

**Nuneaton and Bedworth Borough Plan
Publication (2023).**

Hearing Statement.

**Matter 1 Compliance with Statutory Procedures and
Legal
Matters**

On behalf of L&Q Estates.

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1. Introduction

- 1.1. This Statement is prepared on behalf of L&Q Estates and relative to representation reference number 115. L&Q Estates has interests on land west of the A444 and south of junction 3 of the M6. This land falls within the Green Belt and has not been proposed as an allocation in the Regulation 19 Local Plan. The representations also comment on the vision, policies and evidence base which make up the Local Plan as well as the wider context in which it was prepared.

2. Matter One – Compliance with Statutory Procedures and Legal Matters

Issue 1 – has the Council met the statutory duty to cooperate (“DtC”) as set out under Sections 20(5)(C) and 33A of the Planning and Compulsory Purchase Act 2004 as amended.

Has the Council submitted robust evidence that the duty of evidence to cooperate has been met?

- 2.1. Matters have moved on since representations were made to the Regulation 19 Local Plan in the Autumn of 2023. The Council have now signed a number of Statements of Common Ground (SoCG) with LPAs in the sub region. These have been influenced by the emerging position of LPAs as illustrated in their emerging Local Plans.

Coventry Local Plan

- 2.2. Coventry City Council published its Regulation 18 Local Plan for consultation between 18th July and 29th September 2023. This local plan in summary sought to:
- Depart from the standard method and instead utilise the HEDNA to identify a housing requirement;
 - Remove the 35% uplift required under Government policy which applies to the top 20 cities and urban centres;
- 2.3. Both the elements highlighted above represent departures from Government policy. As a result there is a strong possibility that the approach being advocated in Coventry will not prevail. As a result its requirement for development will potentially increase and therefore impinge to a greater extent on neighbouring authorities such as NBBC. This is reflected to an extent in the SoCG signed between CCC and NBBC.
- 2.4. In particular, the SoCG between NBBC/CCC has been reached on the proviso that the housing requirements within the NBBC local plan is a minimum requirements (as set out in DS3) and that therefore this provides the flexibility to meet the needs of the Borough and “potentially neighbouring authorities unmet needs over the plan period”.
- 2.5. Whilst it is correct that policy DS3 refers to a minimum level of housing, there is nothing in the NBBC local plan to suggest that additional housing or employment land will come forward to assist in meeting the unmet needs of neighbouring authorities including Coventry City Council. The ability of the NBBC Local Plan to take on board additional

requirements resulting from unmet need is severely constrained by the fact that it has not considered any Green Belt sites, nor has it made provision for safeguarding land. The make up the housing required is based on completions 1st April 2021 – 31st March 2022, commitments, strategic housing allocations, non-allocations and windfalls. There is no allowance for meeting shortfalls from outside NBBC. In particular land in NBBC is constrained with much of it being Green Belt. As a result there is limited scope to address this issue.

- 2.6. Similarly, the SoCG identifies that the 19.4 hectares of strategic B8 warehousing, and distribution contribution is welcomed as the “minimum” requirement. As with the housing requirement, there is nothing in the local plan which would allow for a significant increase in this level of contribution bearing in mind that the Green Belt has not been included as a potential location for new strategic B8 development, which by its nature, must occupy large sites in close proximity to the strategic road network.
- 2.7. In addition it is noted that there is no SoCG signed by North Warwickshire Borough Council. Whilst published correspondence dated 2nd February 2024 suggests that NWBC considers the duty to cooperate to be passed, NWBC have raised concerns both in connection with housing but more particularly that it considers there should be provision for strategic employment sites included in the plan. As set out above, no such provision exists despite the sub regional work taking place on this matter. This clearly represents areas of dispute and potentially a failing in the duty to cooperate.
- 2.8. In terms of Stratford on Avon and Warwick District Council, there would not appear to be any SoCG signed between these parties. In particular, it is also acknowledged that their representations raised issues in regard to the distribution of strategic B8 warehousing and distribution development and meeting any potential unmet housing need across the region.
- 2.9. Finally on this matter, it is noted that a memorandum of understanding between all the LPAs within the CWHMA has not been concluded.

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?

Question 5 – Has the SA properly assessed the likely significant effects of all reasonable alternatives?

Question 6 – Have all potential site allocations been assessed on a comparable basis?

- 2.10. As set out in our representations within paragraph 3.39, the SA report at 6.2.1 identifies that Green Belt release is an “unreasonable alternative” to any of the five options considered. The reasons for this approach was that the Council considered there were sufficient sites within the urban area and outside of the Green Belt to exceed the identified housing needs in the Borough. It goes on to state that even in the event that needs may increase in response to changes in evidence or cross boundary issues, it is still considered that there are sufficient non-Green Belt sites to explore first. This view is not supported by the allocations made in the local plan or the evidence base, particularly in the context of the sub regional issues relating to meeting needs deriving from Coventry. There is no indication where such sites could be found on sustainable locations. It also does not reflect the ongoing investigation into meeting strategic B8 storage and distribution requirements for the sub region, which by their nature must be large sites next to the strategic road network

eg M6 junction 3. The lack of consideration of Green Belt sites to provide sustainable development which meets local and sub regional requirements for housing and employment has not been properly justified. By excluding all Green Belt sites also means that all reasonable alternatives to provide sustainable development have not been properly considered.

- 2.11. L&Q Estates has questioned in their representations (paragraph 3.46) the approach taken to potential site allocations within the SA. Some of the scoring utilised does not in our view represent an objective approach to gauging sustainability against the identified criteria as set out in our representations. This has potentially influenced the suitability of the site in the SA.

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