement of Common Ground relates specifically to matters raised, in their representations, regarding the proposed allocation. However, the representations do also raise other matters relating to policies within the Plan.

Description of the Site

Strategic housing allocation SHA2 (Arbury) is located on the southwestern boundary of Nuneaton and forms part of the Arbury Estate. The strategic site covers approximately 86ha and is bordered by residential buildings to the north and east, with undeveloped areas of the Arbury Estate and park to the west and south.

Planning Status

Pre-application discussions are on-going with NBBC and a Planning Performance Agreement is in the pipeline.

Strategic matters

Areas of Agreement

- **Arbury Estate is the landowner of site SHA2 within the Borough Plan Review (2021-2039), which is allocated for at least 1,525 dwellings.**
- **That NBBC has worked collaboratively with Arbury Estate throughout the Plan making process to ensure the site is available, viable and deliverable for the development of at least 1,525 dwellings.**

Areas of Disagreement

Strategic Transport Assessment (2023)

Arbury Estate notes that reference is made, in the Borough Plan Review (Policy SHA2 supporting text), to land designated for a link through Hazel Way. This land is under a long leasehold agreement and the allocation boundary has been updated. An indicative location for an access route is shown within the updated boundary. This should be tested within the Strategic Transport Assessment (STA) to ensure it is suitably justified to amend the allocation boundary from that already established in the Borough Plan (2011-2031).

NBBC would like to outline that the amended boundary was due to land previously being included in the Strategic Allocation that was on a long lease to another company and therefore could have affected the deliverability of the allocation coming forwards and therefore the red line was subsequently amended. However, before this was carried out discussions were held with Warwickshire County Council (WCC) Highways for both their Development Management Team and the Transport Planning Team. The Planning Transport Team were the providers of the STA. WCC Ecology and Rights of Way Teams were also contacted before the boundary was amended. These discussions were held over the telephone or in some cases, via email. They did not take place through formal meetings.

Arbury Estate and their promotion partner, Richborough, are currently preparing detailed highway modelling which will be used to support a planning application which is expected to be submitted during 2024.

Strategic Policy SHA2 – Financial contributions

Arbury Estate and Richborough recognise that although the costs of infrastructure are set out in the Infrastructure Delivery Plan at Appendix D, a contribution should be site specific and would need to comply with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulation 2010.

Furthermore, other financial contributions are required under Strategic Policy SHA2 and are referenced in the Infrastructure Delivery Plan, but no breakdown of the specific contributions and how the requirements link to each proposed allocation are provided, according to Arbury Estate. Other contributions do not relate to any corresponding costs or cross reference to any study on existing provision and where there are

shortfalls in provision or what the multiplier for the new population requirements may be.

NBBC's response is that a requirement for a contribution would need to be justified against tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. All NBBC can do at the Policy development stage is to provide a list of likely Section 106 contribution schemes. The specific Section 106 requests will be sought during the formal planning application process and evidence of CIL compliance will need to be provided by the bodies concerned. Discussions will then take place between the Agent and the Planning Case Officer to ensure only the ones compliant will be requested.

Arbury Estate have also identified that additional contributions are required in this policy but contradict information in the Infrastructure Delivery Plan. For example, a financial contribution is required for sewage infrastructure but paragraph 7.3, of the Infrastructure Delivery Plan, states there are no capacity issues. The information has come from various departments of Severn Trent Water (STW). STW have responded to the Regulation 19 consultation using a red, amber and green assessment. In direct relation to the Arbury site the risk status is amber, and STW have said the following:

“Site will drain to St Mary's Road Terminal Pumping Station. It is likely that a capital scheme will be required to accommodate the cumulative growth in Nuneaton. It will be important that surface water is managed sustainably and not discharged into the foul/combined sewer and any contributions will be agreed during the formal application process’.

Strategic Policy SHA2 – Arbury: ‘We would like to note that bullet 12 Contribution to local sewage network improvements to increase capacity, improvement to the local network to reduce impact on hydraulic performance and improve biological treatment capacity to accommodate the development, would be made through developer infrastructure connection charges, and we are not expecting additional financial contributions. More information on our developer infrastructure charges can be found here. We do expect contribution through adhering to approved design standards, meeting the water efficiency target of 110l/person/day and managing surface water sustainably by following the drainage hierarchy’.

