



Examination of the Nuneaton and Bedworth Borough Plan: Blocks 1 and 2 Hearing Sessions

Hearing Statement on Matter 1 (Compliance with Statutory Procedures and Legal Matters)

On behalf of Ainscough Strategic Land Ltd

17th June 2024

CONTENTS

1	INTRODUCTION & CONTEXT	1
2	QUESTION 1 – DUTY TO CO-OPERATE.....	3
3	CONCLUSION	4

1 INTRODUCTION & CONTEXT

- 1.1 Asteer Planning LLP has been instructed by Ainscough Strategic Land (“ASL”) to prepare this Hearing Statement in relation to the Nuneaton and Bedworth Borough Plan Review (“Plan Review”) and the Matters, Issues and Questions (“MIQs”) posed by the Inspectors.
- 1.2 The Statement relates to land at Galley Common in Nuneaton (“the site”), which ASL controls and is promoting for development comprising a mix of market and affordable housing and community infrastructure (Regulation 19 Reference No: 125). The site is separated into two parcels - Parcel A is adjacent to Plough Hill Road and extends to approximately 6.1 hectares and Parcel B extends to approximately 6.2 hectares. The site forms part of a wider land ownership which has the potential to be used for habitat and biodiversity enhancements, as well as multi-functional recreational / amenity space. A plan of the site was included within the representations submitted in October 2023 on behalf of ASL in response to the Regulation 19 consultation exercise.
- 1.3 ASL have a longstanding track record in bringing forward major strategic sites for development in partnership with the UK’s largest and most respected housebuilders. The site is deliverable (suitable, available and achievable as defined by the National Planning Policy Framework) and can be brought forward early in the next Plan Period.
- 1.4 This Statement responds directly to question 1 of the Inspectors’ MIQs for Matter 1 (Compliance with Statutory Procedures and Legal Matters).
- 1.5 Overall, ASL are of the view that the Draft Plan in its current form is not sound and is not underpinned by a positively prepared or justified evidence base. It therefore does not meet the requirements of paragraph 16 of the National Planning Policy Framework. Nuneaton and Bedworth Borough Council (“NBBC”) has sought to expedite the preparation of the new Local Plan for political reasons, which is leading to an unsound and ill-prepared plan being prepared for publication and submission. ASL considers that the Local Plan requires a fundamental reset, in terms of its evidence, spatial strategy and land allocations.
- 1.6 For context to our response to Matter 1, our overarching comments on the Plan Review relate to:
1. **Cross Boundary Legal and Procedural Issues** – It is not clear that, at present, the Council has sought to discharge its Duty to Co-operate or sought to fully understand if any cross boundary need exists. We consider that there is a risk that the Local Plan will not be legally sound unless the Council sets out how cross boundary matters have

been fully considered early in the plan-making process to underpin the Local Plan strategy.

2. **Deficient Evidence Base** – In its current form, ASL considers the Draft Plan evidence base has deficiencies that undermine the soundness of the emerging Local Plan. There are key evidence base documents that should be prepared and should inform the spatial strategy and proposed land allocations. These include (but are not limited to) an Urban Capacity Study, Review of the Settlement Boundary, Local Plan Viability Assessment and an updated Infrastructure Delivery Plan.
3. **Supporting Growth and Meeting Need** – ASL considers that NBBC should capitalise on its strategic location and support the Borough's potential to achieve greater economic and housing growth within the Local Plan. ASL considers that the relationship between housing and employment should be acknowledged and NBBC should plan for a positive economic growth scenario, with a spatial strategy that will support sustainable economic growth and address the affordability issues of the Borough in the long term. The Council should also be pro-active in supporting the growth potential of the wider sub-region.
4. **Review of the Settlement Boundaries** – The evidence base needs to be bolstered in relation to the issues the Borough is facing, including its housing requirement and the capacity of sites within the urban area. If the outcome of this evidence is an increase in housing need and a requirement to include additional sites in the Local Plan, this should include a review of the existing settlement boundaries around Nuneaton, as the Borough's primary location for growth. Sequentially, any review should consider deliverable sites within the open countryside before any amendment to the Green Belt is considered.

2 QUESTION 1 – DUTY TO CO-OPERATE

Q 1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?

- 2.1 ASL does not consider that a sufficiently robust evidence has been submitted to demonstrate that the duty to co-operate has been met.
- 2.2 Within the Draft Plan evidence base, there is no indication of how cross boundary need at a sub-regional Coventry and Warwickshire Housing Market Area (“HMA”) or Birmingham HMA level has been considered.
- 2.3 Coventry City Council are yet to declare their unmet need figure. There is a potential that NBBC will need to take some of this need and this should be considered. It is understood that the adoption of this plan should not be delayed for Coventry but NBBC could anticipate additional growth and reflect this through their housing requirement. If it is that the Inspectors find the plan sound, then at minimum, an early review policy should be included to allow for any unmet need to be allocated for Coventry.
- 2.4 Whilst we understand that the 2022 sub-regional Coventry and Warwickshire Housing and Economic Development Needs Assessment (“HEDNA”) indicates a lower housing requirement in NBBC and the sub-region, the Duty to Co-operate is a statutory obligation for plan making and should be undertaken throughout the Local Plan process. It is not clear that, at present, the Council has sought to discharge its Duty to Co-operate or sought to fully understand if any cross boundary need exists. We consider that there is a risk that the Local Plan will not be legally sound unless the Council sets out how cross boundary matters have been fully considered early in the plan making process to underpin the Local Plan strategy.

3 CONCLUSION

- 3.1 ASL considers that the Draft Plan in its current form is unsound – not being positively prepared, justified or effective. The proposed spatial strategy and land allocations are underpinned by an evidence based that has not been positively prepared and reflects a Local Plan that is driven by political pressure. The Plan is therefore contrary to the guidance set out in paragraph 16 of the National Planning Policy Framework.
- 3.2 To make the Plan sound, an increased housing requirement, based on a robust set of relevant and up-to-date evidence, is needed. In order to meet a larger housing target, additional sites will need to be allocated for development, including the land at Galley Common in Nuneaton, which is suitable, achievable and available for a development comprising a mix of market and affordable housing and community infrastructure.