

# **Nuneaton and Bedworth Borough Council**

## **Borough Plan Review (2021 - 2039)**



### **Part A: Legal Compliance**

#### **Response to Matter 1**

Compliance with statutory procedures and  
legal matters

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**Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended?**

*Q1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?*

**Answer**

- 1.1 Core Documents [CD4], [CD5] (especially paragraph 5.11) and 6.1 through to 6.18 are applicable to this question.
- 1.2 The Council strongly considers robust evidence has been submitted primarily through the Duty to Cooperate Compliance Statement [CD4] and Statement of Common Grounds (SoCGs) [CD6.1- CD6.18] to demonstrate compliance with the duty to co-operate.
- 1.3 On 24<sup>th</sup> May 2023, the Council, requested advice from the Planning Advisory Service regarding the duty to co-operate evidence base, via email, as the Council wanted to enhance the evidence and ensure full compliance with the legal test, prior to submitting the BPR for examination. The Planning Advisory Service assigned Derek Stebbing, a former Planning Inspector, to advise the Council on the next steps. The Council worked collaboratively with Mr Stebbing to ensure the evidence for the duty to co-operate approach was appropriate fully, from start to finish through the Duty to Cooperate Compliance Statement [CD4]. This details how the Council has fulfilled its legal duty, in accordance with 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended.
- 1.4 Prior to the submission of the BPR for examination, the Council reviewed all the representations received, to the Regulation 19 (Reg19) consultation, and contacted relevant parties to establish what SoCGs were needed. Conversations were also held with all neighbouring local planning authorities and authorities within the Coventry and Warwickshire Housing Market Area (Coventry City Council, North Warwickshire Borough Council, Rugby Borough Council, Stratford District Council, Warwick District Council and Warwickshire County Council), alongside Historic England, the Environment Agency and Natural England. 18 SoCGs were agreed and signed [CD6.1 – CD6.18]. These included two neighbouring Local Planning Authorities, Warwickshire County Council, four statutory consultees and 12 landowners/promoters of strategic and non-strategic allocation sites in the BPR.

- 1.5 These Statements have since been reviewed, to ensure they are kept up to date to ensure continuous engagement and cooperation between the Council and the relevant parties has taken place. As set out in the Duty to Cooperate Compliance Statement, these SoCGs will be continuously monitored post-adoption of the BPR, with scheduled checks taking place every six months [CD4].
- 1.6 There are seven SoCG which remain outstanding. The Council contacted six of these parties directly on 15<sup>th</sup> April 2024, to re-engage and progress the development of each Statement. Contact was not made with Arbury Estate (SHA2 and SEA4) as it was decided that further work was required, to add more detail to their Statement, prior to re-engagement. The Council did not receive any response to six emails sent. Therefore, follow-up emails were sent on 22<sup>nd</sup> May 2024, which also included the seventh party. No responses were received to these seven emails.
- 1.7 One of these parties, North Warwickshire Borough Council, did raise duty to co-operate concerns during the Reg19 consultation. Therefore, the Council has been working to try and agree on a SoCG with them. However, following a meeting that took place on 15<sup>th</sup> December 2023, (as noted in paragraph 5.11 of the Duty to Cooperate Compliance Statement [CD4]), North Warwickshire Borough Council has not been able to sign a SoCG and instead has provided the Council with a letter indicating a positive outlook on the Council's active engagement and collaboration with them, in line with the duty to co-operate, updating their stance from the Reg19 consultation [CD5]. Officers are aiming to collaborate with North Warwickshire Borough Council imminently to review the SoCG and aim to reach an agreement, prior to the Examination in Public hearing sessions in July 2024.
- 1.8 The other remaining parties, where SoCG have not been agreed, include Warwick District Council and Stratford District Council. These neighbouring local authorities have not been able to sign a SoCG due to political challenges and Members are still considering the requirements of the Coventry and Warwickshire Housing and Economic Development Needs Assessment and growth needs in the sub-region. However, they have indicated that they are hoping that they will be able to respond imminently. Midlands Heart (NSRA1), Premium Estates (NSRA5), Keon Homes (NSRA9), Godfrey-Payton (CEM1) and Arbury Estate (SHA2 and SEA4), have not responded in the Council's attempts to progress SoCGs. At the time of writing, a further attempt, has been made to engage with all seven remaining SoCG parties.
- 1.9 Further to the SoCGs, the Council has been leading on a draft Memorandum of Understanding with the other local authorities within the Coventry and Warwickshire Housing Market Area. This draft Memorandum of Understanding details matters of strategic importance relevant to all authorities, specifically relating to housing and employment needs, across the Housing Market Area. Given that each of the neighbouring authorities in the Housing Market Area are at differing stages in the plan making process and therefore authorities

are still determining their own growth requirements, the draft Memorandum of Understanding was not able to be finalised, prior to the submission of the BPR for examination, and is currently still in draft form. No advancement of the draft Memorandum of Understanding is planned prior to the Examination in Public hearing sessions commencing.

- 1.10 In summary, the Duty to Cooperate Compliance Statement robustly evidences the Council's approach to fulfilling its legal requirements [CD4]. It is a detailed Statement and has been prepared following the advice received from the Planning Advisory Service.

*Q2. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters? In particular has effective engagement taken place in respect of housing and employment needs and provision in a cross border context?*

**Answer**

- 2.1 Core Document [CD4] (especially paragraphs 16.3 and 16.5) and (6.1 through to 6.18) are applicable to this question.
- 2.2 Section 6 of the Duty to Cooperate Compliance Statement [CD4] outlines that the Council has consulted relevant bodies and departments, including prescribed bodies such as Sport England and the Environment Agency, and engaged with neighbouring local authorities through groups/forums such as the Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO). Neighbouring local authorities and prescribed bodies have also been consulted in relation to all three stages of the BPR (Issues and Options, Preferred Options and Reg19). These consultations focused on the BPR's policies and associated evidence base, such as the Infrastructure Delivery Plan, which are relevant to the strategic matters of the Borough.
- 2.3 In terms of housing and employment needs, neighbouring local authorities are at different stages of plan-making or review and therefore, any unmet needs have not been identified. However, neighbouring local authorities and prescribed bodies had the opportunity to comment on the implications of any unmet needs, during consultations, groups/forums and during the preparation of SoCGs [CD6.1 – CD6.18] and indeed discussions are still ongoing.
- 2.4 Effective engagement has taken place with neighbouring local authorities and prescribed bodies, relating to housing and employment needs, as indicated in paragraphs 16.3 and 16.5 of the Duty to Cooperate Compliance Statement [CD4]. A draft Memorandum of Understanding is also being prepared detailing matters of strategic importance relevant to all authorities, specifically relating to housing and employment needs, across the Coventry and Warwickshire Housing Market Area. Given that each of the neighbouring authorities in the Housing Market Area are at differing stages in the plan making process and therefore authorities are still determining their own growth requirements, the draft Memorandum of Understanding was not able to be finalised, prior to the submission of the BPR for examination, and is currently still in draft form. No advancement of the draft Memorandum of Understanding is planned prior to the Examination in Public hearing sessions commencing.
- 2.5 In terms of the provision of housing and employment needs, in a cross-boundary context, no requests have been made from neighbouring local authorities, for the Council to meet their unmet needs. However, the response to MIQ question 24 provides more detail on the Council's approach to addressing potential unmet needs. Moreover, the total housing supply for the

plan period is in excess of the minimum of 9,810 and the Council considers there is a significant buffer to provide flexibility, within the plan period, in the unforeseen event that some identified sites do not come forward, or potentially to contribute towards neighbouring authorities' unmet needs over the plan period, once these have been identified.



*Q3. Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?*

**Answer**

- 3.1 Core Document [CD4] (especially paragraphs 15.1 and 15.2) is applicable to this question.
- 3.2 Section 15 of the Duty to Cooperate Compliance Statement refers to perceived non-compliance with the duty to co-operate from representatives to the Reg19 consultation [CD4]. It must be noted that the duty to co-operate is not a duty to agree but a duty to engage in a positive and proactive manner. Paragraph 15.1 refers to the withdrawal of three representations relating to non-compliance with the duty to co-operate. Evidence of this can be found in Appendix J of the Compliance Statement [CD4].
- 3.3 Five further representations received, in relation to the Regulation 19 consultation, dispute the Council's fulfilment of the duty to co-operate (representations 102, 113, 121, 301 and 404). These disputes are still outstanding. On 7<sup>th</sup> December 2023, these parties were contacted to ask for justification in relation to their concerns, in order for the Council to try and work collaboratively with them to overcome these issues. Whilst responses were received, as discussed below, due to the nature of these objections they have not been rectified.
- 3.4 These disputes question if: cross boundary need at a sub-regional Coventry and Warwickshire Housing Market Area or Birmingham Housing Market Area level has been considered; why the MIRA South site is not referred to in the BPR which is within an adjoining authority's boundary; the BPR lacks cross-border transport improvements; if restricting development to sustainable sites is sound; why a site owned by a representative has not been included in the BPR as an allocation; and if the plan is understandable to a lay-person. Having reviewed these five representations, the Council would like to point out, that the duty to co-operate is not a duty to agree but a duty to engage in a positive and proactive manner. The Council believe this has been carried out, fulfilling the legal test and achieving soundness.
- 3.5 Paragraph 15.2 refers to six representations commenting on a lack of evidence demonstrating compliance with the duty to co-operate at the Reg19 consultation stage [CD4]. However, it is not a legal requirement to publish duty to co-operate evidence at any consultation stage. Engagement has occurred constructively, actively and on an ongoing basis with all parties to maximise the effectiveness of the BPR's preparation, and evidence of this was recorded, and published at a later stage in the plan process. Therefore, as discussions were still evolving, the Council did not consider it would be

effective to publish duty to co-operate evidence, which would need to be updated or amended, prior to the submission of the Plan.

- 3.6 The Council believed the best course of action was to await all representations to the Reg19 consultation, before producing any SoCG and progressing the draft Memorandum of Understanding, so that they could be informed by the representations received, as well as discussions with several bodies after the consultation period. Therefore, the duty to co-operate evidence base was published alongside the other submission documents, on the Council's website, on 12<sup>th</sup> February 2024, at the same time the Borough Plan Review was submitted to the Secretary of State for examination.
- 3.7 Only one paragraph is included in the BPR, on the duty to co-operate, as a separate suite of evidence has been produced and repetition should be avoided. The Council feels this legal test has now been fulfilled, with a robust evidence base submitted for examination, alongside the BPR.
- 3.8 It is concluded that these disputes do not impact the soundness of the BPR as the legal test has been fulfilled utilising a robust evidence base to demonstrate the Council's compliance, engagement, collaboration and commitment.

**Issue 2: Does the Sustainability Appraisal (SA) adequately assess the environmental, social, and economic effects of the Plan in accordance with the legal and national policy requirements?**

For information

Reference within this section referring to answers to questions 4 to 8 is made to Core Documents: [CD7.1]- Sustainability Appraisal – Non Technical Summary (2023); [CD7.2] - Sustainability Appraisal – Report (2023); [CD7.3] - Sustainability Appraisal – Site Appraisal Matrix Submission (2023); [CD21] - Suggested Main Modifications, March 2024 and Evidence Base Documents: [EB8] - Towards a Housing Requirement for Nuneaton and Bedworth (2022) and [EB10] - Review of Nuneaton and Bedworth Employment Land Portfolio (2023).