NBBC would like to highlight that the Borough Plan Review provides justification for the inclusion of the 110l/person/day water efficiency target, through its evidence base documents. For example, the Joint Warwickshire Partnership Water Cycle Study (2017) highlights the need for this to be a policy requirement.

There are a number of A444 improvement schemes set out in the Infrastructure Delivery Plan. The majority do not contain reference to specific sites and/or specific contributions that are being requested. It is unclear which schemes are relevant to which allocation and whether the proposed allocation is to mitigate a problem being caused or rectifying an existing problem.

NBBC's response is that a requirement for a contribution would need to be justified against tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. NBBC agree that this would be at formal planning application stage.

Arbury Estate consider it unclear what community facilities are being sought in addition to those listed elsewhere in the policy, and whether their requirement is justified against the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. NBBC advise that a pre-application enquiry will be able to confirm whether on or off-site provision is required but this will be substantiated by any justification.

Strategic Policy SHA2 – Distributor link road through the site

Arbury Estate consider the link road element of the site to be within the Green Belt. There is a need for this land to be released to allow for development to come forward without having to demonstrate Very Special Circumstances.

NBBC recognised the need for an access in the Borough Plan (2011-2031) and therefore, this land should be allocated as essential infrastructure. However, it is unclear where the link road will be situated until a planning application comes forward and therefore, NBBC cannot say for certain where the essential infrastructure will need to be located.

Arbury Estate believe the link road should be illustrated on the proposals map as an indicative route is shown on the concept plan, within the Borough Plan Review document.

It is NBBC's understanding that the Agent is under discussions with WCC Highways in relation to the provision for this route and therefore, the route has not been shown on the proposals map as the location will be reliant on those discussions. The Concept Plan is just that and provides an indicative plan of how the proposal could come forwards.

Strategic Policy SHA2 – Provision of footway/cycleway linkages and enhancement of Harefield Lane

Footways and cycleways are required, within the Policy, alongside enhancements to Harefield Lane on land outside of Arbury Estate ownership. Therefore, the delivery of such off-site provision is potentially in doubt and undermines delivery. Flexibility in providing contributions to WCC Highways should be considered.

NBBC state that the exact location would need to be discussed with WCC Highways during the Agents pre-application with them but will also likely require an ecological evidence base to establish a route. Therefore this has not been shown on the proposals map so as to allow flexibility.

Strategic Policy SHA2 – Allotment site extension and facilities

Arbury Estate has reviewed NBBC's Allotment Strategy (2012-2022) and notes that it was produced in July 2013. Therefore, it does not provide up to date data related to access to allotment space in the Borough. Arbury Estate do not consider the Strategy to provide sufficient justification for the requirement for an allotment extension (which we assume is to those allotments at Athol Crescent) if up to date data is not forthcoming. Arbury Estate cannot find any evidence that the existing facilities are at capacity or that the 1500 dwelling will give rise to an increase in allotment provision being required.

NBBC would like to outline that the Allotment Strategy is currently being reviewed and the requirement will be considered on the most up to date document at the time the application is received. NBBC can confirm that the Allotment Strategy should go to Cabinet in July 2024, with the aim of adopting the strategy.

Strategic Policy SHA2 – Asset Management Plan

Arbury Estate do not consider that the reference to Bath House and Arbury Mill is justified because its inclusion in the policy appears to be based on the assets inclusion in the SAVE Britain's Heritage 'Building at Risk' list, rather than any designation from a statutory body such as Historic England.

Arbury Estate question the rationale for an asset management plan to cover the whole of the Arbury Estate. The Estate covers a wide area which extends outside of the Borough and cannot be seen as reasonably related to development of SHA2.

NBBC believe the reference to the Bath House and Arbury Mill is justified as the National Planning Policy Framework clearly states 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most of risk through neglect, decay or other threats'. Both the Bath House and Arbury Mill are at risk through neglect and decay, as evidenced by their inclusion on the SAVE Britain's Heritage 'Building at Risk' list. Therefore it is only right that we plan for their conservation. In relation to the asset management plan for the whole of the Arbury Estate, this wording was approved by the Planning Inspector of the Borough Plan (2011-2031) and therefore, has been carried forward into the Borough Plan Review.

The inclusion of these two heritage assets and the associated management plan fails to take account of the other 2 assets included in the adopted plan. The Borough Plan Review Inspector should consider whether it will be viable to include the asset management of 4 heritage assets to be directly related to allocation SHA-2.

