

Nuneaton & Bedworth Borough Plan Review Examination

Respondent No.104

Position Statement by Nurton Developments Ltd

Matter 1 – Compliance with Statutory Procedures and Legal Matters

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?

Question 2. 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?

1. No, the Council has not carried out effective engagement with neighbouring authorities. ND's particular concern relates to the issue of employment land. Specifically, the draft Plan fails to: -
 - make any provision for the unmet needs of Coventry; and
 - makes inadequate provision for strategic B8 warehousing.
2. Both of these needs have been clearly identified and quantified by the supporting evidence base. However, the Council has not engaged sufficiently with neighbouring local authorities, particularly Coventry City Council, to understand the scale and type of unmet need and then plan accordingly.
3. EB10 – Review of Nuneaton & Bedworth Employment Land Portfolio (June 2023) – makes clear that the provision of 87.85 ha meets only Nuneaton & Bedworth's needs, with this including a contribution of 19.4 ha to help meet the wider needs of the FEMA (i.e. Coventry & Warwickshire) for strategic B8 warehousing. No provision is made to help meet Coventry's unmet needs. Paragraph 6.14 of EB10 confirms:

"The Council will need to engage through the Duty to Cooperate with Coventry City Council, and as appropriate other local planning authorities in the sub-region, on issues of unmet needs arising"
4. CB6.1 – the Statement of Common Ground between Nuneaton & Bedworth Borough Council and Coventry City Council (January 2024) – refers to Coventry City Council aiming to meet its housing and employment needs as fully as possible within its own boundaries. However, it states that

".....this cannot be concluded at this stage."

5. This is unsurprising given the need for employment land for Coventry, identified by EB7.1 – Coventry & Warwickshire HEDNA (November 2022) - and the corresponding supply identified by the Coventry Local Plan Review Issues and Options (August 2023). The figures for the need and supply of industrial and non-strategic warehousing employment land for Coventry are as follows:
 - Need (to 2041) – 147.6 ha
 - Supply (as at April 2023) – 53.02 ha
 - **Shortfall – 94.58 ha**
6. Previously, the adopted Nuneaton & Bedworth Borough Plan expressly accommodated 26 ha of unmet need from Coventry. It is unclear from the draft Plan if this unmet need is still proposed to be met. Notwithstanding this, it indicates, along with the substantial shortfall for Coventry, that there is a realistic prospect of Coventry's neighbouring local planning authorities needing to help Coventry meet its requirement for employment land. Moreover, Nuneaton & Bedworth has a strong economic and geographical relationship with Coventry. It is an obvious location to help meet any unmet needs for industrial and non-strategic warehousing.
7. The draft Plan totally ignores this prospect. It is clear that neither Local Authority has engaged properly to identify the scale of the issue and plan accordingly. Until this happens, it will be premature to advance the draft Plan further.
8. The same applies to making sufficient provision for strategic B8 warehousing. EB7.1 identifies and quantifies a need of 551ha of strategic B8 warehousing land across the FEMA. This need is over and above the need for industry and non-strategic warehousing projected by EB7.1. Paragraph 11.27 of EB7.1 states that: -

“Planning for strategic B8 development is inevitably an area where it will be important that the local authorities in the sub-region continue to collaborate”.
9. EB7.1 was published in November 2022 (with a draft circulated prior to that). However, seemingly no progress has been made by the constituent local planning authorities of the FEMA in agreeing how this need should be distributed. This is a failure of co-operation between the relevant local planning authorities, particularly given that virtually all authorities are now engaged in reviewing their development plans.
10. Reference is made in the recently produced Development Needs and Supply Background Paper 2024 (CD15) to the West Midlands Strategic Employment Sites Study (Paragraph 2.17). This study has been commissioned but not published. Reference to this study is also made by the proposed Main Modification to Policy DS8 (CD21). However, this study has a different scope and remit. It covers the whole of the West Midlands and includes industrial as well as logistics related development. Its impending publication does not excuse the Council, and other member local authorities of the FEMA, from engaging and seeking to agree how the identified need for strategic B8 warehousing should be distributed for the purpose of plan-making.

11. In summary, the Council has failed to engage to a sufficient degree with neighbouring authorities on the important issue of meeting the employment land needs of the FEMA. Until it does, the draft Plan cannot safely advance further.

PJL

5th June 2024