

Savills on behalf of Arbury Estate

Respondent ID:

Matter 2 – Vision, Strategic Objectives and Development Strategy

Issue 2: Has the development strategy and the overall distribution of development been positively prepared, is it justified by a robust and credible evidence base, and is it consistent with national policy?

27. Does the development strategy in general, and Strategic Policy DS3 incorporate sufficient flexibility within it? Particularly with regard to the potential for unmet housing and employment need arising from neighbouring areas in the future.

Policy DS3 does not incorporate sufficient flexibility with regard to the potential for unmet housing and employment need arising from neighbouring areas in the future.

There is no reference to the potential for unmet needs from neighbouring LPAs to be potentially be required to be met within Nuneaton & Bedworth. There is a need to incorporate flexibility into the numbers being planned for now, so that once an MoU between the HMA authorities regarding residential development and publication of the regional employment study has taken place, sites are ready to take forward for development.

To inform this, the Council should undertake a Green Belt Review, and where appropriate safeguard land for residential development to be drawn from, if there is an unmet need from neighbouring LPAs within the plan period.

Linked to this, we consider that a Local Plan review mechanism is required. There is no certainty on how land could be allocated and delivered if required to meet unmet needs (including those potentially arising from an incomplete duty to cooperate process).

If land is not safeguarded, and a Local Plan review mechanism is not included, the development strategy is not justified in the context of having regard to the potential for unmet housing and employment need arising from neighbouring areas in the future.

28. Strategic Policy DS1 requires all new development to contribute towards the need to achieve net zero carbon emissions. Does the Plan make it clear how this would be achieved?

There is a need for a specific policy in relation to low and zero carbon requirements to ensure there is a suitable level of clarity. The policy as written does not clearly set out the definition of low and zero carbon, and what NBBB required for development to meet these requirements.

Paragraph 3 of policy BE2 should be reworded to make reference to specific definitions and criteria of elements discussed in the policy wording and be based on clear evidence.

At present key criteria of the policy are not defined, and cannot therefore be suitably interpreted and applied to development. The policy should be amended to remove reference to the Future Homes Standard and the Future Buildings Standard, as these are due to be implemented through Building Regulations from 2025 and may change in the future.

A ministerial statement was made by Lee Rowley on 13th December 2023 which in reference to LPAs seeking to bring forward standards above that of current or planned Building Regulations that:

“...The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-

makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.”

It goes on to state that if LPAs progress such policies, they should be rejected at examination if they do not have a well-reasoned and costed rationale that ensures viability and flexibility at the application stage. NBBC have not presented evidence that this requirement has been met, and should therefore provide evidence in this respect in Paragraph 35 of the NPPF to ensure consistency with national policy.

31. Is the site selection process clear and suitably robust, supported by the SA and other evidence, with particular regard to the proposal to not allocate some sites that are allocated in the adopted Plan?

In the adopted Borough Plan, HSG4 (Woodlands) is within the settlement boundary, however in the emerging Local Plan Policies Map, the site is proposed to be removed from the settlement boundary. There are no technical reasons and / or no explanation in the evidence base document ‘Settlement Boundaries’ (2023) to explain why HSG4 is to be removed. Therefore, in accordance with Paragraph 35 of the National Planning Policy Framework (September 2023), the removal of the HSG4 site from the proposed settlement boundary is not ‘justified’.

In addition, Footnote 2 in the Sustainability Appraisal (September 2023) states ***“no planning application has been submitted for HSG4 Woodlands and there is no indication that an application may be forthcoming. Significant infrastructure is required to be delivered and there is no indication of when this will happen or be funded. The lack of delivery for the HSG4 has, and continues to have, a bearing on the Council’s Housing Trajectory...”***

However, this statement is incorrect as a planning application for residential development (Ref: 039720) on part of the HSG4 strategic housing allocation was submitted in June 2023 for up to 150 dwellings, prior to the Regulation 19 consultation beginning in October 2023.

Since submission of representations to the Regulation 19 consultation, application ref: 039720 has been determined. Planning officers concluded that the application was Since submission of representations to the Regulation 19 consultation, application ref: 039720 has been determined.

The planning committee’s decision conflicts with the officer’s report which recommended approval and concluded that:

“... the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise. The site is allocated as a strategic housing site in the Borough Plan and would provide housing and other social and leisure facilities.

The potential impacts of the proposed development in relation to the use of the land, residential amenity, visual amenity, highway safety, flood risk and drainage, contamination, ecology and heritage and archaeology have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, where potential adverse impacts are identified, it would be possible to mitigate against this through the use of planning obligations and conditions.

Taking into account the above assessment, it is consequently considered that the proposed development would be in accordance with the current development plan and other policies within the NPPF. It is therefore considered that the proposed development would achieve sustainable development which should consequently be approved subject to conditions.”

The application was however refused at planning committee by elected members, and now the subject of an appeal. Notwithstanding, the positive conclusion of the officer’s report demonstrates that the site

is suitable in principle for sustainable development and should therefore be included as a site allocation and remain within the settlement boundary.

To ensure the plan is justified in accordance with paragraph 35 of the NPPF, the site selection process should be updated to include consideration of technical work and conclusions drawn by officers of the council on recent planning applications on such sites. There is a requirement for greater join up between development control and planning policy teams to ensure this occurs and evidence base is up to date, and therefore justified.

A national housebuilder is also in advanced discussions to acquire the site, demonstrating the site's suitability and deliverability, which therefore demonstrates that the removal of HSG4 from the proposed settlement boundary and as a strategic housing allocation is unjustified.

It should also be noted that Coventry City Council disagree with the de-allocation of HSG4, and as set out in Coventry's Statement of Common Ground with Nuneaton and Bedworth, and in representations to the Regulation 19 consultation, they consider that NBBC should retain HSG4 (and HSG7) to provide flexibility. This is because it is unclear if there will be a shortfall in housing land supply in other local authority areas. The SoCG states at page 5 that CCC comments that: **"...until sites have been fully consented and completed, there remains uncertainty in the planning process, and retaining the allocations would provide that additional assurance"**.

It is telling that a neighbouring LPA is seeking the retention of HSG4 as an allocation. The ability for Woodlands to provide flexibility in supply provides further rationale for why HSG4 Woodlands should be included as an allocation in the emerging Borough Plan.