Regulation 19 (Reg19) responses [CD14] provides a summary of representations received to the Reg19 consultation), the responses that make specific reference to the Sustainability Appraisal include: Coventry City Council (2.1 and 2.2); Warwickshire Wildlife Trust (12.2, 12.3, 12.5, 12.6 and 12.7); Historic England (15.15); Arbury Estate (106.24 and 106.25); Bellways Homes Ltd., (107.2 and 107.3); FCC Environment UK Ltd., (108.2 and 108.12); Richborough (110.2); Gladman Developments Ltd., (111.13); L&Q Estates (115.6 and 115.7); Nicholas Chamberlaine School Foundation Trust (123.4); Lichfields for St Philips Land Ltd., (124.1); Terra Strategic (128.1); Taylor Wimpey Strategic Land (129.9) and Rosconn Strategic Land (130.1).

*Q4. Have the likely environmental, social, and economic effects of the Plan's policies and proposals been adequately assessed in the SA?*

**Answer**

- 4.1. The SA has been undertaken by experienced consultants using a range of appropriate data sources and appraisal methods (which were established and consulted upon through scoping). Findings have been consulted upon throughout the SA process and feedback has been taken into account in subsequent stages of the SA process.
- 4.2. The 'Plan' is appraised in Section 10 of the SA Report [CD7.2]. As explained in the report, the Plan is appraised taking into account all the component parts / policies. This is appropriate as a Local Plan should be read 'as a whole' to understand the overall effects (of plan policies in combination) on different aspects of sustainability.
- 4.3. The SA Framework established through the scoping process is used as the basis for structuring the appraisal of the Plan (see table 3.1 of [CD7.2]). The framework establishes a suitable range of sustainability topics and supporting questions / criteria, which guide the assessment of the Plan and seek to identify effects in relation to the baseline / future baseline position. The framework covers a suitable range of economic, social, and environmental factors, which were consulted upon and agreed through the scoping process.
- 4.4. To determine significance, account is taken of the factors referred to in schedule 2(6) of the SEA Regulations with justification provided to explain the significance of effects. This is a widely adopted approach in the field of strategic environmental assessment / sustainability appraisal for Local Plans. AECOM have undertaken SA using this same methodology for more than 10 Local Plans which have been found sound and subsequently adopted in the last 5 years<sup>1</sup>.
- 4.5. The appraisal focuses on the key elements of the Plan that are likely to bring about significant effects in relation to the different SA topics, rather than identifying all possible effects. This is an appropriate and proportionate approach (see paragraph 009 of PPG which advocates proportionality).
- 4.6. A range of appraisal work was also undertaken alongside the development of the Plan at key stages (i.e. issues and options, preferred options, draft plan). The methods employed at each stage are adequate and sufficient to inform plan development (and are set out within the SA Report in the relevant sections).

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<sup>1</sup> This includes Local Plans for the following local authorities - *Warrington, St Helens, Lancaster, Harborough, Derby City, Blackburn with Darwen, Hambleton, Kettering, Corby, East Northamptonshire, Lancaster.*

- 4.7. Whilst these interim stages of the SA are not strictly an appraisal of 'the Plan's policies and proposals' (and are not legally required) they have informed the plans development by examining aims, objectives, strategic choices, policy drafts and site options.
- 4.8. The SA provides an indication of the nature of effects of the Plan (i.e. positive / negative / neutral) for each sustainability topic as well as determining the significance of effects. This has helped to identify which aspects of sustainability are most likely to be positively or negatively affected by the Plan and whether improvements could be made. The SA also illustrates which SA topics are likely to score similarly regardless of the options and those where the key differences in performance lie.

*Q5. Has the SA properly assessed the likely significant effects of all reasonable alternatives?*

## Answer

- 5.1. Figure 4.1 in the SA Report [CD7.2] summarises the approach taken with regards to reasonable alternatives (followed by a discussion of the options that were selected and tested throughout the plan-making process). The figure is reproduced below for ease of reference.

**Figure 4.1** Reasonable alternatives at key stages of Plan-making



- 5.2. In terms of the SEA Regulations the key requirement is to test the 'draft plan and reasonable alternatives'. The SA Report [CD7.2 and CD7.3] discharges this requirement through an appraisal of the draft Plan 'as a whole' alongside one reasonable alternative approach (see section 10 of [CD7.2]). However, several interim steps were also taken to help inform the development of the plan and the identification of the reasonable alternatives.
- 5.3. At interim stages, it is not the 'draft plan' being tested as such, but individual components such as housing, employment and other policy matters that have informed the Plan. It is appropriate to focus on strategic matters that run to the heart of the plan, which in this instance are housing and employment strategies.

## Employment

- 5.4. As part of the issues and options stage, the Council identified several options relating to employment. These options were considered should there be a need for new land to be identified and released.
- Options were tested in relation to potential changes of use in employment areas.
  - Options were tested in relation to whether to support the release of Green Belt for employment uses.
- 5.5. An appraisal of individual site options has also been undertaken throughout the plan-making process, which includes consideration of a range of sites considered reasonable for employment uses. These sites are presented within Appendix C of the SA Report [CD7.3] and link to the Council's HEDNA findings. The allocated employment sites in the adopted Borough Plan were assessed in the 'Review of Nuneaton and Bedworth Employment Land Portfolio' (2023) [EB10]. As a result of the conclusions in the Review, all undeveloped sites allocated in the adopted Plan are included in the supply as either extant planning permission or extant allocations. The Review concluded that there was no need for new land to be identified to meet the employment land need.
- 5.6. Taking direction from the 'Towards a Housing Requirement for Nuneaton & Bedworth' (2022) [EB8] and the 'Review of Nuneaton and Bedworth Employment Land Portfolio' (2023) [EB10] the Council determined that the Borough has a healthy surplus of employment supply to meet identified needs, and this would largely be met through existing commitments / plan allocations. Therefore, in terms of options for the SA, the Council determined that there were no further strategic alternatives for growth to consider.
- 5.7. An indicative figure for strategic warehousing need has been identified in the aforementioned 'Towards a Housing Requirement for Nuneaton & Bedworth' (2022) [EB8]), and the 'Review of Nuneaton and Bedworth Employment Land Portfolio' (2023) [EB10]. The Council has suggested a main modification to the Plan (page 16 of [CD21]), which inserts a reference to the strategic employment land need being reviewed following publication by the Council of a West Midlands Strategic Employment Land Needs Study (currently being undertaken).
- 5.8. Recognising that the Council did not identify any further employment strategy options at this stage, two specific questions were posed in the Preferred Options Interim SA Report 2022 in relation to employment strategy.
- Should alternative strategies for employment growth be explored and if so, what are these?
  - Is it appropriate to rely upon site options to support the choice of employment sites?

- 5.9. No comments were received in relation to the SA suggesting that further strategic employment options should be considered prior to the Reg19 consultation.
- 5.10. There have been representations to the Regulation 19 version of the Plan that suggest the level of employment land provision should be higher than that set out in DS3. However, the Council consider such approaches to be unreasonable given the supply position evidenced in the 'Nuneaton and Bedworth Employment Land Portfolio' (2023) [EB10] and the fact that regional employment provision (as yet unidentified but currently being assessed as a joint work study and due for publication in due course) will be addressed jointly and can be actioned through a partial plan review (refer to answer paragraph 5.7).

## **Housing**

- 5.11. As part of the issues and options stage, the Council identified and appraised several options relating to housing. This initial work was 'high level' in nature.
- Options for residential and Green Belt.
  - Options for the location of new residential developments.
- 5.12. An appraisal of individual site options has also been undertaken throughout the plan-making process (on a consistent basis), which includes consideration of a range of sites considered reasonable for housing uses.
- 5.13. Following from issues and options stage and drawing upon the evidence of housing needs and supply, the Council identified several alternatives that were considered to be reasonable. Seven options were established which combined housing growth (ranging from 646dpa to 712 dpa) and distribution (involving different combinations of sites). See Section 6 within the SA Report which discusses these matters.
- 5.14. Section 7 of the SA Report sets out a summary of the preferred options stage appraisal (with further detail provided in Appendix A) and an outline of the reasons for selecting the preferred approach and rejecting the other options. The appraisals were undertaken using appropriate methods in a consistent manner for each of the options.
- 5.15. There have been suggestions (through consultation at Reg19 stage) that certain aspects of the appraisal work are not adequate with regards to the alternatives assessment outcomes.
- 5.16. The Council believe that the SA is sufficiently robust and has been undertaken using a fair and consistent method. However, it is acknowledged that a role of consultation in SA is to invite feedback on methods and sources of information and to highlight areas for improvement.



- 5.17. One response commented on the outcomes for 'economic factors' and 'air quality' for the strategic options (specifically options 3b and 5a which involve further strategic growth to the North of Nuneaton), stating that too much emphasis has been placed on access to employment opportunities within Nuneaton and Bedworth (rather than fully appreciating employment opportunities in neighbouring authorities). Whilst the focus of the SA Objective is on supporting growth within Nuneaton (hence the focus on these locations in the appraisal), it is acknowledged that opportunities outside the borough are also important from a strategic perspective and could perhaps have been given more weight. Taking this into account, it is agreed that the scores for the options should be amended for the 'economic factors' SA topic as follows.
- 5.18. Options 3b and 5a which involve further strategic growth to the north of Nuneaton would benefit from good access to jobs within Hinckley and Bosworth, and hence no negative effects should be recorded. The options that involve growth at Galley Common still retain minor negative effects as they are more isolated from jobs within both Nuneaton and Bedworth and Hinckley and Bosworth (and would likely result in longer car trips). The details of the appraisal are currently set out within Appendix A of the SA Report (pages 81-83). It is proposed that these changes can be incorporated into further iterations of the SA (i.e. an Addendum will need to be prepared to support the modifications).

**Appraisal summary table (Economic Factors)**

Strategic option	Approximate Scale of growth	Effects summary	
1) Proposed approach (dispersal)	646 dpa	Minor +ve	
2) Existing strategy rolled forward	660 dpa	Neutral	
3a) Strategic focus (Galley Common)	680 dpa	Minor +ve	Minor -ve
3b) Strategic focus (North of Nuneaton)	680 dpa	Minor +ve	Minor -ve
4) Increased dispersal in the urban areas	710 dpa	Moderate +ve	
5a) Dispersal plus strategic focus (Galley Common)	710 dpa	Moderate +ve	Minor -ve
5b) Dispersal plus strategic focus (North of Nuneaton)	710 dpa	Moderate +ve	Minor -ve

**Amended appraisal summary table (Economic factors)**

Strategic Option	Approximate scale of growth	Effects summary	
1) Proposed approach (dispersal)	646 Dpa	Minor +ve	
2) Existing strategy rolled forward	660 Dpa	Neutral	
3a) Strategic focus (Galley Common)	680 dpa	Minor +ve	Minor -ve
3b) Strategy focus (North of Nuneaton)	680 Dpa	Minor +ve	
4) Increased dispersal in urban areas	710 dpa	Moderate +ve	
5a) Dispersal plus strategic focus (Galley Common)	710 dpa	Moderate +ve	Minor -ve
5b) Dispersal plus strategic focus (North Nuneaton)	710 dpa	Moderate +ve	

- 5.19. With regards to 'air quality' assessments of the strategic options (Appendix A of the SA Report, pages 98 to 100), no changes to the scores are considered

necessary as trips (employment related and otherwise) to cross-boundary locations could still contribute towards poorer air quality in those locations (and there would still be a degree of car travel through the AQMAs in Nuneaton). The effects predicted are only minor negatives in any case for each option.

