

NUNEATON AND BEDWORTH BOROUGH PLAN REVIEW – FURTHER WRITTEN STATEMENT IN RELATION TO ‘MATTERS, ISSUES AND QUESTIONS’ (MIQS)

Representations on Behalf of FCC Environment

This ‘Further Written Statement’ has been prepared on behalf of FCC Environment as part of their engagement on the Publication Draft Plan, ahead of the examination hearing sessions.

We hope that these representations are taken in the spirit they are made. The intention is to assist the Council in the preparation of a robust plan that is resistant to challenge and to support the continued allocation of land at the former Judkins Quarry (referred to as Land at Tuttle Hill (Ref: SHA3) in the Draft Plan).

It should be noted that these representations have not sought to respond to each question within the hearing statements, only those that are relevant to FCC Environment’s original representations on the Draft Local Plan.

Matter 5 – Strategic and Non-Strategic Allocations

Issue 1: Strategic Policy SA1 – Development Principles on strategic sites

46. Are the requirements within requirement 1 justified? Is this requirement a duplication of the requirement in policies H5, BE3 and to some extent policies H1 and H2 and is there consistency between the policies on the matters covered by requirement 1?

Requirement 1 requires development to comply with various standards / requirements, including 95% of new homes to be Part M4(2) Building Regulation compliant and 5% to be Part M4(3) Building Regulation compliant. This duplicates the requirement within Policy H5 and as such is not necessary to repeat within Policy SA1.

In addition, it is noted in the Viability Assessment that the requirement for 5% of homes to meet M4(3) compliant exceeds national policy expectations and that it has an impact on viability. We therefore do not consider that this should be included within the policy.

The requirement in relation to both Part M4(2) and M4(3) is also inconsistent with Policy H5 which explicitly states that it is not necessary where robust justification is presented as to why these types of dwellings would be unviable or physically impossible. This should also be more explicit within Policy SA1.

48. Requirement 7 requires the protection of local wildlife sites. Is this approach justified and consistent with other policies in the Plan and with national policy?

We have set out our concerns over requirement 7 within our Regulation 19 consultation response and therefore do not intend to repeat them in full here. However, in summary, the current wording is not justified or consistent with national policy and we strongly

consider that the policy should continue to require designated LWS to be surveyed for their importance, not just 'potential' LWS. The protection of LWS should be based upon up-to-date ecological information and seek to ensure features are conserved, enhanced and created. There should, however, not be unconditional protection of LWS where it can clearly be evidenced that they no longer qualify for designation. This approach would accord with the NPPF which sets out that a Development Plan should distinguish between the hierarchy of designated sites and protect / enhance sites of biodiversity value in a manner commensurate with their statutory status. A LWS is a local designation which is afforded limited weight and protection.

We therefore request that the wording reverts back to its previous revision and is modified to read as follows:

7. **Designated and** potential local wildlife sites within or affecting the site will be surveyed for their ecological importance ~~while designated local wildlife sites will be protected.~~ **The results of the survey will inform an assessment of the impact on or loss of the local wildlife site and any associated mitigation measures.**

49. With regard to requirement 12, is it clear how proposals will be assessed against the Sport England's Active Design Guidance and its checklist?

It is not clear how proposals will be assessed against the Design Guidance and therefore more specific wording should be included to clarify this.

50. Is the water efficiency standard referred to in requirement 13 justified and if so, should it be referred to as a minimum standard (see question 160) in relation to Policy BE3?

As this requirement is duplicated in Policy BE3 we therefore consider that it is not necessary to include as a requirement of Policy SA1.

52. Is requirement 16 requiring compliance with SPDs and design codes necessary and justified?

We have set out our concerns over requirement 16 within our Regulation 19 consultation response and therefore do not intend to repeat them in full here. However, in summary, the relevant Concept Plan SPD and Design Code do not form part of the consultation in the context of the emerging Local Plan, and they should be if they are to be relied upon. In addition, many of the adopted SPD's / Design Codes no longer reflect the proposed allocations. For example, the site area associated with SHA3 differs significantly to the area allocated in HSG11 (it now includes land to the east and west of the Coventry Canal). Consequently, the HGS11 SPD no longer properly reflects the allocated area.
