Written Statements 1-3

Nuneaton and Bedworth Borough Local Plan Review Examination

June 2024

On behalf of P Hughes Holdings Limited

Statement in response to 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) and 33A of the Planning and Compulsory Purchase act 2004 as amended?).

We respond to each relevant question in turn below.

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

   The National Planning Policy Framework (NPPF) at Paragraph 35(a) states that to be 'positively prepared', Plans should provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so. Nuneaton and Bedworth Borough Council must demonstrate that it has, and remains, in proactive engagement with neighbouring authorities around the significant issue of the housing and employment requirements.

   The Nuneaton & Bedworth Duty to Cooperate Compliance Statement (2024) states that Plans in the Housing Market Area are all at different speeds so flexibility for joint working and Memorandum of Understanding (MoU) updates can be made once more detail on unmet needs is identified. However, it is clear through various evidence base reports that the information is available which provides an understanding of the level of unmet need arising from Coventry and as such, an updated MoU should be published immediately which clearly sets out the extent of Coventry City's unmet needs.

   Furthermore, there are no mechanisms within the Plan which set out measures such as a housing action plan or immediate Plan review which could be triggered in the event of the conclusions to the MoU being imminently reached. We still have significant concerns that the DtC has not been fully met. Therefore, the Plan as drafted has yet to comply with the requirements of the Duty to Cooperate and therefore could not be considered sound.

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?**

   It is our position that the Council has not conducted effective engagement in respect of housing needs in a cross-border context. The issue of Coventry City's unmet need is being deferred to an unknown point in time with no Plan mechanism set out to deal with this urgent matter of delivering much needed homes in the Borough. The decisions taken by this Local Plan Examination will potentially be significant in terms of decisions taken around unmet need as other Plans in the Housing Market Area and across the country will be informed by any new Plan mechanisms or by any reset of the Plan making process in Nuneaton and Bedworth. Deferring the issue until the precise scale of unmet needs is known is not an appropriate

approach and is likely to cause delays during the examination, as is the case with various other Plans currently going through the examination process.

The Nuneaton & Bedworth Duty to Cooperate Compliance Statement (2024) does not demonstrate, in line with Paragraph 26 and 27 of the NPPF, that effective and on-going working is taking place. The issue of unmet needs has not been managed in a robust, transparent, and appropriate way and in meeting the duty to cooperate in relation to housing need, it has clearly not been met and discharged. More detail should be provided on the cross-boundary meetings, the number of meetings, the administration and organisation of this, current working arrangements, proposed ongoing co-operation and immediate Plan making mechanisms.

3. **Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?**

It is requested that the examination be paused to allow further work to identify Coventry's unmet need. This will enable the soundness of the Plan to be robustly tested which could potentially lead to a reviewed strategy with additional housing land being identified.

Statement in response to Matter 2 – VISION, STRATEGIC OBJECTIVES AND DEVELOPMENT STRATEGY.

- Issue 1: Have the vision and strategic objectives been positively prepared, are they justified and consistent with national policy, and can all be realistically achieved?

- 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?

We respond to each relevant question in turn below.

ISSUE 1

20. Does the Plan set out an appropriate vision for the Borough based upon the evidence?

The NPPF makes clear in Paragraph 11 that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas. Paragraph 60 also confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Policies DS1 to DS5 put forward an unsustainable growth strategy for the Borough, which fails to have regard to the evidence base, to follow through on the recognition of the settlement hierarchy, notably, at Bulkington and how it could meet the unmet needs from Coventry City in a sustainable settlement.

The vision should therefore be altered to acknowledge the need to meet the development needs in full (which includes unmet need for neighbouring authorities), primarily for much needed open market and affordable housing. The Vision is not sound as it is not justified, effective, positively prepared, or consistent with national policy.

22. What does 'a steady and adequate level of suitable housing' mean in the context of strategic objective 4?

The Council should be ensuring that the housing needs are met at a consistent rate throughout the Borough Plan Review. The Council must provide a site-by-site analysis to review the deliverability of individual site allocations. With Bulkington in focus, it has not been set out in the Plan what role Bulkington will play in meeting housing needs of the Borough after years 1-5 of the Plan. This is not appropriate for a settlement of this scale with high sustainability credentials.

One option for the Council is to consider the allocation of reserve sites when monitoring indicators and policy parameters are not being met. This could enable the Plan to contain sufficient safeguards to maintain the required delivery of homes. Notwithstanding this, the most suitable and sensible scenario is pausing the examination to allow for further work to be undertaken on Coventry City's unmet needs, with strategic decisions on the Plan to follow on from this.

23. Do the vision and strategic objectives have regard to and provide for the development needs of the area as well as any identified unmet needs in neighbouring areas?

Paragraph 35 of the NPPF states that a Local Plan should be positively prepared and provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. The vision and strategic objectives fail to provide for any unmet needs arising from neighbouring authorities.

With a lack of mechanisms in place within the Plan to deal with this urgent matter, serious debate and consideration must be given to whether a Plan review, the identification of reserve sites or alternative measures will be sufficient to meet this issue now.