- 5.20. A key question that follows is whether the changes to the 'economic factors' SA topic would materially affect the decision-making process in relation to the spatial strategy. The changes are very minor and only relate to one of the SA Topics. The broad conclusions are still the same, and the changes would not have a material impact on the Council's decision-making in relation to the spatial strategy. Furthermore, the SA is only one piece of the evidence and has not been solely relied upon to inform the strategy.

### **Further alternatives work**

- 5.21. As the draft Plan started to take place, the Council re-examined whether there were any further reasonable alternative approaches that needed to be considered, being mindful of approaches that had already been tested previously. Section 8.2. sets out the alternatives that were considered to be reasonable, with the appraisal of each option set out in Section 10.
- 5.22. The appraisal is undertaken using an appropriate methodology and in a consistent manner for the plan and the reasonable alternative.
- 5.23. Section 10.14 sets out the outline reasons for pursuing the draft Plan approach and discounting the alternative approach.
- 5.24. There has been a suggestion (through consultation at Reg19 stage) that a higher growth scenario should be tested that takes account of unmet needs from Coventry (and potential for further Green Belt release). The Council consider this to be an unreasonable approach, and this is outlined in para 8.25 of the SA Report.

*Q6. Have all potential site allocations been assessed on a comparable basis?*

**Answer**

- 6.1. The Council undertook a call for sites exercise which helped to identify sites across the Borough which could be suitable for housing or employment purposes. After Council-led sifting, 114 sites were considered to be reasonable and were appraised on an individual basis.
- 6.2. The approach to site appraisal is set out on **Page 38** of the SA Report [CD7.2] in Section 9, with a more detailed methodology provided in **Appendix B**. The framework takes a consistent approach to 'scoring' sites by utilising quantitative criteria. Therefore, the findings presented are 'objective' rather than a matter of professional judgement (the exception is for 'historic environment', which requires a qualitative assessment alongside objective data).
- 6.3. The method uses absolute and relative thresholds, which is appropriate. This highlights where sites are least or most constrained for particular criteria but allows for the variation in scores to be captured in between these ends of the spectrum (rather than forcing sites into a particular category). This avoids sites that are alike being categorised differently if they fall either side of a hard threshold.
- 6.4. For example, if using a standard Red Amber Green approach, one site could fall within a green rating that is 400m from a set point, whilst another that is 401m could fall within the amber bracket. The approach taken avoids these issues but still provides an understanding of the broad performance of sites in sustainability terms.
- 6.5. The site appraisal findings are presented in Appendix C of the SA Report, which takes the form of a spreadsheet [CD7.3]. There are parallels / links with the HELAA appraisal of sites.
- 6.6. There has been a suggestion (through consultation at Reg19 stage) that additional detail relating to sites should be taken into consideration in scoring sites (where this has been provided in support of a planning application for example). However, this information is not available for each of the site options on a consistent basis and would not lead to a comparable assessment. This information can be considered outside of the SA process though.

*Q7. Is it clear how the SA has influenced the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?*

**Answer**

- 7.1. The Sustainability Appraisal has influenced each stage of the plan making process. The appraisal findings have been made available at Council meetings to inform decision making at key milestones.
- 26<sup>th</sup> May 2021 Cabinet – Consultation on Issues and Options – The Interim SA Report was attached to the cabinet agenda.
  - May 2022 Cabinet – consultation on Preferred Options – A summary of the SA findings was attached to the cabinet agenda.
  - 26<sup>th</sup> July 2023 Cabinet – Consultation on Reg 19 version of the Local Plan Review – The draft SA Report was attached as appendix E to this agenda item.
- 7.2. The SA prepared to inform the Preferred Options consultation made a number of recommendations. Table 11.1 of the SA [CD7.2] sets out each of these recommendations and the Council's response. This demonstrates how the SA has informed the plan and how the Council has responded to the recommendations. Further, the findings from the appraisal have influenced the choice of spatial strategy. The SA appraised reasonable alternatives and the Council considered these findings along with other evidence to inform the spatial strategy.
- 7.3. Section 10.13 of the SA Report [CD7.2] sets out a summary of effects for each of the SA Topics, which demonstrates that the SA is supportive of the strategy and the Plan when viewed 'as a whole'. The table below reproduced from the SA Report presents the findings in tabular form for ease of reference.
- 7.4. Positive effects are predicted for all but one SA Topic when considering the effects of the Plan. Negative effects are predicted for just three SA topics, and these are minor in terms of significance. The reasonable alternative (to the Plan) is predicted to be more beneficial with regards to social factors, population, and health, but is less positive in terms of landscape and soil. In terms of 'rank of preference', the draft Plan approach is ranked first for four of the SA Topics, whilst the reasonable alternative ranks first for three of the SA Topics. The approaches are ranked the same for the remaining four topics. The SA demonstrates that an appropriate strategy has been pursued, and there is nothing substantial within the SA that suggests further changes could be made to the Plan.
- 7.5. In conclusion, recommendations were made throughout the SA process and were taken into consideration by the Council in plan development at key stages. Though there are residual negative effects identified in the SA Report,

these are largely unavoidable or temporary and of minor significance. The SA does not suggest further changes to the plan to address these minor effects.

**Table 10.1:** Summary of appraisal findings

SA Topic	1. The draft Plan		2. Urban dispersal plus HSG4 and HSG7	
1. Economic factors	Minor +ve		Minor +ve	
2. Social factors	Moderate +ve	Minor +ve	Moderate +ve	
3. Biodiversity	Minor +ve		Minor +ve	
4. Population and health	Moderate +ve	Minor +ve	Moderate +ve	
5. Soil	Moderate +ve		Minor +ve	
6. Water	Minor +ve		Minor +ve	
7. Air quality	Neutral		Neutral	
8. Climatic factors	Major positive ?		Major positive ?	
9. Material assets	Minor +ve		Minor +ve	
10.Cultural Heritage	Minor +ve	Minor -ve	Minor +ve	Minor -ve
11.Landscape	Minor +ve		Neutral	

*Q8. Is the methodology in the SA sound and is it consistent with relevant guidance including the National Planning Practice Guidance (PPG)?*

## **Answer**

8.1. The SA has been undertaken by experienced consultants with the aim of:

- Demonstrating legal compliance.
- Allowing effective engagement in plan-making.
- Contributing towards a sound plan that reflects the principles of sustainability.

8.2. The approach taken follows prescribed processes with regards to SEA/SA as set out in relevant legislation and guidance, (whilst also being mindful of case law and good practice).

8.3. The SA for the Nuneaton and Bedworth Local Plan is reflective of the approach to SA that was taken for several recently adopted Local Plans (which have been found to be acceptable by inspectors). <sup>2</sup>

8.4. The key legal requirements in relation to SA can be broken into 2 parts.

1. The need to consult on the scope of the SA.
2. The need to prepare (and consult upon) an Environmental Report that appraises the effects of the plan (and reasonable alternatives).

8.5. There are no prescribed ways in which the appraisals need to be undertaken or presented, but there are certain factors that need to be considered such as:

- The topics that should be considered through the appraisal process.
- The criteria for determining significance.
- The need to consider mitigation.
- The reasons for selecting the preferred approach in light of reasonable alternatives.

8.6. The approach taken to the SA captures all the above requirements. The methods for undertaking appraisals are set out in each relevant chapter within the SA Report as follows:

- Appraisal of reasonable alternatives at preferred options stage – **Section 7.1**
- Appraisal of the draft Plan – **Section 10.1**
- Appraisal of site options – **Appendix B**

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<sup>2</sup> For example, see the inspectors reports for Blackburn with Darwen Local Plan (Adopted January 2024), St Helens Local Plan (Adopted July 2022) and Warrington Local Plan (Adopted December 2023) [Background Paper 1 - Inspectors Final Report on the Blackburn with Darwen Local Plan 2021-2037.pdf](#)  
[Microsoft Word - St Helens LP Inspectors Report - Final](#)  
[Local Plan 2021/22 – 2038/39 Inspectors' Report | warrington.gov.uk](#)

- 8.7. The PPG is the most relevant guidance on SA/SEA and largely reflects the requirements set out in the SEA Regulations. We consider that the SA process undertaken for the Local Plan Review reflects the principles and procedures set out within the PPG. Key relevant paragraphs from the PPG are summarised below, with a reference as to how the SA addresses the relevant factors.

<b>PPG paragraph and summary</b>	<b>How has this been addressed</b>
001 - Sustainability appraisal should be applied as an iterative process informing the development of the plan.	The SA has been undertaken alongside plan development prior to key decisions being made about the plan's content. For example, an appraisal at issues and options stage was undertaken to inform broad strategic decisions, followed by appraisals of sites and preferred options. This all fed into the development of a draft Plan and reasonable alternatives, which were also undertaken prior to the plan being published for consultation under Reg19. At each stage, options were considered, mindful of the progress of the Plan and what the key issues were at that point in time.
009 – The SA does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.	The Council's SA has been undertaken with this in mind, focusing attention on the areas of the plan that are most likely to bring about significant effects and on matters which involve strategic decisions such as housing delivery.
014 - A formal scoping report is not required by law but is a useful way of presenting information at the scoping stage.	A scoping report was prepared and sent to the statutory consultees for a 5-week period. Updates to the scoping were undertaken periodically.
018 - The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach	See our response to question 5, which demonstrates how we addressed options from the outset of the plan-making process at key stages, before refining these into a draft plan and reasonable alternatives.
019 - The sustainability appraisal will need to include a non-technical summary of the information within the main report.	The NTS is submitted as [CD7.1]

### **Issue 3: Has the Habitat Regulations Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?**

#### For information

Reference within this section referring to answers to questions 9 to 12 is made to Core Documents: (CD1] Publication version of the Borough Plan Review (2021-2039) and [CD8] Habitat Regulations Assessment (2023).

Regulation 19 (Reg19) responses [CD14] provides a summary of representations received to the Reg19 consultation), there was only response that make specific reference to the Habitats Regulations Assessment which was from Natural England (ref. 20.4 and 20.10) which was a response of support to the HRA.



*Q9. Have the requirements of the Conservation of Habitats and Species Regulations 2017 as amended, as explored through subsequent case law, been satisfied in the preparation of the Plan?*

**Answer**

- 9.1. The Habitats Regulations Assessment (HRA) [CD8] has been undertaken in compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), as well as relevant case law. This includes breaking down the assessment process into an initial Test of Likely Significant Effects and a subsequent Appropriate Assessment, reserving consideration of mitigation to the Appropriate Assessment stage in line with the People Over Wind and Sweetman v Coillte Teoranta (European Court of Justice case C-323/17), considering the impacts of the plan in combination with that of other plans and projects, and consulting Natural England on the assessment.
- 9.2 Chapter 1 of the HRA introduces the concept of HRA and sets out the legislative basis. Chapter 2 of the HRA provides the methodology for both stages of HRA undertaken (Likely Significant Effects and Appropriate Assessment) and quotes relevant case law such as the People over Wind case. Chapter 3 then sets out the information on the European sites considered including qualifying features and conservation objectives. Chapter 4 sets out HRA Stage 1 (Likely Significant Effects) while Chapter 5 sets out HRA Stage 2 (Appropriate Assessment) and provides recommendations. It also notes how the Council has responded to those recommendations. The assessment has explicit combination assessments as required by legislation on pages 32 and 33.

