

Nuneaton and Bedworth Borough Council

Borough Plan Review (2021 - 2039)



NBBC's MIQ responses to Block 2

Matter 5

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Colour coding

Pink – Policy text from the adopted Local Plan (2011-2031).

Green – Policy/supporting text from the Publication (Regulation 19) version of the Borough Plan Review [CD1].

Light orange – Suggested Main Modifications, March 2024 [CD21] / Suggested Additional Modifications, March 2024 [CD22] / Addendum to Suggested Main Modifications, March 2024 [CD22] following submission of MIQ's for Block 1, June 2024 [NBBC/6].

Light blue – Proposed modifications in light of writing the MIQ responses to Blocks 2 and 3 of the Examination in Public.

Matter 5 – Strategic and Non-Strategic Site Allocations

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

Q46. 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?

The relevant parts of the policies, relating to this Question, state the following:

Strategic Policy SA1 – Development principles on strategic sites

Proposals on all strategic sites will meet the following requirements:

1. Residential development must meet 95% M4(2) and 5% M4(3) Building Regulations standards for access, the Nationally Described Space Standards and the principles set out within the relevant SPDs (including Building for a Healthy Life and the Future Homes and Buildings Standard, where technically and financially feasible). For non-residential buildings, BREAAAM requirements or Leadership in Energy and Environmental Design (LEED) standards should be complied with (where technically and financially feasible). Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

Policy H5 – Accessible and adaptable homes

New major residential developments should include the following proportions of accessible and adaptable dwellings as defined in Part M Volume 1 of the Building Regulations⁴⁵:

- 95% of all new dwellings should meet M4(2) standards.
- 5% of all new dwellings should meet M4(3) standards.

All new major residential developments should meet these M4(2) and M4(3) standards unless robust justification can be provided as to why these types of

dwellings would be unviable or physically impossible, due to a lack of level access, on the development site (for example, due to steep topography or the cost of lift installation). Flood Risk Assessments should be utilised, in order to understand the most viable location of M4(3) dwellings, in areas of lowest flood risk, and how the safety of occupiers can be ensured.

The mix, size, type and tenure of M4(3) dwellings should reflect the rest of the dwellings, to be brought forward on the development site, unless local need indicates otherwise.

M4(3) dwellings should normally be built to an 'adaptable' standard, unless the Council will be nominating an occupier, in which case they should be accessible for a wheelchair using occupier.

If the required number of M4(3) dwellings, to be built on a development site, produces an even quantity, half should be provided as affordable housing and half should be provided as market housing. Where an odd quantity is to be developed, affordable housing provision should be favoured – evidence indicates a higher need for wheelchair users in the social sector (50% for affordable and 19% for market⁴⁶). For example, if 15 M4(3) dwellings are proposed, 7 should be provided for market housing and 8 for affordable housing provision. This preference will be subject to the viability of the development.

Drawings must be submitted illustrating the M4(2) and M4(3) dwellings, including the adaptable or accessible measures implemented on-site, alongside their location on the development site.

Policy BE3 – Sustainable design and construction

4. Able to evidence that new development will maximise energy efficiency and meet the optional higher standard for Building Regulations in regard to energy use. Development should adhere to the Future Homes and Buildings Standard, prior to its introduction in 2025, by promoting a fabric first approach, including the use of passive design principles where possible.

Residential

Residential development must meet 95% M4(2) and 5% M4(3) Building Regulations standards for access, the NDSS and the principles set out within the relevant SPDs (including the Future Homes and Buildings Standard where technically and financially feasible). Where assessment methods are changed or superseded, the appropriate replacement standards will be used

17. Meet all of the 12 considerations in Building for a Healthy Life. Where it is not possible to positively meet all considerations, a statement of justification must be provided to explain why it is not possible, and what mitigation measures will take place to offset this.

Commercial

Major non-domestic (commercial) development proposals must meet the Building Research Establishment's Environmental Assessment Method (BREEAM) very good standard for new construction projects, using the most up-to-date new construction version of BREEAM, or equivalent LEED standard, where technically and financially feasible.

21. Applicants must submit a pre-assessment, as part of an application, demonstrating the proposed design will meet the BREEAM very good standard.
22. Applicants are also required to submit certificates once the development has been completed at post construction.

Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

Policy H1 – Range and mix of housing

Homes for older people

Development of extra care housing, residential care homes and other housing options, which allow older people to stay in their own homes, will be supported where a local need can be demonstrated. These types of buildings will need to comply with M4(3) higher Building Regulations standards and will be strongly encouraged to adhere with the emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments.

Other specialised housing

Development proposals for specialised housing and care accommodation will be supported where a local need can be demonstrated. These types of buildings will need to comply with M4(3) higher Building Regulations standards and will be encouraged to adhere with the emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments.

Policy H2 – Affordable housing

Design standards

The Council will require developments to incorporate and suitably integrate affordable and market housing to a high design standard.

All affordable housing must meet the requirement for 95% of new dwellings to be M4(2) compliant and 5% to meet the M4(3) Building Regulations standards. All affordable units must include private outdoor amenity space for each property.

Whilst the Question does not refer to Policy H4 this is provided for information as follows:

Policy H4 – Nationally Described Space Standards

The Nationally Described Space Standards (NDSS) were first introduced in 2015 by the Department for Levelling Up, Housing and Communities, focusing on internal space standards within new dwellings. The standards can be viewed in the Technical Housing Standards (2015)⁴¹ or the Council's Sustainable Design and Construction SPD (2020)⁴². Where assessment methods are changed or superseded, the appropriate replacement standards should be used.

All residential dwellings should comply with the NDSS including any dwelling which does not fall within a C3 use class; for example, extra care accommodation, assisted living housing or houses in multiple occupation; or from change of use or conversion.

Where this requirement is believed to be unviable, written robust justification as to why this policy cannot be achieved, should be provided to the Council.

Answer

- 46.1 Core Documents [CD1] and [CD10] are applicable to this response.
- 46.2 In terms of the justification for the requirements of criteria 1, these are dealt with in later MIQ's in specific reference to Policies BE3, H4 and H5. The justification for M4(2) and M4(3) standards is answered in relation to Questions 103 and 163. NDSS justification is given in the answer to Questions 99 and 164. Building for A Healthy Life is queried and answered in the response to Question 165 and Future Homes in the answer to Question 161. To avoid repetition these justifications have not been repeated in response to Question 46.
- 46.3 The only part of the criteria that is not justified elsewhere in responses to other Questions is BREAAAM requirements or Leadership in Energy and Environmental Design (LEED) standards. BREAAAM was required within the previous adopted Borough Plan (2011-2031) (Policy BE3) and has therefore previously been tested for soundness and viability. BREAAAM is also specified within chapter 19 of the Sustainable Design and Construction SPD (2020)¹ and within the checklist required within the SPD. This standard is considered appropriate as this automatically provides a sustainability assessment to measure projects, infrastructure and buildings. By ensuring commercial

¹ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

development meets this standard, the development enhances the energy efficiency, water usage, the use of sustainable materials and requirements in terms of waste and pollution for working towards carbon neutrality and buildings that are economically viable for long term occupation. The LEED equivalent has been added to the requirement as this is an equivalent scheme which some developers are using.

- 46.4 Policy BE3 requires that commercial properties meet BREAAAM very good standards or LEED equivalent. The Council's Sustainable Design and Construction SPD (2020) paragraph 19.8², states that the capital cost to meet this standard varies from 0.4% to 0.24%, so in reality provides a minor capital uplift to any scheme. The policies were reviewed as part of the Viability Assessment [CD10] on the BPR (paragraph 2.8.5), and it was concluded that none of the policy requirements would unduly negatively impact the viability of commercial or other non-residential types of development in the Borough. In addition, all commercial properties have adhered to this since the Adopted Plan policy was brought into place. The Sustainability Design and construction checklist which includes requirements for very good BREEAM standards is also included in the Council's recently adopted Validation checklist³.
- 46.5 Yes, it is agreed that some of the criteria in Policy SA1 (criteria 1) is repeated in other policies. The reasoning for this was to ensure the requirements were emphasised and were appropriate to the strategic sites.
- 46.6 In reference to M4(2) and M4(3) standards, mentioned in SA1, this is repeated in Policy H5. Policy H5 goes into more details on this. These standards are also repeated in Policy BE3. Therefore, to avoid repetition it is recommended that an additional modification is agreed to remove reference to M4(2) and M4(3) in Policies SA1 and BE3 and have Policy H5 as the lead and only policy for this statement.
- 46.7 It is not considered that the reference to M4(3) is repeated in Policy H1 as Policy H1 requires M4(3) standards for 'Homes for older people' and 'other specialised housing' as these are the demographics that are most likely to

² [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

³ <https://www.nuneatonandbedworth.gov.uk/downloads/file/1470/validation-checklist-matrix>

need this higher Building Regulation requirement. Policy H1 does not mention any of the other requirements of SA1.

- 46.8 Policy SA1 also refers to NDSS standards. However, this is also repeated in BE3 and H4. Policy H4 is the lead policy for NDSS. Therefore, to avoid repetition it is recommended that a modification is agreed to remove reference to NDSS from Policies SA1 and BE3.
- 46.9 In reference to Future Homes, Building for a Healthy Life, BREAM and LEED in SA1, this is also repeated in Policy BE3. Policy BE3 is the lead policy for this as this policy calls for Sustainable Design and ties in with the Sustainable Design and Construction SPD (2020)⁴. Therefore, to avoid repetition it is recommended that a modification is agreed to remove Future Homes, Building for a Healthy Life, BREAM and LEED requirements from Policy SA1. This will result in criteria 1 of SA1 being completely removed. However, it is considered that for clarity, within the supporting text of SA1, reference is added for the need to meet all the other Policies within the Borough Plan Review document. Proposed further modifications:

Strategic Policy SA1 – Development principles on strategic sites

DELETE criterion 1 as follows to read:

Proposals on all strategic sites will meet the following requirements:

- ~~1. Residential development must meet 95% M4(2) and 5% M4(3) Building Regulations standards for access, the Nationally Described Space Standards and the principles set out within the relevant SPDs (including Building for a Healthy Life and the Future Homes and Buildings Standard, where technically and financially feasible). For non-residential buildings, BREAM requirements or Leadership in Energy and Environmental Design (LEED) standards should be complied with (where technically and financially feasible). Where assessment methods are changed or superseded, the appropriate replacement standards will be used.~~

⁴ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

Strategic Policy SA1 – Development principles on strategic sites

ADD to supporting text of SA1 to read:

Strategic sites will need to meet all the other Policies within the Borough Plan Review Document which includes but is not exclusive to the requirements in Policies H1, H2, H4, H5 and BE3.

Policy BE3 – Sustainable design and construction

AMEND policy under sub-section 'Residential' to read:

Residential

Residential development must meet ~~95% M4(2) and 5% M4(3) Building Regulations standards for access, the NDSS and~~ the principles set out within the relevant SPDs (including the Future Homes and Buildings Standard where technically and financially feasible). Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

46.10 In conclusion it is considered that the requirements are justified within the Borough Plan Review and the recommended modifications will delete the repetitions.

Q47. Is it reasonable and justified for requirements 6 and 8 to require conservation/retention and enhancement or is more flexibility required with regard to enhancement?

The relevant parts of the policy state the following:

Strategic Policy SA1 – Development principles on strategic sites

6. Heritage assets should be conserved and enhanced, with focus placed on the assets most at risk from neglect, decay or other threats.

8. Areas of high distinctiveness (value 6) should be retained and enhanced {34} along with other habitat retention, creation and enhancement required to achieve a minimum of 10% net biodiversity gain. Existing high quality biodiversity features must be retained and enhanced, including financial contributions for long-term management.

Footnote 34 *Habitat Biodiversity Audit Partnership for Warwickshire, Coventry and Solihull, Warwickshire Wildlife Trust and Ecological Services (2022). Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version.*

Answer

- 47.1 Core Document [CD1] and Evidence Base Document [EB15] are applicable to this response.
- 47.2 In relation to criteria 6, this was not in the Preferred Options. However, it was added following discussions with Historic England and reviewing the Planning Advisory Service toolbox. In addition, ‘conserving and enhancing the historic environment’ is included in the title for chapter 16 of the NPPF and referred to throughout the chapter. This chapter refers to the ‘harm to significance’ of assets (as per the terminology used in the suggested modification paragraph 47.18). The balancing exercise of loss does have to be carried out within paragraph 201 of the NPPF, whereas paragraph 202 refers to the significance of the harm being weighed against the public benefits. Whilst paragraph 197 of the NPPF refers to determining planning decisions rather than making policy it does state to:

- “a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Also see reference in paragraph 47.10 of this response which refers to the NPPF paragraph 20.

- 47.3 In terms of criteria 8, this was carried over from the adopted Local Plan (2011-2031). Within criteria 8, after the word ‘enhancement’, there is a footnote {34} which states:

“Habitat Biodiversity Audit Partnership for Warwickshire, Coventry and Solihull, Warwickshire Wildlife Trust and Ecological Services (2022). Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version.”

- 47.4 The evidence base Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version (July 2022) [EB15] refers to enhancement in terms of reference to the NPPF for local wildlife rich habitats (paragraph 1.1.3). The Document looks at the sites and assesses the most habitat distinctive parts of the sites and states that these areas should be ‘avoided and ecological enhancement encouraged’.

- 47.5 The term enhancement is consistent with the requirements in the Planning Advisory Services Toolkit part 2⁵. This was carried out in both 2021 and 2023 as the BPR progressed. Number 98 of the PAS toolkit carried out in 2021 states that:

“Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty

⁵ [TOOLKIT PART 2 LOCAL PLAN CONTENT OCT 2021 update.docx \(live.com\)](#)

of the countryside, and the wider benefits from natural capital and ecosystem services.”

The above was referring to NPPF paragraph 174.

47.6 Number 99 of the PAS toolkit states that:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

The above was referring to NPPF paragraph 175.

47.7 Number 102 of the PAS toolkit carried out in 2023 states that:

“Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.”

The above was referring to NPPF paragraph 179.

47.8 The Statutory Metric describes Habitat Distinctiveness 6 as 'High' value with Distinctiveness 8 as 'Very High'. Those habitats that are 'Very High' will be UK Priority Habitat and protected under the NERC Act Section 41 list and with these of 'High' value would be most likely be designated in some way such as a SSSI or LWS. The wording reflects the Mitigation Hierarchy that areas of significant importance (aka 'High' and 'Very High') should be avoided and if this is not possible mitigated for, and as a last resort, avoided. Thus, in summary the proposed wording in criteria 8 is actually a positive, helpful advisory statement as well as a policy compliance statement.

47.9 The wording 'enhancement' is needed to meet the Council's NERC Act duties (as amended) where Local Authorities have duties to "conserve and enhance biodiversity in the exercising of their duties". The term also infers compliance with the Defra Guidance documentation and mitigation hierarchy. The

Guidance's spatial mitigation hierarchy states that compensation should be achieved onsite where possible, thus ... Impacts on 'Very High' habitat will require bespoke compensation, which should only be acceptable in very exceptional circumstances (mitigation hierarchy); this cannot be easily achieved on site due to social impacts (dogs, cats, lights, air/noise pollution). Impacts on 'high' habitat will require offsetting by something of higher value (trading rules) this would be either 'high value', which cannot easily be delivered on site (see previous sentence) or retaining the existing habitat to a higher condition to deliver units to offset other habitat losses of the same category. Thus, the wording reflects the intentions of the DEFRA Guidance. However, if the 'high' habitat is to be impacted upon then the alternative would be to create a higher value than what is present from a lower habitat type. For most 'high' habitats this is difficult to do and takes a long time to reach the higher value. The result of these factors means that a large on-site area is required to satisfy trading rules and the punitive factors for creation.

47.10 It is recognised that Local Plans should not repeat the NPPF, however the term 'enhancement' is as fundamental as 'protection' to the natural and local environment. The NPPF in paragraph 20 states that:

"d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."

47.11 Paragraph 180a refers to the mitigation hierarchy of:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

47.12 Paragraph 175 of the NPPF states:

"175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework {58}; take a strategic approach to maintaining and

enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

47.13 Paragraph 179. states:

“To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation {62};

and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

47.14 Similarly, A Green Future: Our 25 Year Plan to Improve the Environment (HM government) 2018⁶, provides a good practice note for the West of England Nature Partnership (WENP) model page 140 and reiterates that:

“Such a model could improve the strategic allocation of funding generated from developer contributions and payment for ecosystem services schemes to have maximum benefit to the protection and enhancement of a region’s natural capital.”

47.15 In the above guidance the conclusion states that:

“This Government has chosen the path of preservation and enhancement”

47.16 In terms of how it could be more flexibly worded in the context of the policy it is clearly asking for improvements to these environments and any other wording would potentially water this down. Notwithstanding this, the details of

⁶ [25-year-environment-plan.pdf \(publishing.service.gov.uk\)](#)

enhancement would have to be identified within planning applications and it would be for the applicant to demonstrate conservation and enhancement and if this was not an option then the applicant would need to provide justification or mitigation for any harm or loss of the said environment.

47.17 Ultimately, retaining high value habitats and except in exceptional circumstances, developers are highly likely to want to do this to minimise the loss of existing biodiversity units and to limit how much new habitat has to be created under the mandatory BNG - particularly so because destroying existing units requires a proportionately greater number of new units to deter destruction of existing high value habitat. From previous planning applications enhancement is also usually of appeal to developers for the same reason as it often gives the easiest and highest increases in units.

47.18 However, it is recognised that NPPF paragraph 11 does refer to:

“ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Therefore, this has to be recognised but in context with the other paragraphs of the NPPF. It is therefore recommended that wording is added to both criteria and also at the end of the policy wording as follows:

Strategic Policy SA1 – Development principles on strategic sites

ADD/AMEND criteria 6 and 8 to read:

6. Heritage assets should be conserved and enhanced, with focus placed on the assets most at risk from neglect, decay or other threats; **unless it can be clearly demonstrated that any harm to significance of the asset would outweigh the benefits, when assessed against legislation and National and Borough Plan Review Policies.**

8. Areas **of high-quality biodiversity and areas** of high distinctiveness (value 6) should be retained and enhanced {footnote 34} ~~along with other habitat retention,~~

~~creation and enhancement required to achieve a minimum of 10% net biodiversity gain. Existing high quality biodiversity features must be retained and enhanced,~~
S106 ~~including~~ financial contributions **may be required** for long-term management.

