

## **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 6 – Detailed Policies***

Issue: Whether the non-strategic detailed policies reflect the Plan’s vision, strategic objectives and development strategy and accord with national policy and evidence??

#### ***General***

#### ***86. Is it appropriate for detailed policies to make reference to Supplementary Planning Guidance or should these be referred to in the supporting text?***

SPDs 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 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. SPDs therefore need to be maintained if they are to be cross-referenced, but it would be preferable and more practical for any content to be within the Plan itself.

#### ***Policy H1 – Range and mix of housing***

#### ***87. Is Policy H1 justified and consistent with the evidence and national policy?***

This policy is justified and consistent with the evidence base and national policy.

#### ***88. Is there a need for the first part of the policy to refer to housing tenure as well as type and size?***

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As the first part of the policy relates to general market housing only, we consider that reference to tenure is not necessary. Policy H2 adequately accounts for the need for an appropriate tenure mix.

### ***Policy H2 – Affordable housing***

#### **92. Is Policy H2 justified, and consistent with the evidence and national policy? Does the evidence indicate that a 25% requirement is deliverable?**

We have no comments to make on the justification for Policy H2 and the percentage requirement, other than to request that reference is made to the viability of developments within the first paragraph. While there is reference to viability under 'On-site provision', it is important that this is emphasised at the outset of the policy to provide clarity and avoid ambiguity.

### ***Policy H5 – Accessible and adaptable homes***

#### ***104. Is there unnecessary repetition of requirements in relation to standards set out in other policies which may make the policies unclear and ineffective?***

There is repetition of the requirements for Part M4(2) and M4(3) within Policy SA1. Requirement 1 of Policy SA1 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 therefore 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 Policy SA1.

### ***Policy NE3 – Biodiversity and geodiversity***

#### ***137. Is the policy sufficiently flexible?***

The policy is not flexible enough for the following reasons.

Under "Ecological network", it states that existing and potential local wildlife sites will be protected from development.

Firstly, we do not consider it appropriate for "potential local wildlife sites" to be included in this type of policy protection. Such sites may not have been surveyed and it would be premature to protect them before they have been formally designated.

Secondly, the policy should require designated LWS to be surveyed for their importance. 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 flexible approach would accord with the NPPF which sets

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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 also consider that the wording should require the addressing of the outcome of any survey associated with the ecological importance of a LWS or part thereof. This is particularly the case if the survey reveals that the value of the site / part of the site included within, or potentially affected by, a strategic allocation, is below the thresholds for acceptance as a LWS and does not contain the features / species that led to its designation.

Under 'Biodiversity offsetting', it does not allow biodiversity net gain through land that is outside of the host borough. The Statutory Metric allows this, albeit that would affect the overall multiplier score. In light of this, we don't believe that the wording of the policy should be so restrictive and it should be reworded to state that there is a preference for net gain to be provided within the Borough, but not an absolute restriction. In addition, Nuneaton and Bedworth is a relatively small Borough in area, that has limited capacity for the provision of compensatory habitat and, as such, over time such a restrictive limitation on the provision of compensatory habitat could become untenable. In light of both of these points there should therefore be allowance for replacement provision outside the Borough boundary.

***138. Is the first part of the policy which refers to legislation necessary? Would it be more appropriate to refer to this legislation in the supporting text rather than in the policy itself?***

We consider that it would be more appropriate to refer to the legislation within the supporting text rather than in the policy wording.

***141. Is the term LBAP defined anywhere in the Plan?***

The term LBAP does not appear to be defined within the Plan and we consider that this is required.

***143. Is it acceptable to require replacement habitat to be provided in the Borough.***

As discussed in Q137, The Statutory Metric allows biodiversity net gain through land that is outside of the host borough, albeit that would affect the overall multiplier score. In light of this, we don't believe that the wording of the policy should be so restrictive and it should be reworded to state that there is a preference for net gain to be provided within the Borough, but not an absolute restriction. In addition, Nuneaton and Bedworth is a relatively small Borough in area, that has limited capacity for the provision of compensatory habitat and, as such, over time such a restrictive limitation on the provision of compensatory habitat could become untenable. In light of both of these points there should therefore be allowance for replacement provision outside the Borough boundary.

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***144. With regard to monitoring ref NE3a, is it realistic to expect no deterioration to a local wildlife site when it is affected by a strategic allocation?***

We have set out our concerns over monitoring within our Regulation 19 consultation response and therefore do not intend to repeat them in full here. However, in summary, the target for “no deterioration; maintain at favourable status” is unrealistic in the context of allocating sites for housing on sites which are partly within local wildlife sites.

If in allocating Site ref SHA3 the Council does not simultaneously secure a formal change to the Local Wildlife Site designation (which is partly affected by the allocation) then there will be a potential conflict with the stated aims of NE3a and the associated monitoring targets in Table 35. Otherwise, a policy conflict may exist. In any case, the LWS has deteriorated since it was first designated and does not support the habitats for which it was designated except for scrub and woodland. These are largely found to the margins of the site and could be protected and retained. As part of the residential application currently being determined at the site, this incorporates a substantial suite of habitat creation and enhancements which will result in a BNG well above the required 10%.