*Q10. Is it clear how the HRA has influenced the approach in the Plan?*

**Answer**

- 10.1. The HRA [CD8] has been written to make it clear how the report influenced the approach to European sites in the BPR [CD1] Local Plan. The Assessment only provided two recommendations from the HRA which were then considered within the wording of the BPR:
- 10.2. Paragraph 5.12 page 31 of the HRA report states:  
‘Given the Environment Agency’s advice to Warwickshire County Council in 2019 regarding the Minerals Plan, it was recommended in the HRA of the Preferred Options that a further requirement is explicitly added to Policy NE4 that ‘All new housing and employment allocations with piled foundations or basements within 1km of Ensor’s Pool SAC should undertake a hydrogeological study to confirm that it will not affect groundwater flows or quality at the SAC’. This recommendation has now been added in the Water Quality part of Policy NE4’.
- 10.3. As well as the above recommendation being included in Policy NE4, the requirement has also been included in the BPR ([CD1] ‘form of development’ page 66 of Policy SHA2 – Arbury as this is in proximity to the SAC.
- 10.4. The second recommendation of the HRA also referred to Ensor’s Pool SAC. Concerns were raised that the footfall around the Pool would be increased by having a strategic residential allocation (SHA2) adjacent to the site and which would lead to increased littering within the SAC; thus affecting the water quality and ecology of the pond. The recommendation of the HRA report paragraph 5.18 page 32 states:  
‘It was recommended in the HRA of the Preferred Options that, for the general health of the SAC, the policy for site SHA-2 (Arbury) includes a requirement for the developer to work with landowners and Natural England to provide support (either financial or in kind through the services of an estate management company for the adjacent development) to aid with litter collection and patrolling of the SAC. The Council ultimately decided that it was unnecessary to include this recommendation in policy because the Council’s Parks Department already have a long lease on the Pool which enables the Council to maintain the area.’
- 10.5. Discussions were held at the time with the Council’s Parks Team who determined that as they already carry out regular litter picking within the SAC as part of the agreed maintenance on the lease agreement, that a financial contribution or estate management scheme was not required. It was also considered that the requirement would unlikely be CIL compliant and that the housing allocation requires a 100m buffer to the SAC.

*Q11. Does the HRA recommend modifications to the Plan? If so, have these been made/are they being proposed by the Council?*

**Answer**

- 11.1. The answer to this is similar to that to question 10. The HRA [CD8] only made two recommendations, one of which was taken into account and the other the Council decided did was necessary. The following recommendations of the HRA were considered within the wording of the BPR:
- 11.2. Paragraph 5.12 page 31 of the HRA report states:  
‘Given the Environment Agency’s advice to Warwickshire County Council in 2019 regarding the Minerals Plan, it was recommended in the HRA of the Preferred Options that a further requirement is explicitly added to Policy NE4 that ‘All new housing and employment allocations with piled foundations or basements within 1km of Ensor’s Pool SAC should undertake a hydrogeological study to confirm that it will not affect groundwater flows or quality at the SAC’. This recommendation has now been added in the Water Quality part of Policy NE4’.
- 11.3. As well as the above recommendation being included in Policy NE4, the requirement has also been included in the BPR ([CD1] ‘form of development’ page 66 of Policy SHA2 – Arbury).
- 11.4. Paragraph 5.18 page 32 of the HRA report states:  
‘It was recommended in the HRA of the Preferred Options that, for the general health of the SAC, the policy for site SHA-2 (Arbury) includes a requirement for the developer to work with landowners and Natural England to provide support (either financial or in kind through the services of an estate management company for the adjacent development) to aid with litter collection and patrolling of the SAC. The Council ultimately decided that it was unnecessary to include this recommendation in policy because the Council’s Parks Department already have a long lease on the Pool which enables the Council to maintain the area’.
- 11.5 The reasoning for not including this second requirement is given in the Council’s answer to question 10 (paragraphs 10.4 and 10.5). The Council concluded the second recommendation was not necessary.

*Q12. Noting the findings of the HRA and representations made by Natural England, does the Plan have sufficient regard to the effect of proposals within the Borough on the River Humber, an Internationally protected site?*

**Answer**

12.1. Natural England (NE) made comments on the Borough Plan Review (BPR) at each of the consultation stages and these comments were reviewed by the HRA consultants at each stage of the HRA. At no point did Natural England have any concerns with the HRA and in fact were supportive of the BPR Policies.

12.2 NE's response to the Preferred Options was received later than the consultant deadline but was accepted as it was realised that their response was important and necessary. Therefore, to enable them sufficient time to respond to the Reg19 stage, an email was sent to them on the 4<sup>th</sup> August 2023 to pre-warn them of the impending consultation commencing on the 4<sup>th</sup> September 2023. The draft Documents and updated HRA June 2023 were also sent to them at that time. The email stated:

'Hi, we had a response from you regarding the Publication document of NBBC's Preferred options stage for our Borough Plan Review, see attached and I just wanted to warn you that we will be formally consulting with you again on the 4<sup>th</sup> September for our Reg 19 Publication stage, we will be giving you chance to respond at that time with a formal response. However, I am emailing to give you forewarning of this for your records. We are still working on the documents, but a draft version can be found in item 11 of the agenda and the appendices at: [Agendas, reports and minutes | Nuneaton & Bedworth \(nuneatonandbedworth.gov.uk\)](#)

As part of the amendments between the preferred options and the publication stage, the Sustainability Appraisal and Habitats Regulations Assessment has undergone some minor changes. I have attached these documents. For easy information the amendments in the HRA are in reference to Ensors pool SAC sections 6.1 to 6.3 concludes these amendments and 5.12 and 5.18 give more details on these. In terms of the Sustainability Appraisal the amendments are in 10.4 and concluded within the recommendations in chapter 11.

I hope this gives you some information and fair warning and would be more than happy to discuss any of the amendments or if you have any queries and will be looking at. We will also be contacting you again in the near future to discuss a statement of common ground with you so would appreciate any requirements or 'contact points you can provide for this.'

Despite the above, Natural England's response to Reg.19 (reference 20) were also received late (21<sup>st</sup> November 2023) available at [Borough Plan Review - Representations received to the Regulation 19 consultation | Nuneaton and Bedworth Borough Council](#) but nonetheless the comments were considered as part of the process.

- 12.3. The HRA [CD8] concludes that the BPR [CD1] does have sufficient regard to the effect of proposals within the Borough on the Humber Estuary SAC/SPA/Ramsar site (the River Humber being just one part of the wider European site). The risks to the Humber Estuary would primarily be through water resources (quantity/flow), water quality or through interference with fish passage along the River Anker. This corresponds with Natural England's comments in their letter dated 21<sup>st</sup> November 2023 that:
- ‘The most likely environmental pathway would be through hydrology, the quality and quantity of water reaching the site downstream of the plan area’.
- 12.4. Paragraphs 5.22 to 5.24 of the HRA set out the elements in the plan that will protect water quality in the River Anker (which is the conduit to the Humber Estuary much further downstream) as well as requiring riverside development to seek opportunities for river restoration and enhancement, e.g., de-culverting, removing structures and reinstating a natural, sinuous river channel, and to provide an 8 m wide undeveloped buffer strip from the watercourse. It is noted that Natural England's aforementioned letter states that:
- ‘It may be possible to conclude that proposals within the plan area would have no Likely Significant Effect on the site or there would be no Adverse Effect On the Integrity of the site as a result of the plan’
- This was regarding the Humber Estuary SAC/SPA/Ramsar site, and they expressed no specific disagreement with the HRA conclusion and indeed supported it.
- 12.5. A minimum of 8m buffer strips have been included throughout the BPR for development adjacent to waterways. See Policy SHA6 – Land at former Hawkesbury, Golf Course form of development’ section 17 page 83; Policy CEM1 Key development principles 2, page 100 and Policy NE4 - Managing flood risk and water quality page 175
- 12.6. The requirements to consider the Humber and Severn Flood Risk Management Plans were recognised within the Strategic Flood Risk Assessments (SFRA) levels 1 and 2 and emerging new Water Cycle Study. Indeed, most of the work on these were carried out through the Sub Regional Water Themes working group which included Coventry and Warwickshire Local Authorities and colleagues from the Environment Agency, Severn Trent Water, Coventry City Council and Warwickshire County Flood Risk Teams. These groups provided feedback on the contract brief and subsequent Reports. Legislation changed during the level 1 contract and the contract was amended to include the new legislation including Nutrient Neutrality and climate change modelling.
- 12.7 The Environment Agency, Severn Trent Water, and Warwickshire County Flood Risk Team were also contacted throughout the writing of Policy NE4 – Managing flood risk and water quality pages 174 to 177 of the BPR both for ‘managing flood risk’ and for water quality. The requirement for monitoring the

chemical and ecological status for this basin is included within supporting paragraphs 12.42 and 12.45 pages 177 to 178 of the Policy.

- 12.8. Policy BE3 - Sustainable design and construction refers to water efficiency and part of the reasoning for this is to prevent deterioration and protect the water environment of the catchment area. Supporting paragraph 13.34 page 197 of the Policy refers to the requirement for measures to prevent deterioration and protect the water environment and refers to: 'The Humber river basin district River basin management plan' (Department for Environment, Food and Rural Affairs December 2015), specifically to Part 1: Humber River basin district available at:  
<https://www.gov.uk/government/publications/humber-river-basin-district-river-basin-management-plan>

## Issue 4: Has the Plan been prepared in accordance with other legal and procedural requirements?

*Q13. Does the Plan conform with the Local Development Scheme?*

### Answer

- 13.1. Core Documents [CD17] (especially paragraph 3.3 and table 1) and [CD1] are applicable to this question.
- 13.2. Yes, it is considered that the BPR process up to this current time, conforms with the LDS. The LDS states the timescale for submission to the Secretary of State as January 2024 paragraph 3.3, table 1 pages 5 and 6. (See below). The Council submitted the BPR to the Secretary of State on the 12<sup>th</sup> February 2024 and therefore whilst this does not conform with the Local Development Scheme (to the exact date), the difference of 12 days is considered de-minimis and therefore overall conforms to the LDS.

Stage	Timescale	Opportunity for Public Involvement
Commencement/ scoping	June 2019 – May 2021	No
Issues and Options Consultation	May 2021	Yes
Consultation on Preferred Options	June 2022	Yes
Publication (Regulation 19) consultation	September 2023	Yes
Submission to Secretary of State	January 2024	No
Examination in Public (dependent on Planning Inspectorate's work programme)		Yes
Receipt of Inspector's Report (dependent on Planning Inspectorate's work programme)		No
Adoption (prediction only – dependent on Planning Inspectorate's work programme)	December 2024 (subject to no Main Modifications consultation)	No

Table 1: Borough Plan Review Timetable

- 13.3 The Local Development Scheme (LDS) [CD17] is required to be approved by Full Council each time the Document is amended. The latest Document was approved at Full Council on the 5<sup>th</sup> July 2023 (available at: [5 July 2023](#)).

[Council | Nuneaton and Bedworth Borough Council](#) agenda item 11a) and set out the project plan for the production of the BPR [CD1].