Add within Policy box at the end to read:

In terms of criterion 7 and 8 - Where protection, retention and enhancement of these areas/buildings is not possible, this must be clearly demonstrated (including survey work) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against legislation and National and Borough Plan Review Policies.

47.19 In conclusion it is considered that Criteria's 6 and 8 are reasonable, but in order to align with the NPPF that additional modifications are made when looking at both the natural and built environment.

Q48. 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?

The relevant part of the policy states the following:

Strategic Policy SA1 – Development principles on strategic sites

7. Potential local wildlife sites within or affecting the site will be surveyed for their ecological importance whilst designated local wildlife sites will be protected.

Answer

- 48.1 Core Documents [CD1], [CD14], [CD21] and [CD22] are applicable to this response.
- 48.2 Local Wildlife Sites (LWS) are Local Sites that are identified locally and are defined within the Official Statistics: 'Nature conservation: Local Sites in positive conservation management in England, 2008-09 to 2022-23' (DEFRA) (last updated 2023). This states that:

“Local Sites are sites identified locally for their substantive nature conservation importance, either for wildlife or geology.”

The Statistics then state that:

“Local Sites contribute towards our commitments for biodiversity, both nationally through the [Environmental Improvement Plan](#) and internationally through the [Kunming-Montreal Global Biodiversity Framework](#)”

- 48.3 Potential Local Wildlife Sites (pLWS) are those sites that have not yet been assessed against the Local Wildlife and Geological Sites selection but may potentially support species of note, areas of important semi-natural habitat or valuable geological features.

48.4 LWS are the highest designation for the Borough of locally designated sites of importance and as defined in the Annex 2 glossary of the NPPF. Bearing this in mind, a suggested additional modification has already been suggested so that reference to LWS throughout the Borough Plan Review have the first letters capitalised for grammar, but also to emphasise the importance of such sites. A number of the Strategic Allocations have potential impact to LWS or pLWS. LWS's and pLWS will likely have priority habitat within their boundaries and therefore NPPF paragraph 179b is relevant, which states:

“b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

48.5 The above criteria, was not within the previous Local Plan, however, Warwickshire Wildlife Trust, in their Preferred Options response (reference number 25.4), stated that:

“Regarding the comment that ‘Local Wildlife Sites need to be regularly reviewed’. This should be within reason and not be used to reduce their status. As they are designated by specialist ecologists, and their ecological status shouldn’t be allowed to fall in to decline, in line with monitoring requirements. We do agree that further sites should be reviewed for addition protection though. Also, we are glad to see that ecology assessments are being carried out.”

48.6 Between writing the Preferred Options and the Publication version, direct dialogue was had with the Council’s Ecology Team in terms of updating any wording for the Environment Act and also due to the subsequent adoption of the Open Space SPD⁷. This was created and adopted subsequent to the 2019 adopted Local Plan. The Ecology Officers response was:

“Unlike many Borough’s we don’t already have a map of LWS sites, LBAP habitats etc within the BP showing our core ecological network but it would be wrong now for us not to develop and include that sort of

⁷ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

mapping alongside aligned and strengthened policies including much clearer retention policy and buffer distances etc as well as mapping targeting areas where habitat creation would increase and enhance ecological connectivity. The BP is currently very weak in this regard. The recently adopted Open Space and Green Infrastructure SPD starts to strengthen some of those ideas but wasn't able to be written with much linkage into the Environment Bill details as it wasn't law etc at that point but the SPD and policies should be further aligned and the Environment Bill taken into account."

48.7 The response from Axis PED of Preferred Options (reference number 103.04) referring to (criteria 5 which was the number at that time) stated:

"The wording of Criterion 5 is welcomed. However, it not considered that the current wording goes far enough in terms of addressing the outcome of any survey associated with the ecological importance of a LWS or part thereof. Particularly 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 destination".

Their recommendations were to:

"It is recommended that criterion 5 is modified to read as follows (or similar): 5. Designated and potential local wildlife sites within or affecting the site will be surveyed for their ecological importance. 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".

The Officers response at the time was:

"Policy NE3 elaborates that existing and potential local wildlife sites will be protected from development. The level of protection sought for the site will be at an appropriate scale to the site's designation status, and the contribution it makes to the ecological network."

48.8 Similarly, the same responder (reference number 103.120) referred to another site where the LWS had deteriorated:

“We are concerned that the status and boundaries of the designated sites may no longer reflect the actual status of the designated sites by the time the Plan is adopted. For example, there has been a notable deterioration in the part of the LWS that is included within SHA-3 which has been verified through ecological assessments carried out over the last 5 years. The deterioration in that part of the LWS means that it no longer contains the specific features and characteristics that led to its designation in 2015”.

- 48.9 This was aligned with another response at the Preferred Options from Savills on behalf of FCC (reference number 137.03) referring to Strategic Allocation SHA3 which stated:

“The site is assessed as “red” in the Local Wildlife Site and Local Geological Site categories. These designations only cover part of the site, and mitigation may be possible to remove these issues as part of a comprehensive development. For example, FCC Environment have received initial advice from Natural England that relocation of Great Crested Newts currently on site, and the mitigation for the loss of habitats from development may be acceptable in principle. FCC have already purchased land nearby with a view to allow this to be facilitated. This is positive in demonstrating that there is potentially scope for development on the LWS portion of the site”.

- 48.10 The promoter of the land for the same site in the Regulation 19 responses [CD14] (representation references 108.1 and 108.3) (whilst referring to other policies, mentioned the need for surveying the LWS and stated that:

“The wording of Criterion 7 has been amended from the previous version, removing the requirement for ‘designated’ local wildlife sites (LWS) to be surveyed for their ecological importance and stating that such sites “will be protected”.

The wording means that only ‘potential’ LWS are required to be surveyed. However, we strongly consider that the policy should continue to require designated LWS to be surveyed for their importance. A blanket protection

of LWSs is clearly inconsistent with the proposed allocation of SHA3 which includes a section of an LWS.

Not all LWS are of equal value, and some do not include biodiversity features that would justify their continued designation. The protection of LWS should be based upon up-to-date ecological information and seek to ensure that 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 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 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."

The recommendation of this agent was to:

"It is recommended that criterion 7 reverts back to its previous revision and is modified to read as follows (or similar) 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."

In the same manner they advised (reference number 108.10) that:

“The last Ecology Assessment for Nuneaton and Bedworth Borough Council was published in 2014 and the last assessment of local wildlife sites was carried out in 2015.

By the time the emerging Local plan is adopted these assessments will be around 10 years old and the information underpinning them may be older still. A lot of change can occur within designated sites within a 10-year period, particularly if they are unmanaged.

We are concerned that the status and boundaries of the designated sites may no longer reflect the actual status of the designated sites by the time the Plan is adopted. For example, there has been a notable deterioration in the part of the LWS that is included within SHA3 which has been verified through ecological assessments carried out over the last 5 years. The deterioration in that part of the LWS means that it no longer contains the specific features and characteristics that led to its designation in 2015.”

48.11 It was therefore considered there was commonality of responses that the wording of protection of LWS was necessary.

48.12 Further as LWS are the highest designation for the Borough of locally designated sites of importance, it was considered that the wording was appropriate and aligned with the NPPF paragraph 175 which states that:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites.”

48.13 NPPF paragraph 179 requires protection and enhancement of biodiversity and geodiversity and that Local Plans should:

“a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation {62}.

and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

48.14 As per the Council’s responses to Question 47, it is recognised that paragraph 11 of the NPPF talks in general about ‘any adverse impacts’ ‘significantly and demonstrably outweigh the benefits, when assessed against’ the Framework. However, it is considered that by recognising LWS as the Borough’s highest designation for locally designated sites of importance and protecting these where possible, that this is consistent with paragraph 179 of the NPPF but that amendments are needed to recognise paragraph 11. Therefore, please refer to the suggested additional text in the recommended additional modifications in the Council’s response to Question 47. Nonetheless, it does have to be recognised that LWS and pLWS are likely to have a role in key nature recovery plans as part of the wider Environment Acts and Improvement Plans.

48.15 Therefore, it is considered consistent that whilst the strategic sites have undergone an Ecology Assessment for the Borough Plan Review, any affected Local Wildlife Sites also need to be considered and an up-to-date assessment made at the time of any application. To make it clear what the survey should provide it is suggested that the additional modification in paragraph 48.18 also provides details of the survey methodology.

48.16 The suggested additional modifications [CD22] suggest wording to the supporting text of NE3 at the end of paragraph 12.31 to state:

ADD to the end of paragraph 12.31:

Due to their local ecological network importance, LWS pLWS and key ecological corridors (like water courses, disused and active railways and distinctive hedgerow networks) receive additional protection within this Borough Plan.

48.17 In order to make the criterion clearer, it is recommended that it is amended, and a footnote is added via a suggested additional modification. Please also refer to the suggested modification, for the Council's response to Question 47, in terms of suggested wording to be added to the end of the Policy box for SA1 in specific reference to criteria 6,7 and 8. It is also suggested that the glossary is amended for the description of LWS and provides a definition for a pLWS as follows:

Strategic Policy SA1 – Development principles on strategic sites

AMEND criteria 7 of SA1 to read:

7. **Potential Local Wildlife Sites (pLWS) within or affecting the site will be surveyed for their ecological importance against the Guidance for the Selection of Local Wildlife Sites {add new footnote}. Whilst** ~~Ddesignated local wildlife sites~~ LWS will be **surveyed and** protected **to safeguard the criteria for which they were designated and thereby maintain their significant contribution to supporting a functional Green Infrastructure throughout the borough, county, sub-region and nationally.**

Strategic Policy SA1 – Development principles on strategic sites

New footnote to criterion 7 to read:

THE GREEN BOOK Guidance for the Selection of Local Wildlife Sites in Warwickshire, Coventry and Solihull Local Wildlife Sites Project Habitat Biodiversity Audit (HBA) Warwickshire Wildlife Trust Ecological Services available at: [Guidance Note on Application of Site Selection Criteria \(warwickshire.gov.uk\)](http://warwickshire.gov.uk). Page 138 provides guidance notes for any planning application/development that is likely to impact on a potential pLWS.

Strategic Policy SA1 – Development principles on strategic sites

AMEND glossary definition for Local Wildlife Sites to read:

Local ~~W~~wildlife ~~S~~site (LWS): ~~An area of land with substantive wildlife value.~~ **Local Sites are sites identified locally for their substantive nature conservation importance, either for wildlife or geology.**

Strategic Policy SA1 – Development principles on strategic sites

ADD glossary definition for Potential Local Wildlife sites to read:

Potential Local Wildlife Sites (pLWS): Are those sites that have not yet been assessed against the Local Wildlife and Geological Sites selection but may potentially support species of note and areas of important semi-natural habitat or valuable geological features. Refer to glossary for LWS and THE GREEN BOOK, Guidance for the Selection of Local Wildlife Sites in Warwickshire, Coventry and Solihull Local Wildlife Sites Project Habitat Biodiversity Audit (HBA) Warwickshire Wildlife Trust Ecological Services

(WCC) Available at: [Guidance Note on Application of Site Selection Criteria](#)
(warwickshire.gov.uk)

48.18 Therefore, it is concluded that the wording is justified and consistent with other policies in the Plan (such as NE3) and with paragraph 175 of the NPPF and that a considered and sequential approach in line with Policy NE3 has to be taken.

Q49. With regard to requirement 12, is it clear how proposals will be assessed against the Sport England's Active Design Guidance and its checklist?

The relevant part of the policy states the following:

Strategic Policy SA1 – Development principles on strategic sites

12. Community, sport, physical activity, play and open space facilities should relate well to each other and to existing areas, and the new facilities and spaces should be safe, convenient, accessible, well designed, easy to maintain and function well. Proposals shall be assessed against Sport England's Active Design Guidance and its checklist.

Answer

49.1 Core Documents [CD1], [CD14] and [CD6.7] are applicable to this response.

49.2 Reference is made to the suggested additional modification [CD22] dated 4th March 2024 which states:

Additional suggested Modification 4th March 2024 [CD22]

ADD to policy box criteria:

12. Community, sport, physical activity, play and open space facilities should relate well to each other and to existing areas, and the new facilities and spaces should be safe, convenient, accessible, well designed, easy to maintain and function well. Proposals shall be assessed against Sport England's Active Design Guidance and its checklist. **A completed checklist to demonstrate compliance with the Design Guidance will be required with any application submission.**

49.3 The Council's reasoning written again the modification was:

‘As required by Sport England following comments in representation ref.

11.1. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information

of what will be required from Sport England, who would be consulted during any application affecting new sports provision.'

- 49.4 Therefore, the modification now provides the details, e.g. the requirement of the checklist to show that the Sport England guidance has been considered and undertaken.
- 49.5 The requirement for the checklist to be provided was not within the adopted Borough Plan (2011-2031) or the Preferred Options and was at the direct request of Sport England. The proposal came about by Sport England's requirements (representation reference 11.1) to the Regulation 19 consultation [CD14] which provided several issues that had to be resolved for the Duty to Cooperate – Statement of Common Ground [CD6.7]. For Policy SA1 their comments were:

'Sport England welcomes reference to Sport England's Active Design Guidance and its checklist in assessing SA1 requirement 12. Clarity is sought as to whether applicants would need to submit a completed checklist to demonstrate compliance with the Design Guidance. This approach would demonstrate how the development has considered and embedded the Active Design Guidance principles.'

To continue to work with Sport England for the Statement of Common Ground the requirement was added at Sport England's request.

- 49.6 It is anticipated that when the checklist is received with any planning application both the Development Control and Policy Case Officers will review this against the Sport England's Active Design Guidance, and the Council's in house Sports and Open Space Teams will be consulted automatically on these types of schemes. Where a checklist is provided and/or for applications 'prejudicing the use, or lead to the loss of use of land being used as playing field' or for 'replacement'... 'playing pitches', the Case Officer would automatically consult with Sport England under Schedule 4 (z) of the DMPO.
- 49.7 In addition, Sport England have advised that when they are consulted on residential applications of 300 or more dwellings, as part of their response they will review the information and checklist.

49.8 It is therefore considered that there will be steps taken to ensure the completed checklist is assessed again the Sport England guidance.

Q50. 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.

The relevant part of the policy states the following:

Strategic Policy SA1 – Development principles on strategic sites

13. New proposals will need to ensure that the development includes fundamental mitigation for climate change, carbon reduction leading to neutral carbon emissions by 2050 and for a nature recovery strategy. For example, new developments should be built in line with water resource efficient design standards (110 litres/person/day).

Answer

50.1 Core Documents [CD1] and [CD22], and Council Document [NBBC/6] are applicable to this response. Please also cross reference to the justifications given in the Council's response to Question 160.

50.2 The wording above was proposed to be amended in the suggested additional modifications [CD22], this stated:

ADD to policy box criteria 13 at the end:

13. New proposals will need to ensure that the development includes fundamental mitigation for climate change, carbon reduction leading to neutral carbon emissions by 2050 and for a nature recovery strategy. For example, new developments should be built in line with water resource efficient design standards (110 litres/person/day – **as a minimum standard**).

50.3 The Council's reasoning for the modification was:

"For clarity and as requested by the Environment Agency following representation ref.13.3. Considered an additional modification as the wording is just requesting that developers consider at least a restriction of

110 (The EA recommended the requirement was amended to 100 litres/person/day but this had not been tested in the Viability Assessment). It is considered the additional wording does not impact on the soundness or legal compliance.”

50.4 Subsequent suggested modifications were requested during the responses to the MIQ's for Block 1 which stated:

Additional suggested modification following Block 1 MIQ's 17th June 2024 [NBBC/6]:

AMEND wording in criteria to read:

13. New proposals will need to ensure that the development includes fundamental mitigation for climate change, carbon reduction leading to neutral carbon emissions by 2050 and for a nature recovery strategy. For example, new developments should be built in line with water resource efficient design standards (~~110~~ **100** litres/person/day).

50.5 The Council's reasoning for this was:

“The Borough is in a seriously water stressed area. The Environmental Improvement Plan 2023⁸ Action 7 page 118 suggests 100 l/d/p where there is a clear local need.”

50.6 Furthermore, the Council's recently published Coventry and Warwickshire Sub-regional Water Cycle Study (WCS) - Stage 1 Final Report August 2024 (JBA) (Appendix A – copy provided with the MIQs) (under Water Resources page xvii) suggests the requirement of 100 l/p/d is used in line with the DEFRA 'Plan for Water' (2023)⁹. The WCS also states that non-residential development over 1,000sqm should achieve BREEAM 'excellent' standard for water consumption. Similarly, the Environment Improvement Plan also states 100 l/p/d where there is a clear local need such as areas of serious water stress such as within the Severn Trent Water area. Paragraphs 260 and 261 of the WCS state that research for the cost to developers would be 'minimal

⁸ [25-year-environment-plan.pdf \(publishing.service.gov.uk\)](#)

⁹ [Our Integrated Plan for Delivering Clean and Plentiful Water \(publishing.service.gov.uk\)](#)

additional cost'. Furthermore, paragraph 100 states that STW provide incentives to developers to build to 100l/p/d by providing a discount (up to £380 clean water infrastructure charge).

50.7 The 100 litres/person/day has been viability checked by the Council's consultants who have advised:

"the cost assuming 100lppd would remain de minimis, as per our reporting. This level can be achieved via a fittings-based approach only (i.e. flow restrictors etc.). In our experience it is only at levels beneath 85lppd where more costly measures would be required in the form of greywater and blackwater recycling."

50.8 During the Block 1 Examination in Public it was suggested that the word 'development' should be amended to 'dwelling'.

50.9 It is considered that the wording 'minimum' is ambiguous as the design standard is already a minimum, therefore it is suggested the wording is change from a 'minimum' to 'not exceeding'.

50.10 Reducing water use will not only assist with climate change (as per paragraph 153 of the NPPF) and increasing pressure on water resources, but will reduce occupiers water bills and energy bills.