24. Does the Plan address/meet any identified unmet needs in neighbouring areas? If not, why not?

The issue of unmet need should be addressed now rather than deferred as set out in policy DS9. It is not a new concept that Coventry City has a housing need which needs to be met in neighbouring areas, as per the Borough Plan adopted in June 2019 and this is now evidenced and confirmed with the Compliance Statement of 2024. An updated and effective MoU must be published to provide clarity on the level of unmet need and deliver an appropriate spatial distribution within the housing market area.

25. Is it necessary for the Plan to consider the release of Green Belt land to meet identified development needs?

Yes.

It is reasonable to conclude that once further detail on the Coventry City unmet need is established and accepted by various parties, that Green Belt release for further housing allocations will be required. Given the NPPF requirement to only alter Green Belt boundaries through preparation or review of a local plan, this would need to be addressed either at a new Regulation 18 stage for this Plan or via an immediate and early review of the Plan. The Green Belt study of June 2015 is the only current document which reviews wider areas and various land parcels located at certain locations around a settlement. Given the nine years which have progressed and the wider implications, it is recommended that the Council commit to a more site-specific Green Belt review (aligned with a call for sites process or taking into consideration all sites submitted to the Regulation 19 consultation) within the proposed Borough Plan Review given the Borough's significant relationship with the green belt and its aspirations for sustainable growth of the wider area.

Local evidence (given the case of Warwick District) highlights how Plan reviews (which may interact with green belt sites) must be more effective in the mechanisms attached to them to address housing requirements and allocate sites in a timely manner, not in the latter stages of an adopted Plan period.

ISSUE 2

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

The Plan makes provision for a minimum of 9,810 dwellings between 2021 and 2039 without making any contribution to meeting any of Coventry City's unmet needs. The development strategy does not incorporate sufficient flexibility within it as meeting this unmet need would also provide a buffer for affordability issues impacting the Borough and flexibility for changing circumstances. Policy DS3 is not effective, nor has it been positively prepared and is therefore unsound.

32. Have reasonable alternatives been considered and clearly discounted on the evidence?

There is a concern as to whether housing requirements will continue to be met over the Plan period and as to whether alternative greenfield sites in Bulkington were accurately assessed and whether proactive contact was made with all potentially suitable landowners to assess the availability of all greenfield land parcels.

A key principle of being deliverable, as set out in the NPPF, is that the sites must be available now. It is therefore critical that the Council assess the brownfield sites with the same scrutiny to ensure they have factored in relevant information about site viability, ownership constraints or infrastructure provision requirements for these newly allocated sites.

34. Is the overall level, pattern and distribution of development set out in the development strategy viable and deliverable in general terms?

The overarching development strategy relies on the dominant role of Nuneaton and demonstrates a meaningful change from the previous Borough Plan approach of urban extension and green belt release to meet the housing needs of the Borough.

Limited detail has been put forward on the function and role of each settlement. Bulkington is the third largest and most sustainable settlement in the Borough and there has been no clear policy explanation of specific policies to address how Bulkington could be able to meet the general housing needs of the Borough after years 1-5.

Statement in response to Matter 3 – HOUSING (Issue 1: The approach to the housing requirement).

We respond to each relevant question in turn below.

ISSUE 1

37. Is the housing requirement figure of 545 dwellings annum/9,810 over the plan period as set out in Strategic Policy DS3 soundly based and does it accord with the evidence and national planning policy and guidance?

The housing requirement is not soundly based given that this Plan is silent on unmet need from Coventry City. There are no mechanisms in place whatsoever to deal with this matter in the Plan submitted for examination.

The "Towards a Housing Requirement" (THR) Final Report (November 2022) sets out that the need for affordable housing is high relative to the overall housing need in Nuneaton and Bedworth at 407 homes per annum. Only 136 affordable homes per annum are expected to be delivered. This high need justifies additional housing (and appropriate numbers of open-market housing which act as the primary delivery mechanism) over and above the locally assessed housing need aligned to the silence on a proportion of unmet need arising from Coventry City and the lack of flexibility to respond to changing circumstances within drafted policies, highlight that this Plan does not accord with the evidence and national planning policy and guidance.

Despite the stated aim with THR report that the housing target of 545 homes per annum will positively support economic growth, this figure is identified without any clarity on the extent of unmet need arising from Coventry City and whether any uplift is necessary.

38. Is the proposed housing requirement consistent with the economic growth ambitions of the Plan?

There is a significant opportunity for the Borough to capitalise on its strategic location and the growth potential of the Borough. The "Towards a Housing Requirement" Final Report (November 2022) provides commentary that the Borough is close to substantial employment growth areas with Coventry expected to see the strongest absolute jobs growth in the HMA. It is therefore our assertion that the Borough have missed an opportunity to go over and above the numbers needed to meet population and demographic projections and be more ambitious in the creation of this Borough Plan Review.

In line with Paragraph 60 of the NPPF, 60, there has been failure in the approach of the Council to meet the Government's objective of significantly boosting the supply of homes.