- 13.4. The LDS anticipates that adoption of the BPR will be December 2024 subject to no main modifications, therefore the Council is proposing to update the LDS if required, as the EIP progresses, once having established whether and when consultation on main modifications is required and if any further works are required.
- 13.5. In line with paragraph 4.5, table 4 of the LDS, if the BPR is considered sound by the Inspectors then the Review Documents and Inspectors Report will need to go to Cabinet and Full Council for adoption. Committee timetables are available at: [Timetable of committee meetings | Committee timetable | Nuneaton and Bedworth Borough Council](#). Notwithstanding the confirmed timetable of meetings, there is the capacity to arrange extraordinary meetings if needed.
- 13.6. It is therefore considered that whilst the submission date was out by 12 days that this is marginal and therefore currently the Plan conforms to the LDS. However, it is expected that further into the Examination process, it may have to be amended depending on future time frames.



*Q14. The Plan period is 2021-2039. Is this sufficient and in accordance with national policy?*

**Answer**

- 14.1. Core Documents [CD1] and [CD17] and Evidence Base [EB8] and [EB13] are applicable to this question. Paragraph 22 of the NPPF states strategic policies should look ahead over a minimum 15-year period from adoption. The LDS [CD17] sets out the timescale for adoption of the BPR as December 2024, therefore if the plan is adopted in line with the LDS, the period would be 15 years and sufficient and in accordance with national policy.
- 14.2. The 15-year view for 2021 to 2039 is consistent with the evidence base projections for the requirements of employment and dwellings within the: 'Towards a Housing Requirement for Nuneaton and Bedworth' (Iceni November 2022) [EB8] and the infrastructure scenario modelling within the 'Strategic Transport Assessment' (Vectos July 2023, paragraphs 1.3 and 1.4) [EB13].
- 14.3. It is recognised that the EIP hearing dates have been set for July, September and October 2024, and could potentially require the examination process going beyond December 2024. However, even if the Plan did not meet the minimum 15-year timespan set out in the NPPF, the housing supply is healthy as it includes 2,040 extra dwellings above the supply need. Details of this can be found in Policy DS3 – Overall development needs and supporting text in table 2 page 19 of the BPR [CD1] and subsequent suggested Main Modification<sup>3</sup> (March 2024 page 4) [CD21].
- 14.4. It is considered that the plan will provide a healthy housing and employment supply position and to robustly meet the long-term requirements of the Borough over the plan period. However, there are further longer-term opportunities due to additional land referred to in Policy SHA3 – Land at Tuttle Hill (Judkins Quarry). The supporting evidence paragraph 7.62 page 73 [CD1] refers to the wider site beyond the proposed red line of the existing proposed strategic site being brought forwards for further housing and employment and therefore has the potential for meeting future need into the next plan period. The additional land has been tested during the Strategic Transport Assessment [EB13].
- 14.5. The NPPF paragraph 33 requires that Local Plans are reviewed every five years, so it is likely that in the event further land is required then the above site could be appropriate and incorporated into a future Review.

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<sup>3</sup> These figures may be amended due to additional evidence-based work on housing supply being undertaken by the Council.

- 14.6. The above is consistent with the approach taken by Planning Inspectors Louise Nurser and David Troy in the Examined Plan Report on the Examination of the Bracknell Forest Local Plan – Report to Bracknell Forest Borough Council (1<sup>st</sup> March 2024 paragraphs 29 and 30 page 11), available at: [Inspectors report - Bracknell Forest local plan \(bracknell-forest.gov.uk\)](https://bracknell-forest.gov.uk/inspectors-report-bracknell-forest-local-plan) This Plan was considered sound, and which provided a period of 12 to 13 years from adoption.

*Q15. Does the Plan comply with the Statement of Community Involvement and have the minimum consultation requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 been met?*

**Answer**

- 15.1. The Core Document [CD12] is the Document most applicable to this question but [CD1], [CD4] and [CD5 to CD6.18], [CD11], [CD14], [CD21 and [CD22] are also referred to within this question. Paragraph 15.7 below also makes specific references for responses to the Reg19 stage where comments led to the Council recommending Modifications to the Planning Inspectorate. This is provided in [CD14] and included responses from North Warwickshire Borough Council, Coventry City Council, Rugby Borough Council, Warwick District Council, Stratford-upon-Avon District Council, Sport England, Environment Agency, Historic England, Home Builders Federation, Coventry and Warwickshire Chamber of Commerce, Nurton Developments, RentPlus UK Ltd, Arbury Estate FCC Environment UK Ltd, Gladman Developments Ltd, L&Q Estates, CEG Land promotion, Opus Land Nuneaton Ltd, Seven Homes, Taylor Wimpey Strategic Land, Stoford Properties Ltd., and Councillor K.Kondakor,
- 15.2. The Statement of Community Involvement (SCI) [CD12] sets out how the consultation requirements identified in the Town and Country Planning (Local Planning) (England) Regulations 2012 (TCP Reg.12) which apply to Nuneaton and Bedworth Borough Council. The SCI is reviewed on a maximum of a five yearly basis (as required by the PPG paragraph 071 Reference ID: 61-071-20190315) or earlier in the event there are changes required such as the temporary amendments required due to Covid 19. The 2020 SCI was used for the Issues and Options and Preferred Options stages of consultation and the latest SCI was adopted by Full Council on the 13<sup>th</sup> September 2023 agenda (available at: [13 September 2023: Council | Nuneaton and Bedworth Borough Council](#) agenda item 10c), therefore both SCI documents were appropriate for the Regulation 19 (Reg19) stage.
- 15.3. The process that the Council followed from Regulation 18 to Regulation 24 is stated in paragraphs 2.2 to 2.8 pages 5 to 6 of the SCI [CD12] and have been followed accordingly and meets with the (TCP Reg.12). Appendices A and B of the SCI [CD12] pages 17 and 18 provide details of the bodies contacted. The Consultation Statement (CS) [CD11] appendix 2, schedules 1a and 1b provide details of those contacted throughout the process. Appendices 2, schedules 2a, 2b, 2c of the CS [CD11] provide details of what the email consultation stated at the various stages and appendices 2, schedule 3a, 3b and 3c provide details of the formal response forms.
- 15.4. The consultation responses were considered at the end of each consultation stage and Officer responses to these were made public to demonstrate how these responses fed into the BPR [CD1]. The CS [CD11] provides the details of this in Section 3.1 page 12 onwards in relation to the Issues and Options.

Section 3.2 provides details of the Preferred Options page 17 onwards and section 3.3 page 27 onwards provides details of the Publication stage. The Summary of representations received to the Regulation 19 consultation have also been made available [CD14]. It is therefore considered that Paragraph 18 and 19 of the TCP Reg.12 have been followed.

- 15.5 The responses to the Issues and Options were provided in a table form at: [Borough Plan Review - Issues and Options | Nuneaton and Bedworth Borough Council](#) These were then discussed in great details in the Preferred Options Document, available at: [Borough Plan Review - Preferred Options | Nuneaton and Bedworth Borough Council](#) chapter 5. Pages 13 to 16 stated the questions asked in the Issues and Options. Section 5.2 to 5.6 pages 17 to 21 of the Preferred Options Document gives quantified data on the responses for instance 70% of the responses to question 1 favoured a 15-year plan period. The contents of that section also included a precis of the responses and underneath each, the Council's response on how these would be addressed were provided in italics. One of the overwhelming responses was that the Council's evidence base should be updated particularly for updating, housing and employment needs and new infrastructure requirements and a Green Belt Review. A number of the evidence base documents including a new HEDNA, Infrastructure Delivery Plan and Green Belt Review for previous Strategic Allocations HSG4 and HSG7 were subsequently carried out. The consensus to the development strategy methodology (questions 7,8,9, 11 and 12) was that development should be prioritised in the existing urban areas and which was considered by responders as the most appropriate option and has been the method followed. The consultation responses and the subsequent Council's responses were then fed into each Policy. For instance, in Policy DS3 - Development Principles of the Preferred Options, the supporting text page 27 to 28 paragraphs 7.12 to 7.17 provided information how the responses were dealt within the Policy.
- 15.6. The responses to the Preferred Options were précised and Officer comments were provided for each of the comments; this is available to view at: [Borough Plan Review - Preferred Options | Nuneaton and Bedworth Borough Council](#) The responses are also précised in the Consultation Statement [CD11] pages 17 to 27. Similarly to the Issues and Options the overwhelming consensus was a request to provide sustainable sites in the urban area. Duty to cooperate and meeting unmet housing need were also points made repeatedly in the responses. The Council were aware of this and were working with other Local Authorities in the area, unfortunately as they were not at the same Plan making stage process none of the Local Authorities were in a position to provide details of their proposed unmet need or to sign a new Memorandum of Understanding as Authorities wanted to assess and ensure these included agreements on their own unmet needs.
- 15.7. As stated in paragraph 15.4 above, the responses to the Publication Reg19 stage have been provided in [CD14]. Where possible amendments were carried out to meet the needs of the responses; examples of this include some of the suggested Modifications in [CD21] and [CD22]. The responses that necessitated a Modification and the reference numbers of the responses

are as follows: North Warwickshire Borough Council - 1.2, Coventry City Council - 2.1, 2.2, Ruby Borough Council - 3.2, Warwick District Council and Stratford-upon-Avon District Council - 4.2, Sport England 11.1, 11.4 - 11.11, Environment Agency - 13.3, 13.5, 13.7, 13.8, 13.10, 13.12 - 13.14, 13.16, Historic England - 15.16, 15.17, 15.19 - 15.21, 15.23 - 15.27, 15.41, Home Builders Federation - 16.8, 16.10, Coventry and Warwickshire Chamber of Commerce - 17.1, Nurton Developments Ltd., - 104.1, RentPlus UK Ltd 105.2, Arbury Estate - 106.7, 106.9, 106.19, 106.21, FCC Environment UK Ltd - 110.4, Gladman Developments Ltd – 111.11, L&Q Estates - 114.4, 115.13, 115.18, CEG Land promotion - 116.4, Deeley Group - 120.2, Opus Land Nuneaton Ltd 121.11, 121.15 - 121.17, Seven Homes - 122.10, Taylor Wimpey Strategic Land - 129.5, Stoford Properties Ltd., - 136.3, 136.4, Councillor K.Kondakor - 301.11, 301.16.