50.11 In conclusion it is suggested that a new modification is considered for the wording of criteria 13 on Policy SA1 to read:

Strategic Policy SA1 – Development principles on strategic sites

AMEND wording in SA1 criteria 13 to read:

13. New proposals will need to ensure that the development includes fundamental mitigation for climate change, carbon reduction leading to neutral carbon emissions by 2050 and for a nature recovery strategy. For example, new ~~developments~~ dwellings **and development over 1000 sqm** should be built in line with water resource efficient design standards **not exceeding** (440 **100** litres/person/day) **(until such time this is superseded by a lower figure under Building Regulations)**

Q51. Is requirement 15 justified by evidence?

The relevant part of the policy states the following:

Strategic Policy SA1 – Development principles on strategic sites

15. Service bays on employment sites, adjacent to housing, will need to have loading areas set away from residential properties or any other sensitive noise receptors and car parks at least 50m from residential properties.

Answer

- 51.1 Core Documents [CD1] and [CD14] are applicable to this response.
- 51.2 The wording was considered appropriate during the writing of the Preferred Options and was after discussions with the Council's Environmental Health Team in relation to noise complaints from residential properties that they were receiving with existing employment sites particularly loading bays but also from parking areas. Therefore, to avoid the same complaints on new sites including the strategic employment sites (many of which have proximity to existing or proposed residential properties) the criteria was considered appropriate.
- 51.3 There was one objection to the criteria from Opus Land [CD14] (representation reference 121.10) to the Regulation 19 and the Officer response at the time was that the criterion was considered appropriate to protect residential amenity.
- 51.4 The requirement came from a long history within the Environmental Health Team from noise complaints from employment uses, this includes noise breakout from the loading bays, unloading and loading noise, reversing and warning alarms from lorries and flat loading trucks.
- 51.5 Whilst it is recognised there is no finite distance within guidance, the 50m distance has been met and the distance tested via Noise Assessments for Outline and Reserved Matters approval of SEA3 which has included such distance but notwithstanding this will still require a noise bund and acoustic fence.

- 51.6 Whilst agents will often site Noise Management Plans, in reality these may not work as noise is difficult to govern on-site, especially as not all deliveries are necessarily by employees of the company.
- 51.7 The Professional Practice Guidance on Planning and Noise (May 2017)¹⁰ has a section on residential development and the design approach to siting new residential development. However, its approach for new commercial activity to existing or new residential is still relevant. The document throughout, strongly emphasises the need for good acoustic design e.g. orientation, shielding etc. before mitigation.
- 51.8 The requirement to consider good acoustic design early in the planning process is consistent with the PPG (paragraph 001 of Noise); where plan making has to take into account the acoustic environment to provide a good standard of amenity (paragraph 003) and that plan making can include specific standard to various form of proposed development and location in their area (paragraph 007). Similarly, paragraph 010 states that layouts should optimise ‘the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings.’
- 51.9 Therefore, in conclusion it is considered that the requirement is justified. However, looking at the wording it is suggested that this is amended as follows:

Strategic Policy SA1 – Development principles on strategic sites

AMEND criteria 15 to read:

15. Service bays on employment sites, adjacent to housing, will need to have loading areas **and car parks** set away from residential properties or any other sensitive noise receptors ~~and car parks~~ **and be** at least 50m from residential properties. **Notwithstanding this, all employment sites will require a Noise Impact Assessment in relation to impact to residential amenity and will need**

¹⁰ ProPG | Institute of Acoustics (ioa.org.uk)

to include information such as white noise reversing alarms and acoustic barriers.

Q52. Is requirement 16 requiring compliance with SPDs and design codes necessary and justified?

The relevant part of the policy states the following:

Strategic Policy SA1 – Development principles on strategic sites
16. Proposals should comply with the requirements of the relevant Concept Plan SPD and Design Code for the site (where extant/adopted).

Answer

- 52.1 Core Documents [CD1] and [CD14] are applicable to this response.
- 52.2 The Strategic Allocations all have a Concept Plan SPD and SHA2 Arbury also has a Design Guide¹¹.
- 52.3 The NPPF in chapter 12 ‘Achieving well designed places’ paragraph 129 states:
- “Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.”
- 52.4 There were multiple references to the criteria from the Regulation 19 responses [CD14]. These include but not exclusive to: Opus Land Nuneaton Ltd (representation reference 121.10); FCC Environment UK Ltd (representation reference 108.3); Richborough (representation reference 110.5); Home Builders Federation (representation reference 16.8); L&Q Estates [CD14] (reference references 115.17, 115.18 and 115.25 although some of these were referring to the SPD wording on other policies as well); Seven Homes (representation reference 122.12) (although this was in relation to Policy BE3); and Rosconn Strategic Land (representation reference 130.3) (although in reference to DS4) that SPD’s should not be treated as Development Plan Documents and should be referred to as ‘material

¹¹ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

considerations'. The Officer response at the time reiterated that it was recognised that SPDs do not form part of the development plan and do not introduce new policies, but it was considered appropriate to reference SPDs within the criteria to ensure that development considers how it accords with the relevant SPDs as a material consideration.

52.5 It is recognised that the PPG under 'Plan making' paragraph: 008 Reference ID: 61-008-20190315 states the role of SPD's are to:

"build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan".

52.6 The SPD's including the Concept Plans for all of the strategic sites and current Design Code for Arbury (SHA2) do not introduce new policies but build on them. Therefore, for clarity and to meet the guidance it is proposed to amend the criteria of Policy SA1 to read:

Strategic Policy SA1 – Development principles on strategic sites

AMEND criteria 16 to read:

16. 'In determining applications, consideration should be given, to adopted

~~Proposals should comply with the requirements of the relevant~~ **Supplementary Planning Documents (SPD) including** Concept Plan SPD's and Design Code for the site ~~(where extant/adopted).~~

Issue 2: Strategic Housing Allocations

Q53.

A) Are each of the Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable / developable and supported by the evidence?

B) Is the Council's suggested main modification to allocate HSG7 East of Bulkington as a Strategic Housing Allocation justified on grounds of soundness? Are its suggested policy requirements soundly based? Is it deliverable / developable and supported by the evidence?

Answer

Part A

53.1 Core Documents [CD1], [CD10] and [CD31] are applicable to this response.

53.2 Yes, each of the Strategic Housing Allocations and their policy requirements are soundly based. For specific points raised within the MIQ's, please refer to the Council's responses to Questions 54 to 58 (Contributions to Warwickshire Police and Justice Centre are answered in the Council's response to Question 56, sport and archaeology in the response to Question 57 and the habitat for SHA2 in Question 58.) As discussed further below, the Strategic Housing Allocations are justified, deliverable/developable and supported by evidence.

53.3 The Strategic Allocations for residential development include:

- Policy SHA1 Land at Top Farm, North of Nuneaton
- Policy SHA2 Arbury
- Policy SHA3 Land at Tuttle Hill
- Policy SHA4 Hospital Lane
- Policy SHA5 Land West of Bulkington
- Policy SHA6 Land at former Hawksbury Golf Course.

All of these sites were allocated within the adopted Borough Plan (2011-2031), therefore the starting point was to review the relevant adopted policies

for each of the strategic sites listed above and determine whether the policy requirements, including the site boundaries, needed to be updated, amended or removed in line with the latest evidence and taking into consideration any applications which had been approved or were being progressed. Please see response to Question 54 below, regarding the planning status of each of the strategic allocations.

- 53.4 The Council has considered the outputs of site-specific evidence and responses from statutory consultees as well as other interested parties during the Preferred Options and Regulation 19 consultations, to inform the proposed policy requirements. The policy requirements within the plan and site allocations have then been tested through the viability appraisal which concludes the proposals have reasonable prospects of viability with the tested policies [CD10].
- 53.5 The strategic allocations are justified, as discussed in Matter 2, the strategic allocations which are considered deliverable within the plan period have been rolled forward from the current Borough Plan which was adopted in 2019. Of these six allocations, all except two sites (SHA2 – Arbury and SHA3 – Land at Tuttle Hill) have obtained planning permission, with pre-application discussions on-going on SHA2 - Arbury and an outline application pending on SHA3 - Land at Tuttle Hill. Alternative options to meet the residual housing requirements were considered but no further strategic allocations, with the exception of the re-allocation of HSG7 – Land east of Bulkington, as discussed in response to Part B of this Question, has been proposed to be allocated.
- 53.6 In accordance with national policy, site allocations should be deliverable over the plan period. Paragraph 68 states that policies should identify a supply of deliverable sites for years one to five of the plan period and developable sites from year six onwards. The Council has a good working relationship with the landowners/developers of the strategic sites and the trajectory for the delivery of strategic sites, as outlined in UHLSBP [CD31], has been informed by discussions and following receipt of pro-formas for each of the sites. This is discussed further in response to Question 39. The Council consider, given the

strategic sites are either under construction, have detailed or outline planning permission or are currently at the pre-application or outline stage, that the allocations and policy requirements are deliverable within the plan period and informed by a robust evidence base. The Council's response to Question 54 provides details of how the key development principles have been changed either due to Regulation 19 responses, Statements of Common Grounds or due to discussions with the interested parties during the application or pre application process. Please refer to response paragraphs: 54.4 and 54.5 for SHA1, 54.6 and 54.7 for SHA2; 54.8 for SHA3; 54.9 and 54.10 for SHA4; 54.11 and 54.12 for SHA5 and 54.13 to 54.15 for SHA6.

Part B

- 53.7 Yes, the suggested main modification to allocate HSG7 East of Bulkington as a Strategic Housing Allocation is justified on the grounds of soundness. The site was granted outline planning permission for 230 units (Application Reference: 039005) on 3rd October 2023 and a pre-application on the reserved matters is underway. The Council originally proposed not to re-allocate this site as it would form part of the committed supply. However, in response to representations received relating to flexibility, including from Coventry City Council, the Council propose to re-allocate this site. The allocation of this site will contribute towards ensuring the plan seeks to meet its objectively assessed needs.
- 53.8 In terms of policy requirements, Policy HSG7 of the adopted Borough Plan (2011-2031), has formed the basis for these and then they have been updated where relevant. For example, the quantum of development has changed to reflect the planning permission for the site. This site is considered deliverable within the plan period given pre-application discussions on the reserved matters are progressing. The agents for the site have completed a pro-forma which outlines that construction is anticipated to commence before the end of 2025. However, the trajectory takes a precautionary approach with delivery anticipated in 2029/30.

Q54. Which of the Strategic Housing Allocations now have planning consent and for those which do, does this alter any of the key development principles which apply?

Answer

- 54.1 Core Documents [CD1], [CD6.7], [CD6.11], [CD6.16], [CD14], [CD21] and [CD22] are applicable to this response.
- 54.2 The following table provides the present position of the Strategic Allocations in terms of planning consent (For clarity the first site references prefixed with HSG are the previous adopted Local Plan references for the site and the SHA prefix is the proposed reference for the site in the Borough Plan Review):

List of sites

Site	Planning status
HSG1/ SHA1 (Land at Top Farm, North of Nuneaton)	<p>Outline approved (035279) for:</p> <p>the construction of residential dwellings (Class C2 and C3), mixed-use district centre (Class A1 to A5) and community and/or health centre uses (Class D1), a primary school plus land safeguarded for a secondary school and 6th form (Class D1), Green Infrastructure with formal and informal open spaces, children's play areas, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System, three new vehicular accesses off Higham Lane, car parking, new footpaths and cycleways, ground remodelling and demolition of existing agricultural buildings. (Outline to include access)</p> <p>Reserved matters under consideration (040330) for:</p> <p>Erection of 480no. dwellings including estate roads, sustainable surface water and foul drainage infrastructure, utilities infrastructure, Public Open Spaces including a Local Equipped Area for Play (LEAP) and a Community Park (including BMX pump track), hard and soft landscaping, and ground remodelling (Approval of reserved matters relating to</p>

	<p>appearance, landscaping, layout and scale of already approved outline application ref 035279)</p> <p>Full application approved (039665)</p> <p>Construction of a two storey secondary school building an sports hall, Multi Use Games Area, outdoor sports and recreation areas, parking, and associated infrastructure (within site identified for secondary school use by approved Outline Planning Application 035279)</p> <p>Reserved matters approved for Phase 1ai, 1aii, 1ci and 1cii for:</p> <ul style="list-style-type: none"> • 039779 Application for approval of reserved matters (layout, scale, appearance and landscaping) for the construction of up to 51 dwellings including estate roads and other associated infrastructure (Phase 1c (i)) following outline approval 035279 • 039762 Construction of the northern link road (Phase 1a(ii)) (approval of reserved matters relating to appearance, landscaping, layout and scale following outline approval ref 035279) • 039578 Construction of the eastern section of the Northern Link Road to include signalled controlled junction, vehicular carriageway, adjacent footpaths and cycleway, sustainable surface water drainage infrastructure, foul water pumping station and associated utilities infrastructure, hard and soft landscaping, ground remodelling and utility diversions (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 035279
HSG2/SHA2 (Arbury)	No current applications or permissions for this site.
HSG11/SHA3 (Land at Tuttle Hill/Judkins Quarry)	Outline application under consideration (040102) for: residential development for up to 400 new dwellings, a new highway access off Tuttle Hill, two bridges over the Coventry Canal, widening of Weddington Walk, landscaping, and associated infrastructure on land at Judkins Quarry, Nuneaton (all matters reserved apart from Access)

HSG5/SHA4 (Hospital Lane)	<p>Outline approved (039049) for: development of up to 455no. dwellings (C3), a 1.4ha District Centre including up to 55 senior living units (C2) and approximately 2,000 sqm of floorspace (E, F1 and F2) and associated infrastructure and open space (outline including access).</p> <p>Reserved matters under consideration (040286) for: Phase 1 Reserved Matters Application (Layout, Scale, Appearance and Landscaping) for the development of 445 Dwellings (Use Class C3) with associated public open space and infrastructure</p>
* HSG7 East of Bulkington	<p>Not in Borough Plan Review but has Outline approved (039005) for: Outline application for residential development of up to 230 dwellings with access off Nuneaton Road and Bramcote Close (with all other matters reserved)</p>
HSG8/SHA5 (West of Bulkington)	<p>Outline approved (037425) for: Outline application with all matters reserved except for access for up to 42 dwellings with associated works to include the demolition of 90A Coventry Road. (Land to rear of 86 to 110 Coventry Road.</p>
HSG8/SHA5 (West of Bulkington)	<p>Full application approved (038375) for: Development of 89 dwellings with associated public open space and Infrastructure.</p>
HSG8/SHA5 (West of Bulkington)	<p>Full application approved (038856) for: Residential development of 149 dwellings with public open space, landscaping, highways and drainage infrastructure and associated works.</p>
HSG8/SHA5 (West of Bulkington)	<p>Outline approved (039111) for: Outline application for up to 95 dwellings with access (all other matters reserved) and associated infrastructure including demolition of 7A Leyland Road (affecting footpath B41)</p>
HSG12/ SHA6 (Land at former Hawkesbury Golf Course)	<p>Outline approved (037807) for: Erection of 176no. dwellings, open spaces and park provision, cycle and pedestrian routes, highway works, landscaping and associated infrastructure (outline including access).</p>

	<p>Reserved Matters approved (039446) for:</p> <p>Erection of 110no. dwellings, community park, open space, landscaping, pedestrian and cycle routes and associated infrastructure (Approval of reserved matters relating to appearance, landscaping, layout and scale of already approved outline application ref 037807)</p> <p>Full consent approved (036870) for:</p> <p>Erection of 204 no. dwellings, site access, community building, allotments, orchard, open spaces and park provision, cycle and pedestrian routes, landscaping and associated highway works and infrastructure.</p>
EMP2/SEA2 (Wilsons Lane	<p>Outline approved (037237) for:</p> <p>the demolition of existing buildings and the erection of up to 73 dwellings and up to 55,750 sqm of employment/commercial floor space (comprising of 50,000 sqm of B8 use (including 2,500 sqm ancillary E(g)(i) office) and 5,750 sqm of B2/B8/E(g)(iii) uses (including 300 sqm ancillary E(g)(i) office)), complete with access, local area for play (LAP), land remodelling, landscaping, attenuation and the diversion of a Public Right of Way (REF B25) with all matters reserved except for access</p>
CEM1 Land north of Marston Lane Bedworth	No current applications or permissions for this site

*East of Bulkington was originally taken out of the Borough Plan Review but treated as a committed site. However, the Council have suggested a modification for this site to be allocated within the plan.

54.3 As many of the sites have either undergone pre-application or have some form of consent this has fed into each policy wording and the key development principles (KDP) over the time of writing the Borough Plan Review. Other amendments have been carried out due to Statements of Common Ground.

54.4 In terms of SHA1 (Land at Top Farm, North of Nuneaton) the KDP have been amended for the education requirements, community park facilities, open space, MUGA, play equipment etc to match the outline approval. Emerging

evidence has also meant the addition of financial contributions to the latest Playing Pitch and Outdoor Sports Strategy. The transport improvement specifications and proposed cycle routes and contributions towards Nuneaton Justice Centre and Warwickshire Police.

- 54.5 Following Sport England's comments to the Regulation 19 consultation [CD14] (representation reference 11.4) reference to the Council's Indoor Sports Facility Needs Assessment and Strategy has been added to SHA1 as an additional modification [CD22] and agreed within their Statement of Common Ground with Sport England [CD6.7]. A further additional modification [CD22] has been added referring to evaluative archaeological recording as a KDP at the request of Historic England following their Regulation 19 response [CD14] (representation reference 15.16).
- 54.6 In relation to SHA2 Arbury, following updates from infrastructure providers and new evidence base work the proposed community park facilities/footway and cycleway and contributions to sewage improvements works have been made more specific for: educational requirements updated; footway/cycleway linkages; Nuneaton Justice Centre; Warwickshire Police; offsite Sports facilities. The Bath House and Arbury Mill have been included within the requirement for an asset management plan for the Arbury Estate.
- 54.7 Following Regulation 19 response from Deeley Group, the red line boundary plan has been amended slightly for SHA2, as the previous red line included an employment building currently with its tenancy period being reviewed and by having the site within the red line this would have blighted the ongoing employment use of this adjacent building and potentially affect the strategic sites deliverability. Following Sport England's comments to the Regulation 19 consultation [CD14] (representation reference 11.5) reference to the Council's Indoor Sports Facility Needs Assessment and Strategy has been added as an additional modification [CD22] and agreed within their Statement of Common Ground [CD6.7]. In addition, reference to the requirement of a Heritage Impact Assessment has been added as a KDP as an additional modification at the request of Historic England following their Regulation 19 response [CD14] (representation reference 15.17). Following the Regulation 19 response from

the promoter of the site a KDP has been added for the requirement of a Landscape Impact Assessment [CD14] (representation reference 106.28), similarly under the same response the requirement for a landscape buffer to the western edge has been added. Again, these are suggested via additional modifications [CD22].