Strategic Policy SHA2 – Design

Arbury Estate request further clarification of the rationale for a buffer to the eastern side of the site. They question whether this buffer should in fact be on the western side of the site, closest to Arbury Hall and Registered Park and Garden.

Arbury Estate query what the precise density required is, as a threshold density is unknown. This blanket restriction could stifle design innovation and consideration of options which makes the best use of available land. Once certain criteria such as bus route diversion locations are known, this may increase public transport accessibility in locations that are further away from the 'current urban edge' and could therefore support higher density development in the future.

Arbury Estate consider it unjustified for the policy to require a maximum building height of two stories. Arbury Estate consider that there should be scope to allow for taller buildings, such as three storey townhouses or 2.5 storey houses, where appropriate.

Arbury Estate consider any enhancements required, would be located on the public highway and therefore, cannot be delivered by the Arbury Estate directly. Any enhancements would need to be justified against the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Arbury Estate consider restricting access to any development within the strategic site from the north, would prevent pedestrian and cycle access. If the point is in reference to vehicular access only, this should be stated.

NBBC would like to highlight that the wording of these design concerns, raised by Arbury Estate, was approved by the Planning Inspector of the Borough Plan (2011-2031) and therefore, have been carried forward into the Borough Plan Review. However, this does not mean that the points raised by Arbury Estate should be dismissed and a new Planning Inspector may come to a different conclusion.

Strategic Policy SHA2 – Concept Plan

Arbury Estate consider that even though the Concept Plan is within the adopted Supplementary Planning Document (SPD), it is a material consideration only. The policy is too prescriptive in requiring compliance with the latest adopted Concept Plan SPD and Design Code SPDs.

The Concept Plan, in the Borough Plan Review, simply reflects what is in the SPD and therefore, does not need removing. NBBC do not believe the policy wording is too prescriptive as it says proposals 'should' comply with the SPDs, rather than that they 'must' comply. Additionally, NBBC does not claim that the Concept Plans are masterplans and we concur that a SPD is a material consideration and in turn, guidance only.

Strategic Policy SHA2 – Ecology

Arbury Estate does not believe a 100m buffer from Ensor's Pool should be required. The document notes that further ecological work is required and therefore, until this work has been carried out it is premature to calculate the most appropriate buffer to Ensor's Pool.

Arbury Estate consider that there is not enough technical evidence to require areas of high distinctiveness (values 4 and 6) to be retained. The whole suite of documents that is available with an outline planning application is required to be considered when determining areas of land that require protection.

Arbury Estate request clarification as to what the wildflower and wetland habitat pathway to the Arbury Estate woodland extension is, and what is involved in delivering it. A pathway to private property and/or a pathway that encourages trespassing into the Arbury Estate Registered Park and Garden should not be encouraged.

From NBBC’s perspective, some of the ecological points raised, by Arbury Estate, include policy wording approved by the Planning Inspector of the Borough Plan (2011-2031) and therefore, these have been carried forward into the Borough Plan Review. However, this does not mean that the points raised by Arbury Estate should be dismissed and a new Planning Inspector may come to a different conclusion. In terms of the wildflower and wetland habitat pathway, NBBC propose that this is removed as part of requested modifications, at the Examination stage of the Borough Plan Review.

Promoters anticipated build out rates

Based on the latest information available, an outline application is due to be submitted Q4 2024. On this basis, the trajectory is as follows:

2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
				50	100	150	150

2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
150	150	150	150	150	150	150	25

Deliverability Statement

A planning application for residential development on SHA2 is currently being progressed. Submission of this application is expected in Q4 2024.

Further joint working


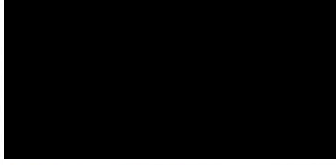

This Statement of Common Ground will be kept up to date through continuous engagement and cooperation between NBBC, Arbury Estate and Richborough.

Monitoring

This Statement will be maintained by NBBC and updated as necessary with Arbury Estate and Richborough.

NBBC will continue to work with Arbury Estate and Richborough beyond the adoption of the Borough Plan Review for the monitoring and implementation of the Plan.

Signatories

Signature: 	Signature: 	Signature: 
Maria Bailey, Strategic Director for Place and Economy, NBBC	Adam Weaver, Estate Manager - Arbury Estate	Anabel Christmas, Regional Director (East) - Richborough
Date: 3rd July 2024	Date: <i>2 July 2024</i>	Date: 3 rd July 24