- 15.8. Two of the most common responses to the Reg19 consultation was an amendment to ensure regional unmet need was included and which has been suggested as a Modification to DS8 Review. Another repeated request was for a review of Policy NE3 – Biodiversity and Geodiversity. A number of the comments and subsequent suggested modifications were from statutory consultees or from Land Agents requesting modifications to their own strategic allocations. A large amount of the comments were then specifically discussed with the responders subsequent to the consultation period. Where appropriate these amendments were included within Statements of Common Ground [CD4] and [CD5 to CD6.18].
- 15.9. To clarify changes between the Preferred Options and Publication Version, a Document was included in the consultation for the Reg 19 that provided: 'What does the document cover and how has the Borough Plan Review evolved since the Preferred Options consultation?'. This can be found in the Consultation Statement pages 111 to 114 [CD11].
- 15.10. The consultation periods were followed in accordance with paragraph 2.9 page 6 and 7 of the SCI [CD12]. Paragraphs 2.2, 2.3 and 2.5 pages 10 and 11 of the CS [CD11] also provides information on this. The Duty to Co-operate information is provided in paragraph 2.12 of the SCI [CD12] and bodies are shown in appendix C page 19 and as required by the TCP Reg 2012. The Council has carried out constructive active engagement with these bodies on an ongoing basis, this was both at the formal consultation stages but also between those stages. Details of this can be found in the Duty to Co-operate CS [CD4]. The Core Documents [CD5 to CD6.18] also provides Statement of Common Grounds. Forums were also held for both the Duty to Cooperate bodies and for development partners, details of which are in the CS [CD11] page 27.
- 15.11. Any additional forms of consultation in the SCI are optional. The optional methods of involvement outside of the regulations are stated within paragraph 2.23 page 9 of the SCI [CD12]. These additional methods have been carried out at various stages of the plan making process, where considered appropriate. Appendix 2, schedule 4a, 4b and 4c of the CS [CD11] provides details of the press releases and social media events. Public events were also

held at the Issues and Options and Preferred Options stages, please refer to the CS [CD11] appendix 2, schedule 4a, 4b and 4c. The Council's web site for the Reg19 is still available at: [Consultations on planning policy | Planning policy consultations | Nuneaton and Bedworth Borough Council](#)

- 15.12. The Sustainability Appraisal (SA) has also been consulted upon as required in paragraphs 2.13 and 2.14 pages 7 and 8 of the SCI.
- 15.13. In relation to consultation for the Examination as per paragraphs 2.21 and 2.22 page 9 of the SCI [CD12] and as per paragraph 24 of the TCP Reg.12, the Council emailed the people making representations to the Regulation 19 and also all of those on the Planning Policy consultation database including those requesting to be notified of the Examination dates on the 23<sup>rd</sup> May. In addition, a press release was issued on the 24<sup>th</sup> May. The Council's web site still shows information on the submission, available at: [Submission of the Borough Plan Review \(2021-2039\) | Borough Plan | Nuneaton and Bedworth Borough Council](#)
- 15.14. In conclusion, it is considered that the BPR has met and is in accordance with the requirements set out in the TCP Reg 12 and that meaningful consultation has been carried out throughout the process and comments included within the iterations of the BPR or within suggested Modifications.

*Q16. Does the Plan accord with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 and national policy in respect of climate change?*

**Answer**

- 16.1. Core Document [CD1] and Evidence Base Document [EB12], [EB17] and [EB18] are applicable to this question. It is considered that yes, the Plan accords with the Planning and Compulsory Purchase Act 2004 (PCPA 2004); the NPPF, the Environmental Act 2021; the Climate Change Act 2008 and A Green Future: Our 25 Year Plan to Improve the Environment Green (OGL 2018) available at: <https://www.gov.uk/government/publications/25-year-environment-plan>
- 16.2. The PCPA Chapter 5 Part 6 Section 19 (1A) 'Preparation of local development documents' states that 'Development Plan Documents must (taken as a whole)' include Policies to ensure that development and land use contributes to the mitigation and adaption for climate change. This is reiterated in the NPPF which gives the three overarching principles for sustainable development one of which is environmental objectives paragraph 8 page 5. This also goes further by requiring the move to a low carbon economy.
- 16.3. The BPR [CD1] takes account of climate change for the natural, built and historic environment including landscapes and green infrastructure as per paragraph 11 page 6, paragraph 20 page 9 of the NPPF. Indeed Objective 8 of the BPR refers to specifically addressing Climate Change page 12.
- 16.4. Annex 2: Glossary of the NPPF page 65, defines climate change mitigation as 'Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions'. Paragraph 3.2 page 7 of the BPR states that climate change measures and resilience is a thread running through the whole of the Review rather than standalone policies; this approach is also mindful of the Environment Act 2021 and Climate Change Adaptation Plan available at: <https://www.gov.uk/government/publications/25-year-environment-plangold>
- 16.5. Climate change is directly related to reaching carbon zero by 2050 and which is covered in the MIQ's. Please therefore also refer to the Council's answer to Question 28, Issue 2, Matter 2.
- 16.6. To address the long-term implications for flood risk arising from climate change through Policy NE4 – Managing flood risk and water quality, pages 174 to 177 stipulate that new development proposals must account for climate change in new development.
- 16.7. Biodiversity is covered by Policy NE3 – Biodiversity and geodiversity of the BPR [CD1] pages 169 and 172, it stipulates that development proposals must prevent the fragmentation of existing habitats, the requirements for improving

habitats such as wildlife belts, wildlife stepping stones and corridors and sets out the order of replacement habitat for biodiversity offsetting, amongst other requirements. The supporting paragraphs provide details including tree planting and by providing shade refer to paragraph 12.33 page 172. Tree planting is also included within the Vision for the BPR page 11 and is mentioned through the Strategic Policies as well as within the Policies for the specific allocations for example number 16 'for the form of development' for Strategic Policy SEA6: Bowling Green Lane page 98.

- 16.8 The NPPF paragraphs 153 and 154, page 45 states for climate change landscapes and overheating should be considered. Policy NE1 – Green and blue infrastructure of the BPR [CD1] page 163 requires that climate change is fundamental to the design of green and blue infrastructure for new development including the retrofitting of Suds and rain gardens and other features. The supporting evidence for this paragraphs 12.2 to 12.7 pages 163 to 164 refers to the existing and emerging Green Infrastructure Plan and nature recovery This refers to Warwickshire, Coventry and Solihull Sub Regional Green Infrastructure Strategy (Warwickshire Museum and Natural Environment (2013) available at: <https://www.warwickshire.gov.uk/greeninfrastructure> Policy NE3 paragraph 12.33 page 172 refers to amelioration for overheating.
- 16.9. Landscape is covered by Policy NE5 – Landscape character, pages 183 to 184 require major development to demonstrate that they are in balance with the setting of the local landscape, seeking to conserve, enhance or create boundary features and field patterns, amongst other requirements. Enhanced tree planting as per paragraph 131 page 39 of the NPPF. Policy NE2 – Open space and playing fields pages 166 to 167 and Policy NE4 – Managing flood risk and water quality, page 177 also refers to tree and orchard planting. Policy TC2 page 134 within the development principles for town centres requires climate change mitigation for increased flooding but also requires mitigation for heat islands by requiring green areas for cooling.
- 16.10. Paragraph 153 of the NPPF also refers to water supply, consideration has been given to this in the BPR in terms of protecting water quality see Policy NE4 – Managing flood risk and water quality, which has a section in the Policy on water quality including ground water quality, this is also within monitoring indicator NE4b and c. The Council is also in an area seriously water stressed, available at: <https://www.sustainabilitywestmidlands.org.uk/resources/west-midlands-climate-change-adaptation-plan-2021-2026/> This is also referred to in 'Housing: optional technical standards' – 'water efficiency' paragraph 014 Reference ID: 56-014-20150327 (Gov.UK) available at: [Housing: optional technical standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-optional-technical-standards) . The requirement for efficient design to restrict water use has subsequently been proposed to be 110 litres/person/day (l/p/d), this is identified in Strategic Policy DS1 – Sustainable development, page 14, Strategic Policy SA1 – Strategic allocations page 57 and reiterated in Policy BE3 – Sustainable design and construction pages 193



to 195. However, the emerging Water Cycle Study 2024 takes this requirement further to 105 l/p/d and 100 l/p/d where there is a local need. Whilst this Document has not yet been made public the data is taken from the Environmental Improvement Plan 2023 (HM government 2023) Action 7 page 118 available at: [Environmental Improvement Plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). This suggests 100l/p/d where there is a clear need such as in areas of serious water stress. It is therefore requested that this is considered as an additional Main Modification so that the 110l/p/d is reduced further to 100l/p/d. This amendment has been assessed by the viability assessment consultants and is considered to be de-minimis in terms of additional costs who consider that it generally only becomes a cost issue when the requirement is below 85l/p/d.

- 16.11. In reference to planning and flood risk and as required by Section 14 of the NPPF page 45 and paragraph 159 - 169 pages 47 – 49; strategic policies have been informed by both the Level 1 Strategic Flood Risk Assessment (2023) [EB16] and the Level 2 Strategic Flood Risk Assessment (2023) [EB17]. These consider the NPPF and NPPG, including climate change mitigation and 40% for climate change modelling and also for the requirement for a sequential approach, followed by the exception test where appropriate [EB18]. These requirements are also mentioned within the Policies for the strategic sites such as SHA1: Land at Top Farm, paragraph 7.38 page 64; SHA2: Arbury, paragraph 7.51, page 69 page; SHA3: Land at Tuttle Hill, paragraph 7.61 page 73; SHA5: Land West of Bulkington, paragraph 7.86 page 81. The requirement are also included within the bullet points for the non-strategic sites such as NSRA4: Vicarage Street, page 34, NSRA6: Land at Bucks Hill, page 36, NSRA7: Abbey Street, page 38; NSRA10: Land at Bermuda Road, page 42 of the BPR [CD1]. (Reference is made within the other strategic and non-strategic sites but not mentioned for brevity, but references can be provided).
- 16.12. The NPPF paragraph 98 page 28 refers to high quality open spaces, sport and physical activity not just for health and wellbeing but for nature and to address climate change. These are priority issues and are shown in the BPR within chapter 2 the 'Local context of the Borough' pages 4 to 6, chapter 3 pages 7 to 10 and sets the context for chapter 4, the Vision, and Objectives of the BPR pages 11 to 12. The Council is driven not just due to climate change but regard to health and open space improvements within the Borough in general. This is touched upon by the Councils answers to Question 20 of the MIQ's.
- 16.13. Policy NE2 – Open space and playing fields of the BPR [CD1,] page 166-167 requires climate change mitigation and resilience for open space and playing fields.
- 16.14. Policy HS1 – Ensuring the delivery of infrastructure for development BPR page 141, [CD1] requires infrastructure to be resilient to climate change, similarly to Policy HS2 – Strategic accessibility and sustainable transport, page 144. Policy HS6 – Sport and exercise page 157 states that any open

space should be resilient but also mitigate for climate change including the provision of natural planting for shaded outdoor spaces.

- 16.15. The BPR [CD1] also accords with national policy in relation to the use and supply of renewable and low carbon energy and heat by providing a positive strategy for energy through Policy BE2 – Renewable and low carbon energy, pages 189 to 190, which supports applications for renewable and low carbon energy developments and requires development to reflect the Climate Change Act 2008 and zero carbon emissions by 2050 and the Environment Act 2021. In addition to this, the BPR advises that developments should connect to any existing community/district heating schemes where appropriate.
- 16.16. BPR [CD1] Policy BE3 – Sustainable design and construction, pages 193 to 195 is a key policy in terms of carbon change and working towards zero carbon and requires the efficient use of resources and energy efficiency. It requires development to comply with the higher Building Regulations standards such as Future Homes, or BREEAM very good standards and by looking at a fabric first approach. The Policy requires that air, soil, noise, and light pollution is minimised and includes the requirement for climate change resilience. The Policy also requires passive solar design, rainwater harvesting and sustainable construction such as minimising resources and waste during construction.
- 16.17. Policy BE3 is supported by the Sustainable Design and Construction Supplementary Planning Document (SPD) 2020 available at: [Adopted Supplementary Planning Documents | Borough Plan | Nuneaton and Bedworth Borough Council](#). The SPD requires a sustainable design and construction checklist pages 14 to 19 be completed and returned with every non householder planning application. The Policy also requires that development affecting heritage assets consider climate change.
- 16.18. Sustainable Transport is also a consideration for climate change and achieving carbon neutrality, improvements to walking and cycling networks and facilities are a part of this and is mentioned in chapter 3 of the BPR [CD1]. This requires improvements for 'local communities' paragraph 3.4 page 9 and is subsequently fed into Strategic Objective 6: Sustainable, healthy, and safe communities page 12 of the BPR.
- 16.19 Sustainable transport is also a key priority for Strategic Policy DS2 – Settlement hierarchy and roles for ensuring sustainable development paragraph 6.6 page 16 and Strategic Policy SA1 – Development principles on strategic sites supporting paragraphs 'footpaths and cycleways' and 'Movement and highway access, including wider road improvement' page 58 and 59 of the BPR. The requirement is also within the strategic allocations.
- 16.20 Sustainable transport is also integral to Policy E1 – Nature of employment growth paragraph 9.11 page 124; the 'development principles' of Policy TC2 – Nature of town centre growth page 134; Policy HS2 – Strategic accessibility

and sustainable transport page 144; Policy HS2 – Strategic accessibility and sustainable transport; Policy HS6 – Sport and exercise page 157; Policy NE1 – Green and blue infrastructure paragraph 12.7 page 164 and Policy NE2 – Open space and playing fields pages 166 to 167. Policy HS2 Policy HS2 – Strategic accessibility and sustainable transport point 5 also requires that development maximises the use of sustainable transport by providing ‘secure cycle parking, easier access to rental bikes, e-bike hubs, lockers and showers in new workplace developments and appropriate shelter or cooling along the walking and cycling links’ page 144.