- 54.8 In relation to SHA3 (Land at Tuttle Hill (Judkins Quarry)) the number of dwellings has changed over time. The red line has been amended to include more houses since the previous adopted Local Plan in line with previously withdrawn applications, pre-applications and current planning application. Both the planning application and previous withdrawn planning application and pre-application advice and consultation with infrastructure providers has meant that the specification for on and off-site sports and open space provision and contributions towards education have been specified. Following consultation with Canal and River Trust the requirements for their consent for any new bridges/s has been added to the KDP. The wording has been amended for access points as more than one is likely to be required. A new contribution towards the cycle network and tow path contributions and contributions requested for Warwickshire Police and Nuneaton Justice Centre.
- 54.9 In terms of SHA4 (Hospital Lane) there has also been some amendments due to the Outline and Reserved matters applications. The number of dwellings has increased, the previous Local Plan required land provision for the extension of the adjacent school but this was determined within the Outline to not be required and was amended to financial contributions instead. Consultation on the Review with infrastructure providers and new evidence base has meant some minor amendments to the educational contributions, and specification given towards an additional local road improvement scheme (improvement works to junction 3 of M6), the contributions towards off-site sports contributions have now been specified and the requirements for contributions toward Warwickshire Police included. In addition, due to the consultation response from National Grid their requirements for a strategy and potential contributions to upgrades has been included.

- 54.10 Following Sport England's comments to the Regulation 19 consultation [CD14] (representation reference 11.6) their requirement to reference the Council's Indoor Sports Facility Needs Assessment and Strategy and on-site requirements have been added to the KDP criteria 5 of SHA4 as an additional modification [CD22] and agreed within their Statement of Common Ground [CD6.7]. As criteria 5 then largely repeated criteria 15, criteria 15 was subsequently recommended for deletion as part of the additional modifications. In addition, reference to the requirement of archaeological recording has been added as a KDP as an additional modification at the request of Historic England following their Regulation 19 response [CD14] (representation reference 15.19).
- 54.11 In relation to SHA5 (West of Bulkington), there has been some amendments due to the Outline and Full applications consented to on the site. The number of dwellings has increased to match the proposed yields of the approved applications. Both the planning approvals and consultation with infrastructure providers has meant that the specification for off-site sports provision has been specified and contributions required towards allotments and community facilities at Bulkington Village Centre; education and local road infrastructure has been provided. The description of the cycleway provision has also changed. The requirements for contributions toward Warwickshire Police have been included.
- 54.12 Reference to the requirement of archaeological recording has been added as a KDP as an additional modification [CD22] at the request of Historic England following their Regulation 19 response [CD14] (representation reference 15.20). Following Sport England's comments to the Regulation 19 consultation [CD14] (representation reference 11.7) reference to the Council's Indoor Sports Facility Needs Assessment and Strategy has also been added to SHA5 as an additional modification [CD22] and agreed within their Statement of Common Ground [CD6.7].
- 54.13 In terms of SHA6 (Land at former Hawkesbury Golf Course), the KDP have changed since the previous Local Plan, the overall dwelling numbers have been reduced, as part of the site has full consent and is currently being built

out. The mention of a canal marina was omitted as it was considered during the Full/Outline consents that this was not required. As part of the consents and following new consultation on infrastructure and new evidence base the education contributions, on and off-site sports and open space provision; cycle provision has been specified. The provision of allotments has been excluded and instead the provision of a new cycle way to the canal has been included. The requirements for contributions towards sewage upgrades, to Warwickshire Police and for healthcare provision and libraries have been included.

- 54.14 The dwelling numbers have again been amended for SHA6 and includes 'at least' in a suggested additional modification [CD22] at the request of Tilia Homes during the writing of the Statement of Common Ground. [CD6.16].
- 54.15 Following Regulation 19 consultation at the request of Historic England an additional modification [CD22] was added to SHA6 in relation to evaluative archaeological recording [CD14] (representation reference 15.21)1.

Q55. Does the evidence support the expected delivery trajectory on each site?

Answer

- 55.1 Core Documents [CD1] and [CD31] are applicable to this response.
- 55.2 The trajectory for each of the sites has been informed by evidence which is included in Appendix D of UHLSBP [CD31]. A summary of the evidence to support the expected delivery trajectory for each of the sites is provided below.
- 55.3 Policy SHA1 (Land at Top Farm, North of Nuneaton) allocates at least 1,700 dwellings. The site has outline permission, with reserved matters for Phase 1 comprising of the link road and 51 units approved (Application Reference 039779) under construction, with the pre-application on the reserved matters for Phase 1 cii for 480 dwellings pending. The first occupations on site are anticipated December 24 / January 25 and the developers anticipates a build out rate of 150-200 dwellings per annum due to utilising timber frame construction methods, with the site being complete by 2035/ 2036. The trajectory takes a conservative approach of Phase Ci being completed by 2025/26 and then Phase Cii commencing 2026/27 at a build out rate of 100 dwellings per annum.
- 55.4 Policy SHA2 (Arbury) allocates the site for at least 1,525 dwellings. The site was allocated within the adopted Borough Plan (2011-2031) and following this a Design Code for the site was adopted in 2022. Pre-application discussions on the site are on-going, with a meeting taking place in June 2024, with a view to entering into Planning Performance Agreement for the site. An outline application is anticipated to be submitted by the end of 2024 with the agent's advising commencement on site mid-2026 with a build out rate of 150 dwellings per annum. The Council has taken a cautionary approach with delivery commencing in 2029/30 at a build out rate of 100 dwellings per annum.

- 55.5 Policy SHA3 (Land at Tuttle Hill) allocates the site for at least 350 dwellings. An outline application (Application Reference: 040102) was submitted in February 2024 for 400 units following extensive pre-application discussions. A Planning Performance Agreement has been entered into on this site. The agents anticipate delivery on the site from 2026/27 totalling 400 units. However, the Council has taken a cautionary approach with delivery from 2029/30 onwards. Therefore, it is likely that this site could deliver more units and at a faster rate than what is anticipated in the trajectory.
- 55.6 Policy SHA4 (Hospital Lane) allocates the site for approximately 445 dwellings. The site has outline permission and pre-application discussions on the reserved matters are advanced and a Planning Performance Agreement has been entered into on this site. The site is to be built out as a dual-branded scheme with completions anticipated within the trajectory from 2026/27 onwards at a build out rate of 100 dwellings per annum. The developers have advised that completions are projected from 2025/26 onwards. Therefore, the Council has taken a cautious approach.
- 55.7 Policy SHA5 (West of Bulkington) allocates the site for at least 348 units. The site comprises of four development parcels, of which one for 89 units is under construction (Application Reference: 38375). The remaining parcels comprise of 149 units (Application Reference: 38856) which Vistry Homes obtained full planning consent for on 5th July 2024, 42 units (Application Reference: 37425) which Elford Homes gained outline consent for and 95 units (Application Reference: 39111) which Rosconn Strategic Land obtained outline permission for on 27th March 2023 and is due to be built out by Bellway Homes. The trajectory takes a cautious approach with the Vistry Homes site commencing 26/27 at a rate of 50 dwellings per annum, the Rosconn Strategic Land site commencing in 27/28, despite Bellway Homes indicating reserved matters will be submitted in quarter three of 2024, and the Elford site pushed to 29/30, albeit the Council are aware a developer has now been appointed for this site and reserved matters are due later this year.
- 55.8 Policy SHA6 (Hawkesbury Golf Course) has outline permission for 176 units, with reserved matters for Phase 1 comprising of 110 units being granted

permission on 1st February 2024, with Phase 2 comprising of 66 units, to be submitted on behalf of the same developer in due course, to ensure the continuation of the build out of the development.

- 55.9 In summary, the Council consider the evidence submitted in the Appendix of CD31, along with local knowledge from working closely with the landowners, agents and developers of these sites ensures the expected trajectory for delivery of each of these schemes is realistic.

Q56. Are the requirements for contributions towards Warwickshire Police and Nuneaton Justice Centre justified, in accordance with national policy and supported by evidence?

Answer

56.1 Core Documents [CD1], [CD9.1], [CD9.2], [CD10], [CD14] and [CD22] are applicable to this response.

56.2 The above contributions are requested for residential proposals over 100 dwellings as the Police consider this is the threshold that sites are likely to impact on existing resources. They advise that where there are:

“multiple smaller schemes that result in 100 or more class C3 dwellings then these will be subject to a bid due to the cumulative impact. Each Section 106 request will provide detailed costings on each capital item that will be impacted by the development and demonstrate how this is linked to the particular application and the additional homes therein. The requests will also explain that none of the contributions sought relate to the revenue costs WP incur to deliver services to the existing community. In their requests, WP will identify other capital infrastructures which are not the subject of the request. This will ensure that whatsoever is sought is not a general contribution to policing costs and unrelated to the development in question.

The requests will not request developer obligations for policing services that cannot be quantifiably linked with demand arising from individual development schemes, such as armed response. This ensures that each request is focused directly on those policing services that are verifiably impacted by development growth.

WP will examine each development and utilising WP’s crime model, forecast the impact the development will have in terms of crime levels based on average borough/district figures. This ensures that forecasts are as close as possible to the locality in question, whilst avoiding the trap of

extrapolating from local abnormalities in the figures e.g. the obviously very low levels of crime that will emanate from an empty field at the time the application is submitted for consideration.

Each individual item of the WP request will be subjected to an assessment against all three statutory tests of CIL Regulation 122.

In all cases, WP maintain their infrastructures to the minimum capacity necessary to deliver the service to the existing community. The requests consider this to ensure that what is requested is only what is necessary to avoid a negative impact from the particular scheme to ensure WP can continue to provide a safe and appropriate level of service, and to respond to the needs of the local community in an effective way.

Therefore, in all WP requests the extent of infrastructure currently deployed and its capacity is assessed to identify what impact and additional demands each development will place on existing resources. Each request identifies in relation to each application and each infrastructure the additional investment required to achieve sustainable delivery of policing at the same level as provided to the existing communities. This is done based on known and demonstrated existing policing costs WP identify in detail, and precisely, the additional cost required to mitigate the impact of each development on each infrastructure. As a result, WP derive fair and proportionate contributions from every individual scheme and in respect of each infrastructure.

All the above ensures that each request demonstrates that the contribution sought is necessary. As stated in national and local policy (as detailed in Section 2), developments would be unacceptable in planning terms and unsustainable if permission were granted without providing appropriate mitigation. The inadequate policing that would result in this event would have long-term negative impacts on the safety and security of local communities everywhere in Warwickshire, not just the development in question”.

- 56.3 Contribution requests have been historically received from Warwickshire Police for many years and to date have been considered CIL compliant as

there is normally a specific justification for each request. Therefore, to ensure that these costs are considered by any developer purchasing land, this has been included as a requirement where contributions are likely to be requested. The Section 106 contributions have been viability tested [CD10] and conclude that none of the policy requirements would unduly negatively impact the viability of the Strategic Housing Allocations.

- 56.4 There were two references to these specific contributions in the Regulation 19 responses [CD14]. One was from Arbury Estate (representation reference 106.9) referring to criteria 11 of Policy SHA2 – Arbury. This Strategic Housing Allocation is well over 100 dwellings so Warwickshire Police are likely to request, and will provide specific justification at the time, for contributions from this development. There was also a similar response re SEA 6 but this has been addressed in the Council's response to Question 65.
- 56.5 The Infrastructure Delivery Plan (IDP) (section 14) [CD9.1] for the Borough Plan Review advises that whilst Warwickshire Police are funded through government grants and council tax, an increase of local population and households does not lead to a direct increase in government funding. Whilst contributions will grow through the new council tax from properties this does not meet the costs of delivering new infrastructure that is required for new development. Therefore, Section 106 contributions for infrastructure are routinely requested due to the increased demand on services and the change in operational requirements. Securing payments means that new development does not compromise the service to existing residents. If these contributions were not requested, then the Police infrastructure could reach breaking point and therefore be unable to police new or existing areas.
- 56.6 It is considered that developer contributions for Police infrastructure are underpinned within the Borough Plan Review:
- Paragraph 13.39 refers to 'crime and the fear of crime' as a high proportion of respondents to a survey from 2020 for 'Your say on Community Safety Survey', stated that they were worried about having their home broken into and something stolen (75%) or having their car stolen (69%). 92% of respondents felt that anti-social

behaviour was a problem in their area. The paragraph also quoted from Warwickshire Observatory (2014) in domestic burglary that Nuneaton and Bedworth had the highest level of offences per thousand households in Warwickshire. Paragraph 13.40 of the Borough Plan Review states that despite some improvements, perception of crime and burglary rates are still high.

- Paragraph 3.4 of the Review for the 'Issues associated with the local community' also refers to crime being the highest in Warwickshire based on Warwickshire County Council (2022) Warwickshire Insights¹². The Insights recognised that crime has an extremely negative impact on physical and emotional health and well-being.
- The above feeds into Objective 5 of the Borough Plan Review, referring to 'infrastructure' and which requires that new development invests in new infrastructure and facilities.
- Policy DS1 – Sustainable development requires that new development must be fully supported by infrastructure provision.
- Policy DS2 – Settlement hierarchy and roles refers to new development requiring positive impact on local infrastructure.
- Policy BE3 – Sustainable design and construction criteria 7 refers to reducing crime and requirements for 'Secured by Design' and criteria 9 for a safe, accessible and healthy environment.
- Policy HS1 – Ensuring the delivery of infrastructure is the key lead policy that refers to development providing infrastructure appropriate to the scale and context of the site and to promote public safety.

56.7 Further justification for specific requirements are provided within the Infrastructure Delivery Schedule (IDS) [CD9.2]. This states that contributions to additional personnel required to serve the proposed additional housing growth is required for all Strategic Housing Allocations. The IDS states that this is for:

“setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There

¹² [Warwickshire Insights - InstantAtlas Warwickshire](#)

are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.”

56.8 Similarly, the IDS states that contributions for Police vehicles are also required on all the Strategic Housing Allocations. The IDS states that this is for:

“Warwickshire Police need to be able to access people and places using police vehicles. If there aren't sufficient vehicles because of an increase in population, then more have to be purchased. Without developer contributions, funds would have to be diverted from existing areas of policing to maintain a frontline service. This would clearly be unacceptable and contrary to the development plan.”

56.9 The IDS also advises that Strategic Housing Allocations in Nuneaton will have to contribute to the Nuneaton Justice Centre. The IDS states this is so that:

“the contributions be pooled and used as a single project to increase the capacity of the Nuneaton Justice Centre to accommodate the additional staff members. The impact of the developments without these works would be an unacceptable degree of overcrowding and inefficiencies in responses and delivering policing as a result.”

56.10 The IDS states that the Strategic Housing Allocations within Bedworth, Bulkington and Hawkesbury will have to contribute to Bedworth Police station:

“The contributions will be pooled and used as a single project to increase the capacity of the Bedworth Police Station to accommodate the additional staff members. The impact of the developments without these works would be an unacceptable degree of overcrowding”.

56.11 The NPPF in paragraph 8 states that achieving sustainable development requires the identification and coordination of the provision of infrastructure. Paragraph 20 states that Strategic Policies should make sufficient provision for infrastructure for security. Paragraph 34 states that Plans should set out the contributions expected from development and paragraph 82 that planning policies should seek to address barriers such as inadequate infrastructure. The Council has worked with Warwickshire Police during the preparation of

the IDS and Borough Plan Review as required in paragraph 96 of the NPPF that seeks to:

“To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

56.12 To illustrate that the contributions need to be CIL compliant and to clarify this is for yields of 100 or more C3 dwellings, it is suggested that the following additional modifications are considered:

Policy SHA1 – Land at Top Farm, North of Nuneaton

AMEND key development principles to criteria 22 and 23 of Policy SHA1 to read:

22. **Where the Allocation as a whole yields 100 or more dwellings (C3),** ~~c~~**Contributions may be required** towards increased **capital requirements** capacity at ~~for~~ Nuneaton Justice Centre.

23. **Where site yields as a whole 100 or more dwellings (C3),** ~~c~~**Contributions may be required** towards increased **capital requirements** ~~personnel and vehicles~~ for Warwickshire Police.

Policy SHA2 - Arbury

AMEND key development principles to criteria 11 of Policy SHA2 to read:

11. **Where site yields as a whole 100 or more dwellings (C3),** ~~c~~**Contributions may be required** towards increased **capital requirements** ~~personnel and vehicles~~ for Warwickshire Police and ~~increase capacity at~~ Nuneaton Justice Centre.

Policy SHA3 – Land at Tuttle Hill (Judkins Quarry)

AMEND key development principle criteria 13 of Policy SHA3 to read:

13. **Where the site yields as a whole 100 or more dwellings (C3),**
~~cContributions~~ **may be required** towards increased **capital requirements**
personnel and vehicles for Warwickshire Police.

14. **Where the site yields as a whole 100 or more dwellings (C3),**
~~cContributions~~ **may be required** towards increased **capital requirements**
~~capacity~~ at Nuneaton Justice Centre.

Policy SHA4 – Hospital Lane

AMEND key development principle criteria 11 of Policy SHA4 to read:

11. Financial contribution towards the expansion of the police's Safer
Neighbourhood Team and **where the Allocation as a whole yields 100 or more**
dwellings (C3) contributions may be required to increase the **capital**
requirements for ~~capacity of the~~ **Warwickshire Police.** ~~Bedworth Police Station~~
~~to accommodate additional staff members, in line with requirements within the~~
~~Council's Infrastructure Delivery Schedule.~~

Policy SHA5 – West of Bulkington

AMEND key development principle criteria 16 of Policy SHA5 to read:

16. **Where the Allocation as a whole yields 100 or more dwellings (C3),**
~~cContributions~~ **may be required** towards increased **capital requirements**
~~personnel and vehicles for Warwickshire Police.~~ **and capacity at Bedworth**
Police Station.

