

Nuneaton and Bedworth Borough Plan Review

Hearing Statement by Marrons on Behalf of Bellway Strategic Land (part of Bellway Homes Ltd), June 2024

Matter 1 – Compliance with statutory procedures and legal matters

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?

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

The SA's (**CD7.2**) consideration of the Draft Plan's social effects is inadequate in the context of tackling the Borough's housing crisis, particularly with respect to the Council's justifications for pursuing the preferred housing requirement and strategy under Option 1. This is a matter of legal compliance with respect to Section 39 of the 2004 Act whereby plan preparation should be undertaken "*with the objective of contributing towards sustainable development.*" – reiterated in NPPG001 Reference ID: 11-001-20190722¹. Sustainable development includes a social dimension, alongside the economic and environmental dimensions.

The extent of the housing crisis is set out in Bellway Homes' Regulation 19 representations to Policy DS3, paragraphs 5-15 in particular, using the Council's own published evidence: over 3,000 households on the housing register, a dramatic increase in homelessness, 120-125 households in emergency accommodation and increased affordable need to 407 dwellings per annum.

When compared with the adopted 2019 Borough Local Plan (BLP), through the Borough Plan Review the Council is proposing to *reduce* its planned housing requirements (from 812dpa² in the BLP to 545dpa in the Draft Plan), roll forward extant allocations (including those which have still failed to come forward) and identify additional brownfield allocations (including particularly constrained sites). Whilst some extant allocations from the 2019 BLP are proposed to be 'de-allocated' there is no compelling evidence that those which remain are deliverable or developable under the terms of NPPF Annex 2 (in particular no progress has been made with SHA-2 [formerly HSG2] or SHA-3 [formerly HSG11], sites with a combined contribution of 1,875 dwellings). In addition, there is no assessment of realistic rates of delivery or lead-in times, contrary to NPPF73(d).

¹ Planning Practice Guidance, Strategic Environmental Assessment and Sustainability Appraisal [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal) (accessed June 2024).

² 812dpa being the stepped trajectory requirement from 2018-2031, which included a 4,020 dwelling shortfall from the Housing Market Area.

Fundamentally, it appears to be a strategy predicated on reducing the need to release greenfield land and to prioritise development within the urban area. Whilst such an option is not unreasonable to consider, the social effects of favouring this strategy versus options which could more positively tackle the housing crisis have not been considered or tested in any depth.

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

The SA does not properly consider the potentially *significant* social effects with regard to the Draft Plan's ability to address the Borough's housing crisis for the reasons explained in response to Question 4.

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

Site allocations appear to have been considered against a matrix (**CD7.3**) but there is no commentary or rationale behind what this means and what sites are to be taken forward or not in Section 9 (Appraisal of Reasonable Site Options) of the main SA document (**CD7.2**). For example, there is no reference in the SA report as to why proposed allocations SHA2 and SHA3 are sustainable for inclusion in the Draft Plan. The matrix does not include these references. If the matrix relies on the former 2019 BLP allocation references (HSG2 and HSG11 respectively) it is unclear how the various 'red' gradings under different SA objectives have informed decision-taking in the SA process. For example:

- Both HSG2 and HSG11 have 'red' ratings for "*1.1 Direct loss of disturbance to biodiversity assets*".
- HSG2 has other red ratings for "*4.1 loss of high quality agricultural land*" and "*5.1 landscape sensitivity*".
- HSG11 has other red ratings for "*1.2 Disruption or loss of TPO*" and "*2.1 Distance to nearest AQMA*".

This is significant because other sites in this matrix - which do not have these levels of negative effects - are not taken forward without any explanation or narrative.

It may be that decision-taking on allocations to be taken forward relies on the HELAA, but how the HELAA relates to the SA is unclear. In addition, there are fundamental issues with the HELAA process itself, as explained in Bellway Homes' Regulation 19 representations (in particular paragraphs 11-24 of representations in response to Policy DS4).

7. 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?

No – this is unclear. As explained in paragraph 2 and paragraphs 20-24 of Bellway Homes' Regulation 19 representations to Policy DS4, Spatial Option 4 – which appears to be the best performing option, has been rejected without any logical explanation, nor consideration of the potentially significant social effects of running with Option 1 / the Draft Plan.