- 16.21. Air quality is also a consideration for the wider climate change consideration and zero carbon and recognised within the Environment Act 2021 part 4. There are Air Quality Management Areas within the Borough, and this is recognised in chapter 3 of the BPR for the ‘Key issues facing the Borough’ page 9. Supporting evidence paragraph 7.27 and 7.28 page 60 of Strategic Policy SA1 – Development principles on strategic sites recognises that noise and air mitigation measures are likely to be required. Policy HS2 – Strategic accessibility and sustainable transport page 144 point 3 reiterates this. Point 3 of this refers to measures being required to ensure air quality remains the same from predevelopment levels (neutral) so that proposals will require Air Quality Impact reports. The Policy includes measures that will be required as a minimum such as electric charging points, dust management plans and low emission boilers. Reference is required to the Council’s Air Quality SPD (2020), available at: [Adopted Supplementary Planning Documents | Borough Plan | Nuneaton and Bedworth Borough Council](#) The SPD provides details on what mitigation levels will be required and is dependent upon the Air Quality Impact Assessment provided with any application.
- 16.22. An Air Quality Assessment was carried out as part of the evidence base work (Air Pollution Services 31 July 2023 [EB12] and which predicted concentrations page 12 and ‘Modelling Overview’ page E3 of E26 of the proposed sites by using the Strategic Transport Assessment Modelling.
- 16.23. In conclusion, it is considered that the BPR accords with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 and national policy in respect of climate change and as set out above, a main modification is suggested to further reduce water use from 110l/d/p to 100l/d/p.

*Q17. Is it clear from the Plan how it relates to any other plans that form the Development Plan for the area?*

**Answer**

- 17.1. Core Document [CD1] is applicable to this question. The Development Plan for the Borough comprises of the adopted Borough Plan (2019) and the adopted Gypsy and Traveller Site Allocations Development Plan Document (DPD). The DPD was adopted on 18<sup>th</sup> January 2024 and is available at: [Gypsy and Traveller Site Allocations Development Plan Document - Adoption | Nuneaton and Bedworth Borough Council](#). There are no designated Neighbourhood Plan Areas within the Borough.
- 17.2. The Inspector for the Gypsy and Traveller Site Allocations DPD requested that the third bullet point of adopted Local Plan Policy DS4 – Overall development needs of the adopted Borough Plan (Local Plan) 2019 (page 28 available at: [Adopted Borough Plan \(2011-2031\) | Nuneaton and Bedworth Borough Council](#)) was replaced. This referred to the overall requirements for residential pitches and transit pitches to accommodate Gypsies and Travellers as this was removed and replaced with Strategic Policy G1 Overall Need page 8 of the adopted Gypsy and Traveller Site Allocations Development Plan Document (DPD). The DPD Inspector also requested that extant Local Plan Policy H3 - Gypsies and Travellers page 117 was completely superseded by Policy Strategic Policy GT2 – Strategy, page 11 of the Gypsy and Traveller Site Allocations DPD.
- 17.3. Being mindful of the Inspectors requirement for the Gypsy and Traveller Site Allocations DPD, the overall development needs is now provided in Policy DS3 pages 17 and 18 of the BPR. However, this does not refer to the overall need for Gypsy and Travellers bearing in mind the need could change when the Gypsy and Traveller Site Allocations DPD is reviewed, the Policy now simply refers to the requirements set out in Strategic Policy GT1 Overall Need of the Gypsy and Traveller Site Allocations DPD page 8. Within the BPR there is a policy for Gypsy and Traveller sites which is Policy H3 – Gypsies, Travellers and Showpersons page 112. However, this Policy just refers to the provision and delivery in line with the Gypsy and Traveller Site Allocations DPD. The supporting text of the Policy advises when the DPD will be reviewed. The BPR has no monitoring requirements for the Gypsy and Traveller Site Allocations DPD as these are within the actual separate DPD.
- 17.4. The Gypsy and Traveller Site Allocations DPD covers the period between 2021 and 2027 and it is to be reviewed five years after adoption and five years thereafter, as per chapter 3.9 page 7 of the Gypsy and Traveller Site Allocations Development Plan Document.
- 17.5. In conclusion it is considered that the BPR relates to other adopted Development Plan Documents.

*Q18. Has the public sector equality duty been met in the preparation of the Plan?*

**Answer**

- 18.1. The main Core Document applicable to this question is [CD13], however reference is also made to [CD1], [CD7.1], [CD7.2], [CD11] and [CD12].
- 18.2. The Public Sector Equality Duty is available at: [Public Sector Equality Duty: guidance for public authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/public-sector-equality-duty) this requires decision-makers to have due regard to advance equality of opportunity, and foster good relations in relation to recommending new Policy and publishing consultation statements.
- 18.3. Equality Impact Assessments (EIA) have been carried out by the Council's Equality and Diversity Officer throughout the BPR plan making process. The equality implications of the BPR have been considered throughout the process. Assessments have been completed at different stages of the process to ensure that (at no stage) there is adverse impact on any groups of people or protected characteristics. Each assessment has been based on the data/documentation collected throughout the consultation periods.
- 18.4. In terms of the consultation carried out, over 200 contacts were consulted as part of each stage. Consultees can be found within the Council's Statement of Community Involvement appendices (SCI) [CD12] and Consultation Statement (CS) [CD11]. The responses were considered at each stage of the consultation process. Appendix B of the SCI (page 18) states the types of bodies that have been contacted to ensure as wide a community reach as possible these include: Voluntary bodies, Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area, Bodies which represent the interests of different religious groups in the local planning authority's area, Bodies which represent the interests of disabled persons in the local planning authority's area, Bodies which represent the interests of persons carrying on business in the local planning authority's area. In terms of direct consultees for the BPR process consultation, please refer to appendix 2 Schedule 1a pages 42 to 54 of the CS.
- 18.5. The most recent EIA [CD13] was carried out on the 4<sup>th</sup> September 2023 and stated that there are:  
'no direct equality considerations which have been identified within any of the Borough Plan documentation. The Council has consulted with a wide range of stakeholders to the Borough Plan involving various different mechanisms over several different stages of the development of the plan. Representations received during the Publication Borough Plan have ranged from positive comments to concerns & objections to specific proposals within the BPR, but no other comments were directly related to equality issues.'

- 18.6. The EIA looks at the impact to age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race – which included ethnic or national origins, colour, caste or nationality; religion or belief – this also included no religion/belief and sexual orientation (including LGBT).
- 18.7. The 'Key issues facing the Borough chapter 3 of the BPR [CD1] pages 7 - 10 include ONS statistics, these recognise inequalities compared to the rest of Warwickshire including that Nuneaton and Bedworth Borough Council have several deprived areas, unequal health statistics, intense need for affordable housing, poor educational attainment and little economic opportunities for higher paid jobs such as knowledge based opportunities. These have all been considered throughout the Policies in the BPR. The vision of the BPR page 11 refers to healthy, safe and inclusive opportunities, and greater sustainable transport. The objectives of the BPR pages 11 to 12 looks at employment opportunities, steady and adequate housing, sustainable, and healthy and safe communities. This vision and objectives together with looking at housing needs in the up-to-date HEDNA's have looked at shaping Policies.
- 18.8. Housing and employment levels is addressed in Policy DS3 – Overall development needs. This Policy also includes reference to the Gypsy and Traveller Site Allocations Development Plan Document (DPD) similarly to Policy H3 – Gypsies, Travellers and Showpersons. Policy SA1 - Development principles, Policy H2 – Affordable housing and Policy H5 – Accessible and adaptable homes all require 95% of homes meeting M4(2) and 5% meeting M4(3) standards as well as homes meeting Healthy Life and the Future Homes and Buildings Standards. Similarly, Policy H1 - Range and mix of housing requires M4(3) standards for 'homes for older people' and 'other specialised housing' including extra care housing, residential care homes and other housing options, which allow older people to stay in their own homes and compliance to emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments. Similarly, Policy H4 – Nationally Described Space Standards (NDSS) requires 100% dwellings meet NDSS standards.
- 18.9. The Scoping Report for the Sustainability Appraisal (February 2021) and Sustainability Appraisal Report (May 2021 both available at: [1\(nuneatonandbedworth.gov.uk\)](http://1(nuneatonandbedworth.gov.uk)) identified from the Warwickshire Local Transport Plan 2011 – 2026 available at <https://www.warwickshire.gov.uk/directory-record/2149/local-transport-plan-2011-2026> that transport should promote greater quality of opportunity for all citizens and which the scoping report states should be considered in Sustainable Development. It is considered that the BPR provides Policies for sustainable development within its development principles.
- 18.10. The Sustainability Appraisal (Non-Technical Summary, July 2023) recognised and tested the 11 factors that should be considered page 5 [CD7.1] and SA report for the Regulation 19 (AECOM July 2023) [CD7.2] took these 11 factors pages 4 to 9 and considered whether this would lead to inequalities.



- 18.11. The 11 factors were tested against strategic priorities throughout the various stages concluding to two strategic priorities at the pre submission stage. This was for urban dispersal or for urban dispersal plus HSG4 and HSG7 (removed from the BPR) page 10 of the SA.
- 18.12. In conclusion, it is considered that the preparation of the BPR [CD1] has fully met the public sector equality duty throughout the process.