Policy SHA6 – Land at former Hawkesbury Golf course

AMEND key development principle criteria 13 of Policy SHA6 to read:

13. **Where the Allocation as a whole yields 100 or more dwellings (C3),**
cContributions may be required towards increased **capital requirements**
~~personnel and vehicles for Warwickshire Police, increased capacity at Bedworth~~
~~Police Station and one new Police Officer.~~

56.13 It is therefore considered that the requirement for the Section 106 contributions for Warwickshire Police are justified and appropriate to the Strategic Housing Allocation over 100 dwellings, but that the above modifications will make it clearer.

Q57. Do the key development principles adequately reflect the evidence in respect of sports provision and archaeology?

Answer

57.1 Core Documents [CD1], [CD6.5], [CD6.7], [CD14] and [CD22] and Evidence Base Document [EB21] are applicable to this response.

57.2 The key development principles (KDP) have been written with the full co-operation of the Council's Open Space and Sports Teams and which have taken information from existing adopted documents or from new evidence base documents as they are adopted. This includes:

- NBBC Open Space and Green Infrastructure SPD (five documents)¹³.
 - NBBC (2020) Indoor Sports Facility Needs Assessment and Strategy 2019 – 2034.
 - NBBC (2021) Open Space and Green Infrastructure SPD.
 - NBBC Playing Pitch Strategy and Action Plan (2023 – 2038) and Outdoors Sports Strategy.
 - NBBC Sports Facility Needs Assessment and Strategy 2019 - 2034
 - Sport Recreation and Community Facilities Strategy (2016 – 2031)
 - Sport Recreation and Community Facilities Strategy (2016 – 2031) Appendix 1 National context (2016) and associated audit appendices.
 - Borough Facilities Planning Modelling – Sports Halls (2020)
 - Borough Facilities Planning Modelling – Swimming Pools (2020)
- (The Sports strategies are available at: [Sports | Nuneaton and Bedworth Borough Council](#)).

The Playing Pitch Strategy provides an assessment of the existing sites and future needs.

¹³ [Adopted Supplementary Planning Documents | Borough Plan | Nuneaton and Bedworth Borough Council](#)

- 57.3 Sport England have worked with the Council on the Sport evidence documents and have fed into these documents.
- 57.4 Sport England has also been consulted at every part of the Borough Plan Review including in between the formal consultation stages. The Council's response to Question 54 provides detailed information of the involvement of Sport England during the Regulation 19 consultation and during the writing of the Statement of Common Ground with them.
- 57.5 Following Sport England's numerous comments to the Preferred Options an email was sent to them on the 29th June 2023 providing draft wording to address the comments they had made at Preferred Options, this also included amendments to the Strategic Housing Allocations wording to try to meet their requirements as follows:

SHA-1 the financial contributions in the policy have now been changed to read:

1. Financial contributions towards sport and physical activity based on the requirements of the Council's Playing Pitch and Outdoor Sports Strategy (2023) for pitch sport improvements works, including off-site swimming Northpool provision, cycling facilities at Bedworth Physical Activity Hub, Pingles athletics facility, rugby pitch provision at Nicholas Chamberlaine School and community centre and outdoor tennis facilities at Pingles, Nuneaton.

SHA-2 Arbury the financial contributions in the Policy have been amended to read:

- Financial contributions towards sport and physical activity based on the requirements of the Council's Playing Pitch and Outdoor Sports Strategy (2023) for pitch sport improvements, including off-site swimming pool provision, cycling facilities at Bedworth Physical Activity Hub, Pingles athletics facility, rugby pitch provision at Nicholas Chamberlaine School and community centre and outdoor tennis facilities at Pingles, Nuneaton.

In relation to SHA-4 the financial contributions in the Policy have been amended to read:

- Financial contributions towards sport and physical activity based on the requirements of the Council's Playing Pitch and Outdoor Sports Strategy (2023) for pitch sport improvements, including off-site swimming pool provision, cycle facilities at Bedworth Physical Activity Hub, Pingles athletic facility, rugby pitch provision at Nicholas Chamberlaine School and community centre and outdoor tennis facilities in Miners Welfare Park, Bedworth.

Re SHA-5 the financial contributions in the Policy have been amended to read:

- Financial contributions towards sport and physical activity based on the requirements of the Council's Playing Pitch and Outdoor Sports Strategy (2023) for pitch sport improvements, including off-site swimming pool provision, cycling facilities at Bedworth Physical Activity Hub, Pingles athletics facility, rugby pitch provision at Nicholas Chamberlaine School and community centre and outdoor tennis facilities in Miners Welfare Park, Bedworth.

Unfortunately, no response was received so the Publication went with the proposed wording.

57.6 Sport England subsequently responded to the Regulation 19 consultation [CD14] including responses to the Strategic Housing Allocations. Sport England responses were as follows:

- SHA1 (representation reference 11.3) Sport England's response welcomed some of the KDP but wanted better clarity of what was to be delivered on site. They also requested in their response (11.4) that reference to the Council's Indoors Sports Facility Needs Assessment and Strategy was required.
- SHA2 (representation reference 11.5) Sport England's response welcomed some of the KDP but again wanted mention of the Council's Indoors Sports Facility Needs Assessment and Strategy.
- SHA4 (representation reference 11.6) Sport England's response welcomed some of the KDP but wanted reference to the Council's Indoors Sports Facility Needs Assessment and Strategy. Sport

England also noted that two of the KDP included wording on Sports which had some overlapping.

- SHA5 (representation reference 11.7) similarly requested reference to the Council's Indoors Sports Facility Needs Assessment and Strategy.

Further discussions were held and continued during the writing of the Statement of Common Ground [CD6.7] for Sport England. Several suggested additional modifications [CD22] were made to overcome Sport England's objections. This included the revision as per the points above to the Strategic Housing Allocations to policies SHA1, SHA2, SHA4 and SHA5.

57.7 Amendments were also carried out to the Regulation 19 document for Sports provision so that where the sites had Outline approval the criteria would match the requirements agreed as per the Outline. Policy SHA1 was an example of this.

57.8 In relation to Archaeology, both Warwickshire County Council Museums and Archaeology and Historic England have been consulted at every part of the Borough Plan Review including in between the formal consultation stages. The Council's response to Question 54 provides detailed information of the involvement of Historic England during the Regulation 19 consultation and during the writing of the Statement of Common Ground with them. Warwickshire County Council Archaeology have not responded at any stage of the process.

57.9 Historic England responded to the Regulation 19 consultation [CD14] including responses to the Strategic Housing Allocations. Historic England responses to the Strategic Housing Allocations reiterated the recommendations within the Heritage Site Assessments (2022) [EB21] and that these should be included within the Policy wording as follows:

- SHA1 (representation reference 15.6) Historic England's response confirmed that their previous recommendations had been included they required reference to an archaeological evaluation. They also requested that Warwickshire County Council Museums and Archaeology was consulted which had already been carried out.

- SHA2 (representation reference 15.17) Historic England's response welcomed the criteria including the requirement for an asset management plan for the buildings at risk on the Arbury Estate but requested there was an inclusion of a Heritage Impact Assessment.
- SHA4 (representation reference 15.19) Historic England's response welcomed the criteria but requested that an archaeological evaluation was required.
- SHA5 (representation reference 15.20) Historic England's response was that they requested an archaeological evaluation within the criteria and that the views of Warwickshire County Council Museums and Archaeology were sought (which had already happened).
- SHA6 (representation reference 15.21) Historic England's response was that they requested an archaeological evaluation within the criteria and that the views of Warwickshire County Council Museums and Archaeology were sought (which had already happened). This was to help preserve the heritage asset of the Coventry canal and its relationship to the Listed engine house.

Similarly, to Sport England, further discussions were held and continued during the writing of the Statement of Common Ground [CD6.5] for Historic England. Several suggested additional modifications ([CD22] were made to overcome their objections this included the revision as per the points above to the Strategic Housing Allocations to Policies SHA2, SHA3, SEA4 and SEA6.

57.10 In conclusion it is considered that significant consultation has been made with the NBBC's Sports and Open Space Teams; Sport England; Historic England and Warwickshire County Council Museums and Archaeology so that the key development principles adequately reflect the evidence documents and indeed the requirements of these consultation bodies.

Q58. Is key development principle 30 in Strategic Policy SHA2, in respect of a wildlife and wetland habitat, justified?

Answer

The relevant part of the policy states the following:

Strategic Policy SHA2 –

30. Creation of wildflower and wetland habitat and pathway to Arbury Estate woodland extension.

58.1 Core Documents [CD1], [CD14] and [CD22] are applicable to this response.

58.2 During the Regulation 19 consultation the site promoter responded to this point [CD14] (representation reference 106.9) and objected to this wording as it was not justified. This wording was added since the previous adopted Local Plan. However, the Council underwent research but could not determine where the information had come from and as such agreed and requested an additional modification [CD22] to remove this as below.

Suggested additional modifications March 2024 [CD22]:

Remove criteria 30 of the Form of development:

~~30. Creation of wildflower and wetland habitat and pathway to Arbury Estate woodland extension.~~

58.3 The reasoning given in the additional modifications document was that it was following comments from agent/promoter of SHA2 in representation reference 106.9.

58.4 In conclusion the criteria could not be justified, so was removed as per a suggested additional modification [CD22].

Issue 3: Non- Strategic Housing Allocations

Q59. Are the Non - Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable / developable and supported by the evidence?

Answer

- 59.1 Core Documents [CD1], [CD6.3], [CD6.5], [CD6.8], [CD6.9], [CD6.14], [CD6.17], [CD14], [CD23] and Evidence Base [EB21] are applicable to this response.
- 59.2 Each of the Non - Strategic Housing Allocations and their policy requirements are soundly based. Strategic Policy DS4 – Residential Allocations lists the non-strategic sites proposed for allocation. These sites comprise predominately of smaller scale sites which are primarily on previously developed land, located within the urban area or benefit from planning permission. The sites have been assessed, align with the development strategy and are considered deliverable within the plan period.
- 59.3 The Non - Strategic Housing Allocations, within the Borough Plan Review, also align with the Council's spatial strategy – the urban dispersal approach. This approach comprises of de-allocating two larger strategic sites, allocated in the Borough Plan (2011-2031), and instead allocating additional sites within the urban (primarily focused within Nuneaton) area, seeking to deliver a brownfield first approach to maximise use of underused or vacant sites within the urban area before looking at countryside locations. This approach is consistent with national policy including paragraph 119 of the NPPF and accords with the vision and objectives of the plan, whilst providing flexibility in terms of housing supply.
- 59.4 The Development Plan should be read as a whole and therefore the proposed policies throughout the plan are intended to guide development on these non -

strategic sites. As addressed in response to Question 61, the non-strategic sites each comprise of supporting text to guide development as opposed to site-specific policy requirements. The policy text within Policy DS4 makes reference to the supporting text giving site-specific considerations to be taken into account as part of any development proposals. Specific reference is given to the recommendations of Nuneaton and Bedworth's Heritage Sites Assessments (2022) [EB21] following comments received from Historic England and within each supporting text from the Regulation 19 consultation [CD14] (response reference 15.6, 15.27 – 15.29, 15.31 – 15.41) and joint Statement of Common Ground [CD6.5] with Historic England.

- 59.5 The quantum of development on these sites within the policy is expressed as an approximate figure.
- 59.6 The Non-Strategic Housing Allocations are justified, deliverable/developable and supported by evidence. As set out in response to Question 53, in accordance with national policy, site allocations should be deliverable over the plan period. Paragraph 68 of the NPPF states that policies should identify a supply of deliverable sites for years one to five of the plan period and developable sites from year six onwards. The table below outlines the current status of the non-strategic sites, alongside some other site-specific information, to demonstrate their deliverability/developability within the plan period. To note, NSRA4, NSRA6 and NSRA11 are part of the Transforming Nuneaton project, which is being funded by seven groups, including £59.3 million of funding from Nuneaton and Bedworth Borough Council (NBBC) and £41.124 million from Warwickshire County Council¹⁴.

Site Reference	Approximate capacity	Supporting comments
NSRA-1 – Former Bedworth Rugby Club	122	<ul style="list-style-type: none"> The site is under construction by Countryside properties on behalf of Midland Heart.

¹⁴ [Funding - Transforming Nuneaton – Warwickshire County Council](#)

<p>NSRA-2 – Former Manor Park Community School</p>	<p>58</p>	<ul style="list-style-type: none"> • A S73 application to vary conditions 4-20 has been approved. • A Reserved Matters application is anticipated in September 2024 with an expected commencement date in January 2025. • To be developed by Warwickshire Property and Development Group with an appointed development partner. • Technical constraints – requirement for demolition and retention of a number of trees on site. However, due diligence so far demonstrates the scheme will remain viable. • No commercial/financial issues, which would limit development or affect the viability of the site, have been identified. • A specific programme is to be agreed for the provision of infrastructure. A construction access will be implemented at the outset and the finished accesses will align with the release of the marketing suite.
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		<ul style="list-style-type: none"> • A Statement of Common Ground in place with WPDG [CD6.17].
NSRA-3 – West of Coventry Road / Wilsons Lane	95	<ul style="list-style-type: none"> • The site is under construction by Keepmoat Homes after gaining full planning permission. • A Statement of Common Ground is in place with Keepmoat Homes [CD6.9 and CD23].
NSRA-4 – Vicarage Street Development	65	<ul style="list-style-type: none"> • Resolution to grant outline planning permission subject to signing of Section 106 agreement. • Reserved matters (housing) to follow the appointment of a specific delivery partner. • Expected commencement date of Autumn 2025. • Ongoing dialogue with the wider working group and project board, to include Senior Officers and Members at the Council, as part of the Transforming Nuneaton project. • The project is linked to timescales for the proposed opening up of Wheat Street. Standard requirements around utility connections and highways are proposed.

		<ul style="list-style-type: none"> • A Statement of Common Ground is in place with Warwickshire County Council [CD6.3].
NSRA-5 Land rear of Burbages Lane	45	<ul style="list-style-type: none"> • Site access implemented from adjacent Bovis Homes development site. • Previously had approval subject to the signing of a Section 106 agreement but which was finally disposed.
NSRA-6 Land at Bucks Hill	71	<ul style="list-style-type: none"> • Site owned by NBBC – longer term Transforming Nuneaton project.
NSRA-7 Ex Co-op Buildings, Abbey Street	33	<ul style="list-style-type: none"> • Site owned by NBBC • Residential element forms part of Phase 3 approved Reserved Matters.
NSRA-8 Land rear of Lilleburne Drive and Willow Close	29	<ul style="list-style-type: none"> • Resolution to grant outline planning permission subject to the signing of a Section 106 agreement. • A Statement of Common Ground is in place with Rosconn Strategic Land [CD6.14]. • A developer has been appointed to deliver the site.
NSRA-9 Former New Inn Public House	42	<ul style="list-style-type: none"> • Detailed application submitted by Keon Homes pending.
NSRA10- Land at Bermuda Road	25	<ul style="list-style-type: none"> • Based on the latest discussions with the agents,

		<p>the site is likely to come forward as 60 apartments for over 55s.</p> <ul style="list-style-type: none"> • A suggested modification [CD22] to reference extra care units. • One technical constraint is known – drainage infrastructure on western quarter of the site is present, including a large easement. • A Statement of Common Ground is in place with Deeley Group [CD6.8].
NSRA11 – Upper Abbey Street	22	<ul style="list-style-type: none"> • Site owned by NBBC – longer term Transforming Nuneaton project.
NSRA13 – Armson Road	15	<ul style="list-style-type: none"> • Site owned by NBBC. • Detailed application approved in June 2024. • Anticipate starting on site in January 2025 and completing in December 2025.
NSRA14 – Mill Street / Bridge Street	19	<ul style="list-style-type: none"> • Resolution to grant full planning permission subject to the signing of a Section 106 agreement. • A development partner has been appointed.
NSRA15 – Bennetts Road	10	<ul style="list-style-type: none"> • Site owned by NBBC.

		<ul style="list-style-type: none"> • A development partner has been appointed.
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59.7 The Council suggest that NSRA12 Kingswood Road, which is proposed to be allocated for 20 units, is deleted. The site is owned by NBBC and is a former playing field. Without any mitigation currently proposed for the status, NBBC have concluded they do not wish to continue to promote this site for development as part of the Borough Plan Review process. Therefore, a modification is suggested to Policy DS4 to remove wording in the table relating to NSRA12 and text within the associated supporting text:

REMOVE wording in the table relating to NSRA12 and associated supporting text to read:

Non-strategic Residential Allocation (NSRA)	Site Name	Approximate Dwellings
NSRA1	Former Bedworth Rugby Club	122
NSRA2	Former Manor Park Community School	58
NSRA3	West of Coventry Road / Wilsons Lane	95
NSRA4	Vicarage Street Development	65
NSRA5	Land Rear of Burbages Lane	45
NSRA6	Land at Bucks Hill	71
NSRA7	Ex co-op buildings, Abbey Street	33
NSRA8	Land rear of Lilleburne Drive and Willow Close	29
NSRA9	Former New Inn Public House	42
NSRA10	Land at Bermuda Road	25
NSRA11	Upper Abbey Street	22
NSRA12	Kingswood Road, Nuneaton	20
NSRA13	Armson Road	15
NSRA14	Mill Street / Bridge Street	19
NSRA15	Bennetts Hill	10

NSRA12: Kingswood Road Nuneaton

- Site Area: 0.6 ha
- Dwellings: 20
- Alternative Site Reference: KIN-2



- The site is triangular shaped grassland and bound by residential development to the north and east.

The SFRA Level 2 (August 2023) provided for the Borough Plan Review, flags the site as at low flood risk and within Flood Zone 1. This document should be referred to and be considered as part of the further site-specific flood risk assessment that will be required for the site with any planning application.

59.8 In summary, the non-strategic sites and their policy requirements are soundly based, the sites are deliverable/developable and supported by an extensive evidence base.

Q60. Does the evidence support the expected delivery trajectory on each site?