*Q19. Does the Plan comply with all other relevant legal requirements, including those in the 2004 Act (as amended) and the 2012 Regulations?*

**Answer**

- 19.1. Core Documents [CD1], [CD2.1 ], [CD2.2 ], [CD5 ], [CD6.1 ], [CD6.2 ], [CD6.3], [CD6.4], [CD6.5], [CD6.6], [CD6.7], [CD7.1], [CD7.2], [CD7.3], [CD8], [CD11], [CD12 ], [CD14 ], [CD17], [CD22 ], are applicable to this question.
- 19.2. Under the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 13 'Survey of area' requires Local Planning Authorities to review matters as per section 13(1) of the legislation. This is also required within Section 17 'local development documents' of the legislation parts 1 to 6. The BPR and evidence base provides a Review since the adopted Plan in 2019. The Review and evidence base considers all the matters in 13 (2) and (3). The evidence base work such as Flood Risk Assessment, Air Quality Assessment and Strategic Transport Assessment considers proposed development in the neighbouring Authorities. The Plan also considers any potential residential and employment unmet need; although figures from adjacent Authorities are unknown at present due to where they are in the Local Plan process, as per 13 (4) of the legislation. The Council has been in constant discussions with adjacent Local Planning Authorities throughout the process, refer to 'Duty to Cooperate Compliance Statement [CD4] page 10 onwards and individual Statements of Common Ground [CD5]; [CD6.1]; [CD6.2] and [CD6.3]. Also refer to answers to MIQ's questions 1, 2 and 3, Issue 1, Matter 1.
- 19.3. In relation to Section 15 of the PCPA 2004 'Local development scheme'; the Council have an adopted Local Development Scheme (LDS) [CD17] this sets out the timetable for the revision of the Plan. In reference to Section 17 part 7 of the legislation which requires description, form and content and time of any steps for the DPD's again this is described within the Council's adopted LDS.
- 19.4. In reference to Section 18 of the PCPA 2004 'Statement of community involvement'. The Council have an adopted SCI [CD12] and this complies with the requirements in the this section.
- 19.5. Section 19 of the PCPA 2004, 'Preparation of local development documents', 19(1) requires DPD to be prepared in accordance with the LDS [CD17]. It is considered that this is the case. In relation to 1(A) the DPD has considered mitigation and adaptation to climate change prefer to the answers to MIQ's question 16. The BPR [CD1] provides strategic Policies in line with 19(1B and 1C). The BPR has regard to national policies (2a) and as per (2h) and has regard to the [Gypsy and Traveller Site Allocations Development Plan Document - Adoption | Nuneaton and Bedworth Borough Council](#) refer to MIQ response to question 17, Issue 4, Matter 1. As previously advised, the BPR has been carried out as per the SCI [CD12]. The BPR has been supported at



each stage of the plan making process by a Sustainability Appraisal [CD7.1]; [CD7.2] and [CD7.3] as per requirements of 19(5).

- 19.6. In relation to section 20(1) of the PCPA 2004 'independent examination' the BPR has been submitted to the Secretary of State (SOS) and has complied with the relevant requirements within the PCPA 2004 20(2a). The BPR was ready for independent examination when it was submitted in February 2024 20(2b). All the relevant documents were submitted to the SOS at the time of the submission 20(3). The Programme Officer has emailed all the responders to the Regulation 19 stage to enable them to make representation at the Hearings 20(6). Delegated Authority has been granted for Officers to be able to discuss and agree modifications with the Planning Inspectors (20(7C).
- 19.7. Section 33A of the PCPA 2004 refers to 'Duty to co-operate in relation to planning of sustainable development'. In reference to 33A (1 and 2) adjacent Local Authorities, Warwickshire County Council and statutory consultees have been involved throughout the process, refer to 'Duty to Cooperate Compliance Statement [CD4] page 10 onwards which gives details of these contacts and the SCI [CD12] provides details of the statutory consultees. Details are also provided in the individual Statements of Common Ground [CD5]; [CD6.1]; [CD6.2]; [CD6.3]; [CD6.4]; [CD6.5]; [CD6.6] and [CD6.7]. Please also refer to answers to MIQ's questions 1, 2 and 3, Issue 1, Matter 1.
- 19.8. As per Section 35 of the PCPA 2004 'Annual monitoring reports', the Council carry these out on an annual basis, and which have fed into the BPR [CD1].
- 19.9 With regard to the Town and Country Planning Regulations 2012, (TCPR 2012) Part 2 'Duty to co-operate' of the Regulation this has been dealt with in Matter 1 Issues 1 responses to questions 1 to 3, Issue 1, Matter 1. Please also refer to the Duty to Cooperate Compliance Statement and Statements of Common Ground [CD4]; [CD5]; [CD6.1] to [CD6.18] and CD11].
- 19.10. Part 4 of the PCPA 2004 refers to 'form and content of documents and regard to be had to certain matters'; Section 8 refers to 'Form and content of local plans and supplementary planning documents: general'. 8(1a) of (TCPR 2012) is not appropriate as refers to adoption dates. Section 8(1b) relates to indicating whether the document is a local plan or supplementary planning document. In this case the BPR is labelled as a Borough Plan Review.
- 19.11. Regarding legislation 8(2) it is required that a Local Plan provides reasoned justification of the Policies. It is considered that this is the case as the Policies are based on a justified vision and objectives (see response to MIQ's question 20). In relation to part of the legislation 8(4); it is considered that the BPR is consistent with the adopted Gypsy and Traveller Site Allocations Development Plan Document (DPD) which was adopted on 18<sup>th</sup> January 2024 available at: [Gypsy and Traveller Site Allocations Development Plan Document - Adoption | Nuneaton and Bedworth Borough Council](#) (refer to MIQ's the Council's response to question 17). Regulation 8(5) of the legislation is not relevant as the BPR does not supersede the adopted Gypsy and Traveller Site Allocations Development Plan Document (DPD).

- 19.12 Part 4 paragraph 9 of the TCPR 2012 refers to 'Form and content of the adopted policies map'. The BPR does provide a Local Plan map [CD2.1] Section (1a) of the legislation requires that maps are produced from Ordnance Survey as is the case with the Council's map. Legislation part 9(1B) requires that symbols are explained, and this is carried out in the key [CD2.2].
- 19.13. The map is for the entire Borough and provides information such as the development boundary in yellow for the settlement boundary mentioned in Policy DS2 – Settlement hierarchy and roles. It shows the boundaries of the strategic and non-strategic housing allocations for DS4 – Residential allocations; SHA1 - Land at Top Farm; SHA – Arbury 2; SHA3 – Land at Tuttle Hill; SHA4: Hospital Lane; SHA5 – Land West of Bulkington; SHA6 – Land at former Hawkesbury Golf course. It also shows boundaries for strategic employment sites for Policy DS5 – Employment allocations; Policy E22 – Existing employment estates SEA2 – Wilsons Lane; SEA3 – Prologis Extension; SEA6 – Coventry Road and SEA6 – Bowling Green Lane and Strategic Policy CEM1 – Land north of Marston Lane.
- 19.14. The proposed Additional Modifications [CD22] page 71 requests that the strategic sites for Policy H3 Gypsies, Travellers and Showpersons are included in the map. The key and map also show areas of Green Belt for Policy DG6 – Green Belt and Town, District and Local centres for Policy TC1 Town centre requirements; TC3 – hierarchy of centres and HS7 – Creating a healthier food environment. The map also shows Destination Parks; Community Parks; Local Parks; Allotments and open space for Policy HS6 – Sport and exercise and NE2 – open space and playing fields. Local nature reserves, SSSI. SACs are shown for Policy NE3 – Biodiversity and geodiversity. Conservation Areas; Scheduled Monuments and Registered Parks and gardens for Policy BE3 Sustainable design and construction and Policy BE4 – Valuing and conserving our historic environment. It is therefore considered that the map and key comply with Section 9(1c) of the TCPR 2012.
- 19.15. The Policies have been with the full commitment from WCC Highways as the local district authority in compliance with Section 10 (1a) and (1b) of TCPR 2012. Strategic and non-strategic allocations have been tested in terms of distances between uses for evidence base work such as the Strategic Transport Assessment, Ecology and Air Quality and the statutory body responses have been considered when allocating sites such as responses from the Environment Agency, Natural England and Historic England. Therefore, it is considered that the allocations comply with 10(1(i, ii and iii) and 10(1(d) of the TCPR 2012 which refers to the 'Local plans and supplementary planning documents: additional matters to which regard is to be had'.
- 19.16. Part 4 10A 'Review of local development documents'(10A 1a) of TCPR 2012 sets out that local plans must be reviewed every five years, which by virtue of the current Plan being adopted on 11<sup>th</sup> June 2019 and the BPR being submitted on 12<sup>th</sup> February 2024 means this regulation has been complied

with. Similarly. the Statement of Community Involvement [CD12] has also been reviewed within 5 years as per 10A(b) please also refer to response to MIQ's question 15.

- 19.17. Regulation 18 'Preparation of a local plan' of TCPR 2012 have been met in line with the SCI and Consultation Statement (CS) [CD11] page 10 onwards. A press release and emails were sent out to the people on the Planning Policy consultation database including statutory consultees and documents were made available at local Libraries and the Town Hall. Posters were put up at these locations to provide the information non the consultation. Presentation boards were also provided at the Town Hall. Public consultation events were also carried out. The Council's web site also provided the necessary details. Summary of responses and Officer responses are available at:  
<https://www.nuneatonandbedworth.gov.uk/downloads/download/721/borough-plan-review-issues-and-options> and  
<https://www.nuneatonandbedworth.gov.uk/downloads/download/819/borough-plan-review-preferred-options> Reference should also be made to responses to MIQ's, questions 2, 15 and 18.
- 19.18. In relation to Regulation 19 'Publication of a local plan' of the TCPR 2012, this has met in line with the Council's SCI [CD12] and CS [CD11] page 11 onwards. Paragraph 9(a) and 9b) of the legislation requires that the documents were made available, and a statement completed. This was carried out via a press release; email sent out to the people on the Policy database including statutory consultees, the documents were made available at local Libraries and Town Hall and both included posters providing information. Officers were also made available to speak to the public in person or by telephone or email. Presentation boards were also provided at the Town Hall. The Council's web site also provided the necessary details. Summary of responses and Officer responses are available at:  
<https://www.nuneatonandbedworth.gov.uk/downloads/download/906/borough-plan-review-core-submission-documents> and [CD14].
- 19.19. Regulation 20, 'Representations relating to a local plan' of the TCPR 2012. Sections 1 and 2 refers to any person being able to make representations and that these were to be received by a certain date. This was carried out at all the stages of the BPR not just the Regulation 20 stage. The consultation was carried out as per the Council's SCI [CD12 and CS [CD11].
- 19.20. Regulation 22 of the TCPR 2012 refers to 'Submission of documents and information to the Secretary of State'. A Sustainability Appraisal [CD7.1]; [CD7.2] and [CD7.3] was submitted to comply with 1(a) of the legislation; a submission map and key has been provided [CD2.1] and [CD2.2] to comply with 1(b). The Council's SCI [CD12] CS [CD11] provide details of bodies invited to make representations as per part (ci), part (cii) for how these were consulted and summaries of representations made to comply with c,iii, v and d) [CD14] and how these were taken account of for part (iv) are provided in the SCI and CS. Appendix 2 schedule 5 of the CS also gives details of how the Plan evolved since the Preferred Options. All relevant supporting

documents as can be seen in the Core Documents List and Evidence base documents have been submitted as per requirement 22(1e).

- 19.21. In relation to Regulation 22 (3i to iv, b and c) copies were made available at the Town Hall for the submission documents, with posters advising of this and the submission details outside the Town Hall and at the Local Libraries. A press release was carried out in February 2024; and email sent out to the people on the Policy database including statutory consultees and responders to the Reg19 stage. The Council's web site also provided the necessary details.
- 19.22. In relation to Regulation 24 'independent examination' part (1a and b and 2), emails were sent to people on the Policies database, including those who wished to be kept informed and statutory consultees on the 23<sup>rd</sup> May and a press release was carried out on the 24<sup>th</sup> May.
- 19.23 The Plan also complies with the Conservation of Habitats and Species Regulations 2017, specifically regulations 63 and 105, through having completed a Habitats Regulations Assessment [CD8] at each stage of the process, as the Plan was considered to potentially have effects on habitat sites.
- 19.24. Following on from above, it is considered that the BPR [CD1] complies with all relevant legal requirements, including those in the 2004 Act (as amended) and the 2012 Regulations.