Answer

- 60.1 Core Documents [CD1] and [CD31] are applicable to this response.
- 60.2 The trajectory for each of the sites has been informed by evidence which is included in Appendix D of UHLSBP [CD31]. A summary of the evidence to support the expected delivery trajectory for each of the sites is provided below.
- 60.3 The Council's response to Question 59, in the table, refers to all the Statements of Common Ground obtained for the non-strategic sites.
- 60.4 NSRA-1 – Former Bedworth Rugby Club is under construction with the developers, Countryside Properties on behalf of Midland Heart, confirming that the site should be complete by June 2025.
- 60.5 NSRA-2 – Former Manor Park Community School was granted outline permission for 46 houses, 12 flats and an extra care facility of up to 65 units on 30 November 2022. A Section 73 application (Application Reference 039525) to vary pre-commencement conditions to allow the C3 units to come forwards before the extra care facility, so they could be delivered as separate work programmes, was approved 1 May 2024, with reserved matters due to be submitted autumn 2024 and construction anticipated in early 2025. Demolition conditions have been submitted and Warwickshire Property and Development Group (WPDG), who are the development arm of Warwickshire County Council (WCC), act as developer and funder of the project and have appointed a development partner and will be involved in the whole process. Whilst WPDG anticipate completions a year earlier, the trajectory takes a cautious approach with completions in 2027/28.
- 60.6 NSRA-3 – West of Coventry Road / Wilsons Lane is currently under construction by Keepmoat. The whole scheme is due to be delivered by 2026.

- 60.7 NSRA4 – Vicarage Street has a resolution to grant outline planning permission subject to the signing of a Section 106 agreement. The site is owned by Warwickshire County Council and forms part of the Transforming Nuneaton project. The reserved matters application is due to be submitted spring 2025 following the appointment of a development partner. Whilst WPDG anticipate completions from 2027/28, the trajectory takes a cautious approach with completions from 29/30.
- 60.8 NSRA5 – Land rear of Burbages Lane is located adjacent to development which is currently under construction (037582) and includes the construction of the access to the adopted road. The agents anticipate submitting an application in late 2025 with construction commencing in 2027/28. The site had previous outline approval subject to the signing of a Section 106 agreement but finally disposed, as there was an issue at the time that one of the land owners could not complete the Section 106, which is understood now to be resolved. The trajectory takes a cautious approach with delivery anticipated from 2029/30 onwards.
- 60.9 Six of the non-strategic sites are owned by Nuneaton and Bedworth Borough Council. These sites are being delivered across the Borough as part of the Transforming Nuneaton and Transforming Bedworth projects. The Council owned sites do not have title or other land constraints and the trajectory has been updated to align with the Council's delivery programme for these sites. These sites include:
- NSRA6 - Land at Bucks Hill
 - NSRA7 - Ex Co-op Buildings, Abbey Street
 - NSRA11 - Upper Abbey Street
 - NSRA13 – Armson Road
 - NSRA14 – Mill Street / Bridge Street
 - NSRA15 – Bennetts Road
- 60.10 NSRA8 – Land rear of Lilleburne Drive and Willow Close has a resolution to grant outline permission subject to the signing of a Section 106 agreement. The Council have taken a cautious approach to delivery with the trajectory showing all 29 units will be delivered in 2029/30.

- 60.11 NSRA9 – Former New Inn Public House has full permission for 44 units which has been implemented, however a revised full planning application submitted by Keon Homes for 42 units is under consideration. Therefore, whilst the site could deliver sooner, the trajectory assumes delivery in 2029/30.
- 60.12 NSRA10 – Land at Bermuda formed part of wider site which included the provision of a GP surgery (Application 031064). The consent was implemented but the GP surgery was not requested by NHS Coventry and Warwickshire Integrated Care Board. Further details are provided in response to Question 62. The site is allocated for 25 units. However, the developer has advised contracts are being agreed with the end occupier and an application is due to be submitted quarter one of 2025 for approximately 60 over 55 apartments. The developer has indicated the scheme will be complete by 2026/27, however the trajectory takes a cautious approach with delivery in 2029/30.
- 60.13 Therefore, the trajectories for Non-Strategic Allocations are supported by evidence and informed by on-going discussions with the relevant landowners, agents and developers.

Q61. How will the supporting text be used in the determination of planning applications? Should any of the supporting text, particularly for those sites without planning permission, be expressed as policy rather than guidance?

Answer

- 61.1 Core Document [CD1] is applicable to this response.
- 61.2 The supporting text which accompanies the Non-Strategic Allocations has been informed by key evidence base documents and responses from statutory consultees and is intended set out key development considerations and provide further guidance to inform the development of the site prior to applications being submitted.
- 61.3 The Council does not consider the supporting text should be explicitly expressed as policy. However, the Council suggests a modification to Strategic Policy DS4 – Residential allocations which will provide a clear link and greater clarity between the policy and supporting text for Non-Strategic Allocations when determining applications.
- 61.4 The Council suggest that the second paragraph in Strategic DS4 – Residential allocations should read as follows:

Strategic Policy DS4 – Residential Allocations

AMEND the second paragraph of Policy DS4:

Along with the Strategic Development Allocations listed above and identified on the policies map, the following non-strategic sites are allocated for residential development within the plan period. ~~Some~~ **Each** of the non-strategic housing sites have **site-specific** considerations, which are outlined in the support text below.

~~These should be taken into consideration as part of any planning application...~~

Q62. Is the guidance in respect of Policy / Site allocation NSRA10 sufficiently clear so as to be effective particularly in the case of demonstrating that a need for a GP surgery is no longer needed and the requirement of Sport England in relation to the playing field?

Answer

- 62.1 Core Documents [CD1], [CD6.6] and [CD14] are applicable to this response.
- 62.2 As set out in response to Question 61, the Council suggest some additional wording to provide greater clarity in linking the supporting text with Strategic Policy DS4.
- 62.3 Non-Strategic Allocation NSRA10: Land at Bermuda Road previously had planning consent as part of a wider development scheme for the erection of 175 dwellings, replacement sports and social club with new sports and recreation facilities (demolition of existing sports and social club), community park, medical centre and local centre, footpaths and cycle ways and associated landscaping (Application Reference 031064).
- 62.4 As part of the wider development scheme, the GP surgery has not been delivered. The NHS Coventry and Warwickshire Integrated Care Board (ICB) were questioned when the site was brought forwards and they have confirmed a requirement for a GP practice in this area does not feature in any current workstreams. The Council consider the supporting text is clear and efficient with regards to the GP surgery as consultation would be required with the ICB as part of any planning application.
- 62.5 In relation to the adjoining planning field, Sport England mandated the text as part of their Regulation 19 response [CD14] (response reference 11.11] and Statement of Common Ground [CD6.7] and they would be consulted as part of any relevant application. The supporting text is intended to guide the development of the site and the re-configuration of any car parking associated with the community centre.

Issue 4: Strategic Employment Allocations

Q63. Are the last two parts of Strategic Policy DS5 necessary for effectiveness?

The relevant part of the policy states the following:

Policy DS5

Of the 6 employment allocations in the Preferred Options Borough Plan, SEA1 (Faultlands) and SEA5 (School Lane/Longford Road) are under construction and form part of the pipeline supply.

The wider Bermuda Park area, south of Nuneaton, including Faultlands and SEA4, is an employment location of regional significance for inward and local investment.

Answer

- 63.1 Core Document [CD1] is applicable to this response.
- 63.2 The first paragraph above is explanatory and simply explains why these two sites are not within the Borough Plan Review, but that they form part of the overall supply. Therefore, it is suggested that this is instead moved to the explanatory supporting text.
- 63.3 The second paragraph was carried over from the previously adopted Local Plan and again is more of an explanatory note. SEA1 also fulfils a strategic regional need and is therefore a key site for investment. This includes infrastructure in the area such as Bermuda rail station.
- 63.4 However, this second paragraph referring to local investment was a main modification made by the Inspector under the adopted Local Plan and which stated:

‘MM24 – Add the following text after the table of sites in the policy box:

"The wider Bermuda Park area, south of Nuneaton, including EMP1 and

EMP4, is an employment location of regional significance for inward and local investment."

The Inspectors report at the time stated:

'As submitted the Plan is ambiguous in respect of the requirement at NPPF paragraph 21 to identify particular strategic sites for local and inward investment as sought by the LEP. On this basis I find the submitted Plan would be inconsistent with national policy and therefore unsound. The Bermuda Park area at the south of Nuneaton is already a key centre for employment, connected by the new Bermuda Park rail station and by the A444 to the M6. Policy DS6 should identify that the wider Bermuda Park area including proposed allocations at EMP1 and EMP4 is an employment location of regional significance. MM24 would do this and I recommend it accordingly.'

The requirement is still maintained in the NPPF paragraph 86 which states:

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

63.5 Therefore, as nothing has materially changed for this second paragraph, it is considered that this should remain in the text. In conclusion, it is suggested that a new suggested additional modification is recommended as follows:

Strategic Policy DS5 – Employment allocations

DELETE sentence in Policy DS5 to read:

~~Of the 6 employment allocations in the Preferred Options Borough Plan, SEA1 (Faultlands) and SEA5 (School Lane/Longford Road) are under construction and form part of the pipeline supply.~~

The wider Bermuda Park area, south of Nuneaton, including Faultlands and SEA4, is an employment location of regional significance for inward and local investment.

Strategic Policy DS5 – Employment allocations

ADD to supporting text of DS5 to read:

Of the 6 employment allocations in the Preferred Options Borough Plan, SEA1 (Faultlands) and SEA5 (School Lane/Longford Road) are under construction and form part of the pipeline supply.

Q64. Should all of the strategic employment allocations (SEA2 – SEA4 and SEA6) make reference to the requirement for a programme of archaeological recording? Is this justified by evidence?

The additional modifications [CD22] recommend the following:

Additional Suggested Modification - Policy SEA2 [CD22] March 24

ADD to Policy box additional criterion at the end of Key Development Principles to read:

Evaluative archaeological recording will need to be submitted with any formal planning application for the site.

ALSO, the modifications refer to new supporting text to read:

New subheading and supporting text.

ADD new sub heading and text at end of supporting text to read: Historic Environment This site has been identified in the evidence base work for the Borough Plan Review titled Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) as scoring medium for all, or parts of the site for archaeological potential and medium for Sensitivity scoring for the contribution of the proposed allocation to the significance and setting of known heritage assets.

There is potential for any development on this site to impact on archaeological features. Therefore, evaluative archaeological recording likely in the form of trenching is likely to be required with any formal planning application. (Historic England welcomes the addition of this criterion.) The level of such Report will need to be discussed with Warwickshire County Council Museums and Archaeology prior to any submission. For more information on heritage impacts refer to Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) and Policy BE4.

Additional Suggested Modification - Policy SEA3 [CD22] March 24

ADD to Policy box additional criterion at the end of Key Development Principles to read:

Evaluative archaeological recording will need to be submitted with any formal planning application for the site.

ALSO the modifications refer to new supporting text to read:

New subheading and supporting text.

Historic Environment

This site has been identified in the evidence base work for the Borough Plan Review titled Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) as scoring medium for all, or parts of the site for archaeological potential and medium for Sensitivity scoring for the contribution of the proposed allocation to the significance and setting of known heritage assets.

There is potential for any development on this site to impact on archaeological features. Therefore, evaluative archaeological recording likely in the form of trenching is likely to be required with any formal planning application. (Historic England welcomes the addition of this criterion.) The level of such Report will need to be discussed with Warwickshire County Council Museums and Archaeology prior to any submission. For more information on heritage impacts refer to Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) and Policy BE4.

Additional Suggested Modification - Policy SEA4 [CD22] March 24

ADD to Policy box additional criterion at the end of Key Development Principles to read:

Evaluative archaeological recording will need to be submitted with any formal planning application for the site.

ALSO the modifications refer to new supporting text to read:

ADD new subheading and text at end of supporting text but before paragraph 7.122 to read:

Historic Environment

This site has been identified in the evidence base work for the Borough Plan Review titled Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) as scoring medium for all, or parts of the site for archaeological potential and medium for Sensitivity scoring for the contribution of the proposed allocation to the significance and setting of known heritage assets.

There is potential for any development on this site to impact on archaeological features. Therefore, evaluative archaeological recording likely in the form of trenching is likely to be required with any formal planning application. (Historic England welcomes the addition of this criterion.) The level of such Report will need to be discussed with Warwickshire County Council Museums and Archaeology prior to any submission. For more information on heritage impacts refer to Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) and Policy BE4.

Additional Suggested Modification - Policy SEA6 [CD22] March 24

ADD to Policy box additional criterion at the end of Key Development Principles to read:

Evaluative archaeological recording will need to be submitted with any formal planning application for the site.

ALSO the modifications refer to new supporting text to read:

ADD new subheading and text at end of supporting text to read:

Historic Environment

This site has been identified in the evidence base work for the Borough Plan Review titled Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) as scoring medium for all, or parts of the site for archaeological potential and medium for Sensitivity scoring for the contribution of the proposed allocation to the significance and setting of known heritage assets.

There is potential for any development on this site to impact on archaeological features. Therefore, evaluative archaeological recording likely in the form of trenching is likely to be required with any formal planning application. (Historic England welcomes the addition of this criterion.) The level of such Report will need to be discussed with Warwickshire County Council Museums and Archaeology prior to any submission. For more information on heritage impacts refer to Nuneaton and Bedworth Local Plan Review – Heritage Site Assessment (June 2023) and Policy BE4.

Answer

64.1 Core Documents [CD1], [CD14], [CD22], [CD6.5] and Evidence Base Document [EB21] are applicable to this response.

64.2 In reference to SEA2, the Officers reasoning, given in the additional modification for the new wording in the policy was:

‘Requested by Historic England for information following comments in representation ref.15.22. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.3 The Officers reasoning, given in the additional modification for the new sub heading and supporting text for SEA2 was:

‘Requested by Historic England for information following comments in representation ref.15.22. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.4 In reference to SEA3, the Officers reasoning, given in the additional modification for the additional text in the policy was:

‘Requested by Historic England for information following comments in representation ref.15.23. Considered an additional modification as the wording or lack of, does not affect the 35 04.03.24 soundness or legal compliance. It simply provides information from the evidence base.’

64.5 The Officers reasoning, given in the additional modification for the new sub heading and supporting text was:

‘Requested by Historic England for information following comments in representation ref.15.23. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base. of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.6 For SEA4, the Officers reasoning, given in the additional modification given for the new wording in the policy were:

‘Requested by Historic England for information following comments in representation ref.15.24. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.7 The Officers reasoning, given in the additional modification for the new sub heading and supporting text were:

‘Requested by Historic England for information following comments in representation ref.15.24. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.8 In relation to SEA6, the Officers reasoning, given in the additional modification for the new wording in the policy were:

‘Requested by Historic England for information following comments in representation ref.15.25. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base’.

64.9 The Officers reasoning, given in the additional modification for the new sub heading and supporting text were:

‘Requested by Historic England for information following comments in representation ref.15.25. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the evidence base.’

64.10 The NPPF paragraphs 8, 20, 28 seek to conserve, protect and enhance the historic environment. Paragraph 192 - 195 of the NPPF states that Local Plans should assess the significance of heritage assets and should ‘predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.’ Therefore, as part of the evidence base for the Borough Plan Review, the Council commissioned a Heritage Site Assessment Document [EB21] for all of the allocated sites. This document was to: identify, evaluate and assess the impact to designated and non-designated heritage assets and their settings of the allocated sites; identify opportunities for the proposed allocations to enhance or reveal elements of the historic environment and where necessary to provide mitigation measures to offset any harm.

64.11 The evidence base document provided a RAG sensitivity scoring for all of the sites and individually assessed the sites for the: significance and contribution of designated and non-designated heritage assets within the environs of the sites; the historical landscape of each; the archaeological potential within the sites; impact assessments and recommendations for minimising harm and maximising enhancement.

64.12 Historic England reviewed the site assessments and made recommendations to include within the policy wording what would be required for each site with

any planning application submission. This was both within their Regulation 19 consultation response but was also required within their Statement of Common Ground [CD6.5]. The reasoned justification given by them was that the information needed to be within the policy wording, as Historic England had experience in the past on sites that had not included the requirements and applicants refused to do archaeological work or assessments because the requirement was not worded within the policy. Therefore, it was considered prudent to include the wording within the policy but to provide explanations of this in the supporting text. In addition, it provides any developers, looking to purchase the land, with details of the requirements for applicants would be and therefore costs that would be expected with an application.

64.13 Whilst Warwickshire County Council Museum and Archaeology did not have any specific comments to make on Historic England's requirements, they have on many occasions, on planning applications, required archaeological trenching to be carried out prior to determination. Therefore, mentioning the requirement within the policies again means that much of the work can be carried out prior to a planning application being submitted and which avoids long delays during the application process.

64.14 In conclusion, it is considered that the inclusion for the wording within the policy is justified and is evidenced sufficiently in the supporting text.

Q65. Allocations SEA2 and SEA6 which are mixed employment/housing allocations require a contribution towards increased personnel and vehicles for Warwickshire Police. Is this requirement justified by evidence?

The relevant parts of the policies state the following:

Policy SEA2

13. Contribution towards increased personnel and vehicles for Warwickshire Police.

Policy SEA6

8. Contribution towards increased personnel and vehicles for Warwickshire Police.

Additional modification [CD22] refers to such contributions to SEA6:

ADD to Policy box criteria 8 to read:

8. Contribution towards increased personnel and vehicles for Warwickshire Police.
(Requirement for 100 or more C3 dwellings) subject to the request being CIL Regulation 122 compliant.

The Officer reasoning on the suggested modification read:

‘For clarity of when the requirement kicks in. From landowner/promoter Opus Land Ltd. ref. 121.16 and as agreed with Warwickshire Police. Considered an additional modification as the wording or lack of, does not affect the soundness or legal compliance. It simply provides information from the IDP/IDS of what may be required.’

Answer

65.1 Core Documents [CD1], [CD9.2] and [CD22] are applicable to this response.

65.2 The justification for the actual required contributions has been provided in the Council’s answer to Question 56.

- 65.3 The Infrastructure Delivery Schedule (IDS) [CD9.2] requires that contributions are required for the Strategic Housing Allocations. SEA2 and SEA6 are described as Strategic Employment Allocations but they still involve a residential element.
- 65.4 However, as stated in the answer to Question 56, the requirement is normally for 100 or more C3 dwellings. SEA6 has the potential to yield 150 C3 dwellings although the outstanding outline application, currently being considered, indicates it may yield less than 100 C3 dwellings and a care home. SEA6 – Bowling Green Lane (representation reference 121.16), said that this contribution would not meet national policy unless this could be justified. For this site, the housing numbers are not likely to meet the 100-dwelling threshold, so a suggested additional modification [CD22] has been suggested see above. However, to bring the wording in line as per the Council's response to Question 56, it is suggested that the wording in [CD22] is partly removed and the wording is amended further to read:

SEA6 – Bowling Green Lane

AMEND key development principle criteria 8 of SEA6 to read:

8. Where the Allocation as a whole yields 100 or more dwellings (C3),
cContributions may be required towards increased capital requirements
personnel and vehicles for Warwickshire Police, (Requirement for 100 or more C3
dwellings) subject to the request being CIL Regulation 122 compliant.

- 65.5 SEA2 is not expected to provide a yield near 100 dwellings but it was originally considered prudent to include, in case yields were increased on the site by the submission of a new outline planning application. However, as SEA2 now has outline consent and has advanced pre-application discussions for the residential element, a further additional modification is recommended to remove this criterion for this site as follows:

Policy SEA2– Wilsons Lane

REMOVE the following criteria:

~~13. Contribution towards increased personnel and vehicles for Warwickshire Police.~~

Strategic Policy SEA2 – Wilsons Lane

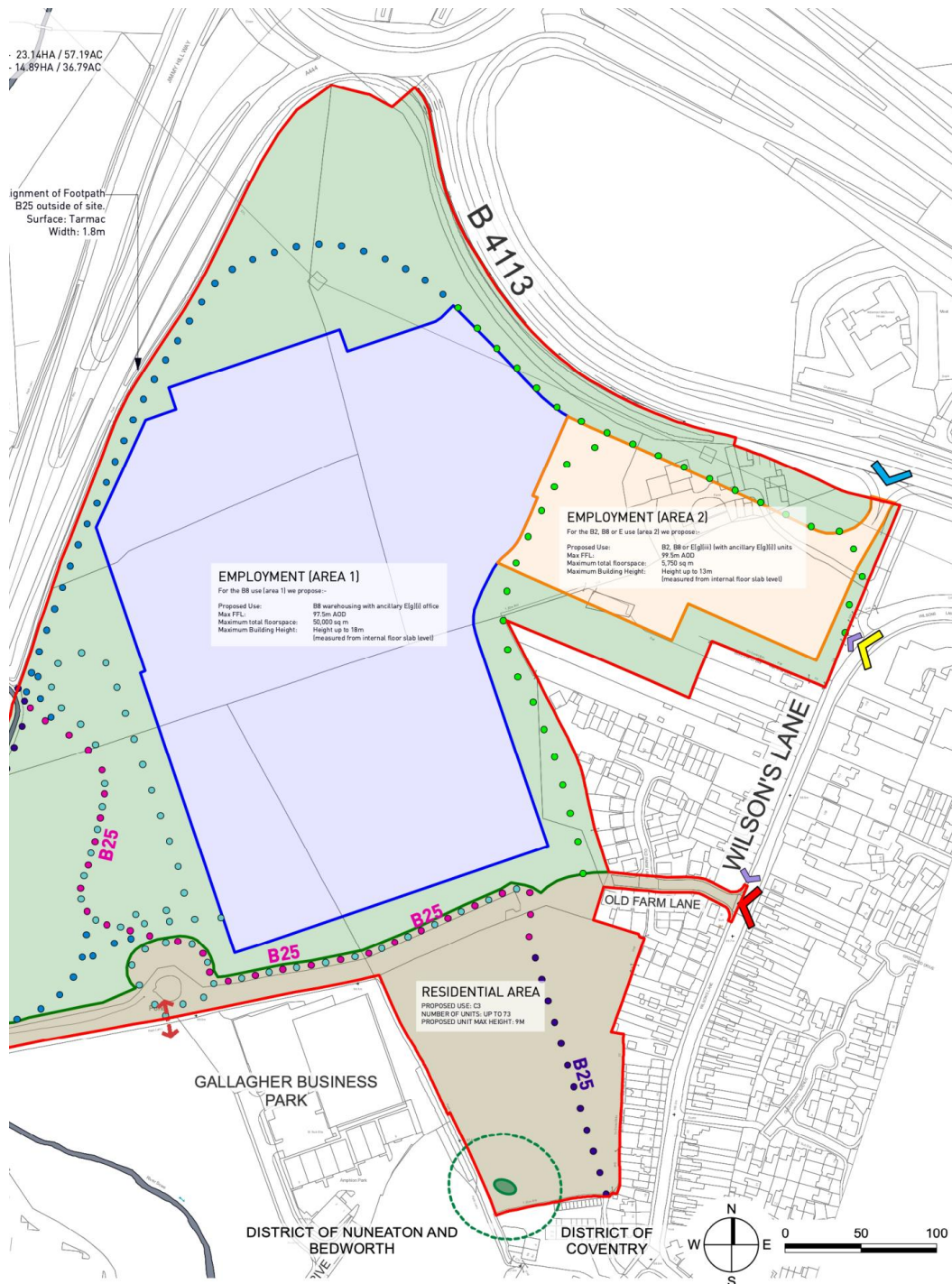
Q66. Strategic Policy SEA2 proposes the provision of 19.09 ha of employment land, this is 1.09 ha more than the previously adopted allocation (EMP2) – what is the reason for this increase given that the employment area does not appear to have changed in size?

Answer

- 66.1 Core Document [CD1] is applicable to this response.
- 66.2 The site was originally proposed in the previous adopted Local Plan for 23 hectares but was reduced to 18 hectares as a main modifications to the previous Local Plan at which time the residential element was added. This area was taken forwards into the Borough Plan Review. The Concept Plan for this site area originally showed the residential element in two parts of the site as follows:



- 66.3 However, the Outline planning application reference 037237 justified that the northern parcel of the proposed housing was in fact better served as employment. The Planning Statement for that application stated:
- ‘...as part of preparing the planning application, a significant amount of technical and environmental work has been prepared. This evidence has further informed the development of the proposal, which in some instances are contrary to the site-specific requirement set out. The siting of residential dwellings is an example of this. For example, it has been determined through more detail design development that it is more efficient and suitable to concentrate the residential elements into one parcel rather than two, to reduce the number of accesses onto the highway and locate it by existing residential neighbouring uses. In addition, concentrating the residential use to the south of the site extends the separation between the dwellings and the motorway, which will provide an improved amenity experience. Such an approach, whilst inconsistent with the policy, is consistent with other policy requirements of the Development Plan, as well as NPPF, and, therefore, it is considered that whilst there is conflict, this represents a minor infringement and there are material consideration to indicate the alternative approach proposed should be followed (paragraph 12 NPPF).’
- 66.4 The subsequent approved Land Use Plan reference BIR.4240_021_01 Revision Q approved for this Outline showed the following:



66.5 Therefore, the area for employment within the policy has been amended to be in line with the Outline application.

Q67. Should Strategic Policy SEA2 make reference to the requirement for protected species/wild bird surveys? Is this justified by evidence?

Answer

- 67.1 Core Documents [CD1] and [CD14] and Evidence Base Document [EB15] are applicable to this response.
- 67.2 The policy does not refer to the requirement for the surveys. However, ecological surveys are required with any planning application. Protected, UK Priority, rare and endangered species surveys will be required where there is a reasonable likelihood of their presence. This was identified by a neighbour in their Regulation 19 consultation response [CD14] (representation reference 409.2). The Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version carried out by Warwickshire County Council Ecology as part of the evidence base [EB15] identified that there were likely additional protected and endangered species within the site. Therefore, it is considered that it is appropriate to add surveys to the criteria. An additional modification is therefore suggested as follows:

Strategic Policy SEA2 – Wilsons Lane

ADD to form of development for SEA2 extra criterion to read:

Protected, UK Priority, rare and endangered species surveys will be required where there is a reasonable likelihood of their presence. Where their presence is found or suspected their populations will be protected and enhanced during and after development. Developments that look to provide species provision into the development will be encouraged.

Strategic Policy SEA2 – Wilsons Lane

ADD to supporting text to read:

The ODPM Circular 2006/5: Biodiversity and geological conservation makes it clear that protected species are a material consideration and surveys will be required where there is a reasonable likelihood of their presence. It will be expected that species information is acquired from the Warwickshire Biological Record Centre to inform relevant applications and is used to inform any species surveys. The council will expect species surveys with the submission of an application for validation, conditions for surveys will only be issues in exceptional circumstances.

67.3 Notwithstanding the above, the criteria is also proposed to be added to Policy NE3. Please refer to the Council's response to Question 136.

Q68. Do the plans, policy wording and supporting text of Strategic Policy SEA2 provide sufficient flexibility with regard to the provision of the housing and employment area? Particularly given that it appears that outline planning permission has been granted for development on the site.

Answer

- 68.1 Core Documents [CD1], [CD14], [CD21] and [CD22] are applicable to this response.
- 68.2 At the time the Publication (Regulation 19) document was being consulted on (4th September to 16th October 2023), the part of the application that was within Coventry City Council was under Appeal, and which was allowed by the Inspector on the 15th September 2023. Therefore, the decision at the time was to largely leave the policy wording as previously written in the adopted Borough Plan (2011-2031) as the wording for this had been supported by a Concept Plan for the site¹⁵. This was in case the Appeal was dismissed and which could have led to a new application and design.
- 68.3 The consultation response to the Regulation 19 consultation [CD14], from the site promoter L&Q Estates (representation reference 114.1 to 114.8) brought up several requirements for changing the policy and supporting text as follows:
- The red line site plan for the residential areas should be amended to instead show the approved Land Use Plan approved for the Outline. This was considered at the time and excluded because having the Land Use Plan could restrict any future planning applications. However, as this is specifically referred to by the promoter, it is considered that the red line location plan in the Policy will be amended to just show the red line of the entire site and the Land Use Plan shown in the Council's Answer to Question 66.4 be added as the second Plan.

¹⁵ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

- The yield should be amended to match the Outline. This has now been carried out as a Suggested Main Modification for Policy DS4 and supporting table [CD21]. (See Council's response to Question 66)
- Amend supporting text referencing the location of the residential and which should be amended to read: 'Residential development will be focussed to the south-eastern part of the site, adjacent to the existing residential areas. The remainder of the site will be brought forward for employment uses.' As the pre application for the housing element is well underway so the principles set out by the Outline are unlikely to change it is considered that this is an acceptable amendment.
- Amendments to the description of education requirements to read: 'Financial contribution towards expansion of existing primary school provision and secondary school places at Ash Green School, if a requirement is demonstrated through discussions with Warwickshire County Council. Additional provision for early years, SEND and post-16 as required, if demonstrated by clear evidence.' (See Council's response to Question 70).
- Too prescriptive wording to the location of employment and requirement of landscape corridor and for the provision of the smaller scale development on the higher ground next to the housing site. The Outline provided no landscape corridor and no housing on the higher ground on the northeast of the site so the wording should be deleted. It is agreed that this should be deleted as it does not reflect the wording of the Outline and therefore this should be deleted.
- Deletion of the retention of ridge and furrow. This has now been carried out as a suggested additional modification [CD22]
- Delete retention of the Right of Way through the employment area. As the Outline showed this to be diverted the wording should be modified accordingly as having the Right of Way through the employment section could cause highway safety hazards. They suggest the wording should be: 'The section of public right of way routed through the middle of the site shall be appropriately diverted, as necessarily required to allow development, along a route that does not materially

inconvenience the public nor cause a road safety hazard.’ Bearing this in mind the Publication version has already been amended to read: ‘Seek to retain the section of public right of way routed through the middle of the site within a landscape corridor (with appropriate tree and shrub planting and open ground) and maintain views from the public right of way towards the western side of the River Sowe Valley, or if necessary, appropriately divert the public right of way along a route that does not materially inconvenience the public.’

- Retention to the central hedgerow which was agreed as part of the Outline to be lost but compensated for. They suggest the wording: ‘If required, the policy should be amended to only refer to the hedgerow being compensated for in replacement planting on-site.’ The Publication version was mindful of this and amended the wording to where possible to retain and strengthen the central hedgerow or if necessary, compensate for its loss through extensive replacement. The reasoning for this was that Reserved Matters had not been submitted and could potentially still retain these as there are ecological benefits to retain mature hedgerows rather than provide replacement ones and the wording if possible did provide some leeway if they could not be retained.
- Amendments to paragraph 7.102 that refers to ancillary offices being next to residential and the B2 and B8 being focussed to the western part of the site. The Outline shows B2 and B8 close to residential properties and demonstrated that this is acceptable via noise and landscape mitigation. They suggest the wording be changed to: ‘Any proposed B2 or B8 uses that are located towards the eastern part of the site adjacent to existing residential properties, should demonstrate that there would be no material detrimental impact caused upon residential amenity. Scheme layouts need to take into consideration potential stand-offs and easements associated with the overhead power line and early discussions with National Grid are essential in informing any detailed layout, but it is considered that parking and storage areas will be provided in the vicinity of the power line.’ The

Council consider that it is not unreasonable that Reserved Matters firstly consider that ancillary offices are considered adjacent to residential properties as this tends to have natural benefits of reduced massing and providing a separation to noisier elements of the use. It is therefore proposed that this wording is maintained, however some amendments are suggested as Modification at the end of this Question. Bearing the above new wording was already provided in the Borough Plan Review under criteria 15 to read: 'Scale and massing of building form, around the eastern edge of site, should demonstrate that there would be no material detrimental impact caused, on existing residential amenity.'

- Amendments to paragraph 7.104 which refers to two vehicular access points for the residential units and which they suggest should be amended to: 'Access to the residential area will be via a new access point onto Wilsons Lane'. As the pre application discussions are well underway for the residential element it is considered that this is an acceptable amendment.

68.4 For information other changes due to the Outline were carried out between the adopted Plan and the Publication (Regulation 19) document, including:

- Insertion of requirement for Police contributions to fall in line with the other residential sites but now proposed to be removed (see Councils response to Question 65)
- Appropriate tree planting for residential (due to Environment Act and Improvement Plan).
- Retention and enhancement of the pond to the south of the site.
- A strategy for responding to National Grid gas transmission lines as required by Avison young on behalf of National Grid from the Preferred Options (representation reference 1.1).
- Betterment for existing flood relief downstream required by the Environment Agency during the planning application process.

To the supporting text wording amendments were:

- Information from the SFRA Level 2 carried out as part of the evidence base for the site. Supporting text simplified for description of site.

68.5 As the Outline now has approval from NBBC and Coventry City Council and pre-applications are underway, it is considered that further amendments are appropriate and have been recommended accordingly. It is anticipated that this provides sufficient flexibility in line with the Outline consent. Suggested amendments to SEA2 are as follows:

Red line plans in Policy SEA2.

Strategic Policy SEA2 – Wilsons Lane

AMEND/REMOVE layout plans as follows:

Remove existing red line plans that show the areas proposed for employment and instead provide a red line plan of the whole site. Add Land Use plan from Outline approval.

(Refer to Appendix B – copy provided with the MIQs)

Re criteria 19.

Strategic Policy SEA2 – Wilsons Lane

DELETE criteria 19 in full:

~~19. Maintain an appropriate landscape buffer to western and northern boundaries.~~

Re supporting text paragraph 7.101.

Strategic Policy SEA2 – Wilsons Lane

AMEND supporting text paragraph 7.101 to read:

Residential development will be focussed **to the** ~~in the north-eastern and south eastern parts of the site, adjacent to the existing residential areas.~~ The remainder of the site will be brought forward for employment uses, **open space, Suds, biodiversity and flood betterment mitigation.**

Amendments to supporting text 7.102.

Strategic Policy SEA2 – Wilsons Lane

AMEND supporting text paragraph 7.102 to read:

Where possible, Ancillary offices E(g) should be focused on the eastern part of the site, adjacent to the existing and proposed residential properties. B2 and B8 uses will be focussed on the western part of the site. **Any proposed B2 or B8 uses that are located towards the eastern part of the site adjacent to existing residential properties, should demonstrate that there would be no material detrimental impact caused upon residential amenity.** Scheme layouts need to take into consideration potential stand-offs and easements associated with the overhead power line, and early discussions with National Grid are essential in informing any detailed layout, but it is considered that parking and storage areas will be provided in the vicinity of the power line.

Amendments to supporting text paragraph 104.

Strategic Policy SEA2 – Wilsons Lane

AMEND supporting text paragraph 104 to read:

7.104 Access to the residential areas will be via ~~two~~ a new access points onto Wilsons Lane. The existing pedestrian access to public footpaths B23 and B25 will be retained. Contributions towards associated improvements to Wilsons Lane, the B4113 and bus infrastructure will be sought.

Q69. Part 5 of the policy requires developer contributions to either divert existing bus services or to secure bus infrastructure at prominent locations to the site. This differs from the requirement to provide both within the adopted plan – what is the reason for this?

The relevant part of the policy states the following:

Policy SEA-2– Wilsons Lane

5. Developer contribution towards diverting existing frequent local bus service(s) into the employment site in order to enhance accessibility for local residents or developer contribution to secure provision of bus infrastructure at prominent locations to the employment site.

The adopted Local Plan states:

5. Developer contribution towards diverting existing frequent local bus service(s) into the employment site in order to enhance accessibility for local residents.

6. Developer contribution to secure provision of bus infrastructure at prominent locations within the employment site in order to complement the point above.

Answer

69.1 Core Document [CD1] is applicable to this response.

69.2 During the course of the Outline planning application (reference 037237), for both the employment and residential elements, the promoter advised that the access to the site would not likely become adopted so that buses would not be able to access the site. Instead, it was decided that contributions would be made to enhance the existing bus services in the area and that there would be a pedestrian access from Wilsons Lane into the site to allow workers to use the bus route from Wilsons Lane.

69.3 Therefore, the KDP's have changed as per above, with the previous criteria 6 being amalgamated into criteria 5. This is to ensure consistency with the Outline.

Q70. Part 8 of the policy requires financial contributions towards education provision. Whilst contributions were required as part of the adopted allocation, the contributions now proposed are more detailed/extensive. What is the reason/justification for this?

The relevant part of the policy states the following:

Policy SEA-2– Wilsons Lane

8. Financial contribution towards expansion of existing primary school provision and secondary school places at Ash Green School. Additional provision for early years, SEND and post-16 as required

The adopted Local Plan states:

Financial contribution towards primary education at local schools in order to meet anticipated demand for school places.

Answer

- 70.1 Core Documents [CD1] and [CD14] are applicable to this response.
- 70.2 As part of the Outline planning application, the Section 106 requirements for education were received, agreed and written into the Section 106 legal document. The requirements were towards Early years/Preschool within 2 miles of the site, additional Secondary school and Post 16 provision at Ash Green School, but there was no request for Primary education as it was considered, at the time, that the forecast would mean there would be sufficient capacity within the area. The request was submitted with justification for the contributions.
- 70.3 The promoters response to the Regulation 19 consultation [CD14] representation reference 114.2) requested that:
- “the requirement was amended to: ‘8. Financial contribution towards expansion of existing primary school provision and secondary school

places at Ash Green School, if a requirement is demonstrated through discussions with Warwickshire County Council. Additional provision for early years, SEND and post-16 as required, if demonstrated by clear evidence.”

An amendment has been suggested to add reference to what was requested at Outline see below.

- 70.4 It is considered that to be CIL compliant, demonstration would need to be provided by Warwickshire County Council at the time of the request. The Section 106 contributions are set for the current Outline. However, the mention of the Primary school contributions was if circumstances changed, and a future Outline was submitted, as Warwickshire County Council could in the future decide that Primary places were then necessary. However, for clarity it is suggested that new supporting text is added, after the policy, to state:

Strategic Policy SEA-2 – Wilsons Lane

AMEND criteria 8 under subheading ‘Housing’ to read:

8. Financial contribution towards expansion of existing primary school provision **(not currently required under Outline 037237)** and secondary school places at Ash Green School. Additional provision for early years, SEND and post-16 as required.

Strategic Policy SEA2 - Wilsons Lane

ADD as supporting text to read:

Financial contributions have already been secured via the consent of Outline reference 037237. However, in the event that a new Outline application is resubmitted for the residential element, contributions may be required towards the expansion of existing primary school provision as the current circumstances may change.

Strategic Policy SEA3 – Prologis extension

Q71. Strategic Policy SEA3 proposes the provision of 3.58 ha of employment land, this is 1.72 ha less than the previously adopted allocation (EMP3) – what is the reason for this decrease given that the employment area does not appear to have changed in size?

The relevant part of the policy states the following:

Policy SEA3 - Prologis Extension

Key development principles

1. Provision of approximately 3.58ha of employment land.

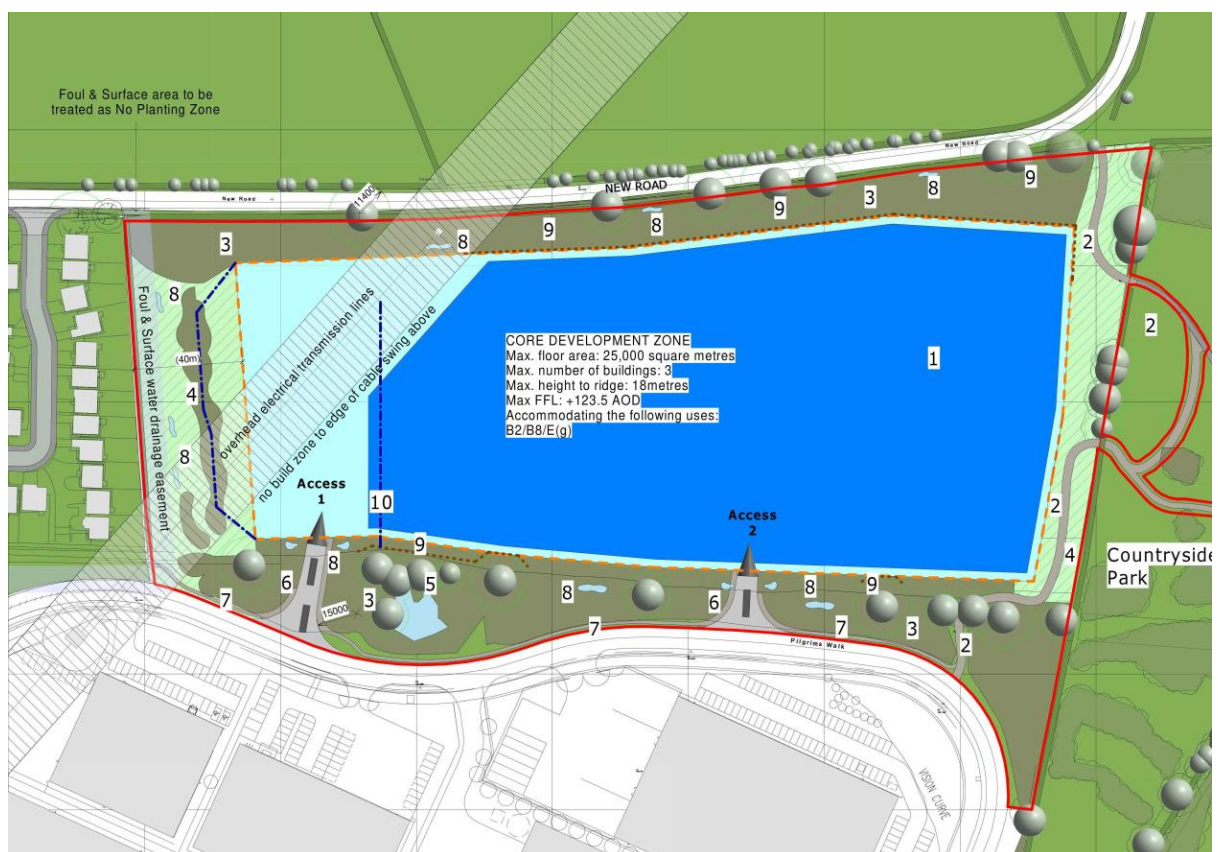
The adopted Local Plan states:

Key development principles

1. Provision of approximately 5.3 ha of employment land for B1, B2 and B8 uses.



Red line Plan in both adopted Local Plan and Borough Plan Review.



Parameters plan approved at Outline

Proposed Developable Area, use class B1(c), B2 & B8.

-  Outer Core Development Area:
Use solely for car parking, service yards, circulation, ancillary plant, gatehouses and ancillary offices attached to the main buildings only up to 2 storeys (10m)
-  Inner Core Development Area:
Main building zone to include up to 3 buildings, up to 25,000 sqm and 18m max. height to ridge
-  No Build Zone

Key for parameters Plan



Location plan for Outline

Answer

- 71.1 Core Document [CD1] and Evidence Base Documents [EB7.1] and [EB10] are applicable to this response.
- 71.2 To confirm, the red line area of the site on this Strategic Employment Allocation has not changed since the adopted Local Plan. The actual area of the site is 5.3 hectares.
- 71.3 SEA3 Prologis Extension now has full consent; the Outline consent (reference 038023) included a condition for a parameters plan (shown above). The Inner Core Development Zone (dark blue) showed an area of 25,000 sq. m. (2.5 hectares) and whilst a measurement was not specified, a further area (light blue) provided an Outer Core Development Zone. Two Reserved Matter applications have now been approved: application reference 039750 for one unit at 14,746 sq. m. and the second reference 039751 for two units at 14,136 sq. m.
- 71.4 This reasoning for the site area was it was used within Iceni's 'Review of Nuneaton & Bedworth Employment Land Portfolio' (2023) [EB10] within table 6.7 (page 78). This indicated the developable area was 3.58 hectares for the site. The table states as follows:

Table 6.7 Developable Employment Land from Extant Allocations

Site	Developable Area (ha)
EMP2 – Wilson's Lane	19.09
EMP3 – Prologis Extension	3.58
EMP4 – Coventry Road	9.59
EMP7 – Bowling Green Lane	19.89
TOTAL	52.15

- 71.5 The reasoning for such a low yield on the site was because of site constraints. In particular the overhead power lines which traverse the western part of the site, habitat mitigation areas for habitat and protected species (including stepping stone ponds for GCN); mitigation buffers to adjacent Country Park; significant landscape buffers to the north of the site; acoustic earth bund; separation distance requirement of 40m from residential properties and drainage easements and significant root protection areas required for

numerous mature trees on the sites. These all impact on the developable area.

- 71.6 Therefore, to provide a consistent approach for the site compared to the proposed developable area on the other extant allocations, the figure was reduced from the site area to the developable area.

Q72. Part 11 of the policy requires contributions to increase capacity to the sewage treatment works. This did not form part of the previous adopted policy. What is the reason/justification for this?

The relevant part of the policy states the following:

Policy SEA-3 – Prologis Extension

Form of Development

11. Suitable sewage connection to the existing foul drainage network and contributions to increase capacity to the treatment works to support growth.

The adopted Local Plan states:

12. Suitable sewage connection to the existing foul drainage network.

Answer

72.1 Core Documents [CD1], [CD9.2] and [CD14] are applicable to this response.

72.2 The previous adopted Local Plan referred to foul water connection as per criteria 12 above. The previous adopted wording was used within the Preferred Options. Severn Trent Water (STW) responded to the Preferred Options (representation reference 15.1). They advised:

‘As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments on the impacts of future developments and to provide advice regarding policy wording on other relevant areas such as water efficiency, Sustainable Drainage Systems (SuDS), biodiversity, and blue green infrastructure. Where more detail is provided on site allocations, we will provide specific comments on the suitability of the site with respect to the water and sewerage network. In the instances where there may be a

concern over the capacity of the network, we may look to undertake modelling to better understand the potential risk. For most developments there is unlikely to be an issue connecting. However, where an issue is identified, we will look to discuss in further detail with the Local Planning Authority. Where there is sufficient confidence that a development will go ahead, we will look to complete any necessary improvements to provide additional capacity.'

Their response included a sewer network potential impact for the proposed sites reference 'L1SCA PrO_NB_2022. The RAG impact assessment for the site came out as Amber.

- 72.3 The information came about during the writing of the Publication (Regulation 19) document and the planning application. Severn Trent Water noted the comments at the Regulation 19 consultation stage [CD14] (representation reference 6.11). and simply stated:

'We would like to note that bullet 11 'Suitable sewage connection to the existing foul drainage network and contributions to increase capacity to the treatment works to support growth' would be made through developer infrastructure connection charges, and we are not expecting additional financial contributions...'

- 72.4 The Infrastructure Delivery Schedule [CD9.2] includes information received from Severn Trent Water for improvement works. Work is identified for SEA-3 at Coventry - Finham Sewage Treatment Work expansion and which is to increase capacity works and which they advise will be via developer contributions i.e. Developer Infrastructure Charges at a set rate. It is fully recognised that the requirement would not be via a Section 106 contribution but rather through developer connection charges, but it is considered justified to include the information so that anyone developing or buying the site is aware of potential cost implications. Therefore, it is considered that it is appropriate to include in the text.

Strategic Policy SEA4 – Coventry Road

Q73. Strategic Policy SEA4 proposes the provision of 9.59 ha of employment land, this is 0.59 ha more than the previously adopted allocation (EMP4) – what is the reason for this increase given that the employment area does not appear to have changed in size?

The relevant part of the policy states the following:

Policy SEA-4: Coventry Road

Key development principles Form of Development

1. Provision of approximately 9.59ha of employment land.

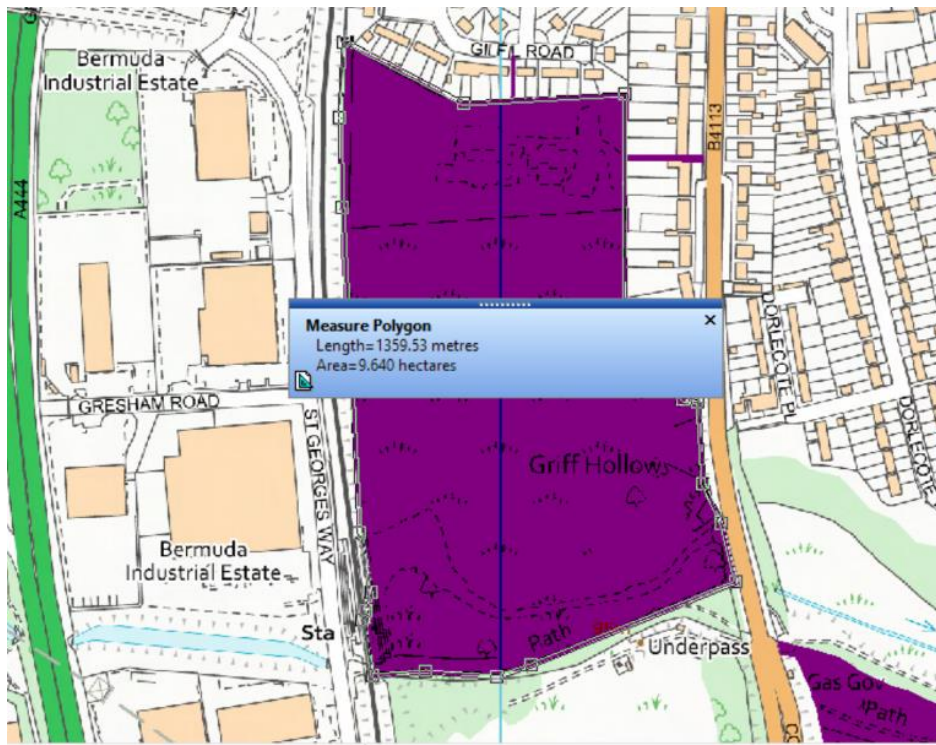
The adopted Local Plan states:

Key development principles

1. Provision of approximately 9 ha of employment land.

Answer

- 73.1 Core Document [CD1] and Evidence Base Document [EB10] are applicable to this response.
- 73.2 The GIS shapefile for the employment site reads 9.64 hectares (see below) but this includes some minor access points. This was re-run following this query at a larger scale for improved accuracy and resulted in an area of 9.589 hectares.



73.3 The developable area in the Review of Nuneaton & Bedworth Employment Land Portfolio Final Report (June 2023) (Iceni) [EB10] is based on 9.89 hectares.

Table 6.7 Developable Employment Land from Extant Allocations

Site	Developable Area (ha)
EMP2 – Wilson’s Lane	19.09
EMP3 – Prologis Extension	3.58
EMP4 – Coventry Road	9.59
EMP7 – Bowling Green Lane	19.89
TOTAL	52.15

73.4 There is currently an Outline planning application for the site for 23,000 sq. m. (reference 039979). The planning application states the site is 9.15 hectares. The application has not yet been determined and discussions are ongoing about habitat protection and mitigation and offsetting.

73.5 Therefore the final developable area has not yet been determined and therefore the use of the primary and qualitative data of the GIS calculation as the gross site area is the most accurate figure, at this current time.

Q74. Should Strategic Policy SEA4 refer to land contamination and fluvial flood risk given the previous uses of the site and its inclusion of areas of floodplain?

Answer

- 74.1 Core Documents [CD1] and [CD14] are applicable to this response.
- 74.2 The Environment Agency responded to the Publication (Regulation 19) consultation [CD14] (representation reference 13.7) to request that:
- ‘Based on our records, parts of the site include a former quarry, historic landfill and floodplain along the southern site boundary.
- As above, the suggested inclusions within Strategic Policy SA1 should ensure that land contamination and fluvial flood risk matters are addressed during the planning application stage. However, you may wish to include specific reference within the policy wording which refers to such, instead of relying upon the general requirements set out in SA1’.
- 74.3 Due to the above, this was added to the Borough Plan Review as a suggested additional modification [CD22]. The information was considered to be supporting text as contamination will need to be addressed as part of any planning application and as requested as per the Council’s recently adopted Validation List¹⁶.
- 74.4 Paragraphs 183 and 184 of the NPPF require that contamination is investigated, and the glossary provides information of what would be expected from a site investigation and risk assessment.
- 74.5 To ensure this information is considered as part of any application, it is considered that reference is made to the issues on the site and expected mitigation. Therefore, it is suggested that an additional modification is considered to SEA4 to read:

¹⁶ [Local Validation Checklist | Planning applications | Nuneaton and Bedworth Borough Council](#)

Strategic Policy SEA4 – Coventry Road

ADD to end of key development principles:

Supporting documents will be required to demonstrate how contamination from previous uses are to be mitigated. This will need to bear in mind the fluvial flood risk and areas of floodplain within the site (for information refer to supporting text under 'Historic environment' and 'Flooding').

Q75. Parts 8 and 9 of the policy require contributions not previously sought by the adopted policy. What is the reason/justification for these contributions?

The relevant part of the policy states the following:

Policy SEA-4– Coventry Road

Key development principles

- 8. Suitable sewage connection to the existing foul drainage network and contributions to local sewage network, improvements to increase capacity, improvement to the local network to reduce impact on hydraulic performance and improve biological treatment capacity to accommodate the development.
- 9. Creation of cycle path link between Bermuda Station and Coventry Road, as well as contributions to a crossing point for Coventry Road and contributions to the Bermuda Connectivity Project.

The adopted Local Plan states:

Key development principles

- 7. Suitable sewage connection to the existing foul drainage network.
- 8. Creation of cycle path link between Bermuda Station and Coventry Road, as well as contribution to crossing of Coventry Road.

Answer

- 75.1 Core Documents [CD1], [CD9.2] and CD14] are applicable to this response.
- 75.2 Both above schemes are requested within the Infrastructure Delivery Schedule (IDS) [CD9.2] for the Borough Plan Review.
- 75.3 In relation to the Severn Trent Water requirements, the Infrastructure Delivery Schedule [CD9.2] includes information received from Severn Trent Water for improvement works. Work is identified for SEA-4 for West and South Nuneaton sewerage and drainage network improvements. The work is for improvements to the local network to reduce the impact on hydraulic

performance in the area, and which they advise will be via developer contributions i.e. Developer Infrastructure Charges at a set rate.

- 75.4 Severn Trent Water responded to the Regulation 19 consultation [CD14] (representation reference 6.12) to advise:

‘We would like to note that bullet 8 'Suitable sewage connection to the existing foul drainage network and contributions to local sewage network, improvements to increase capacity, improvement to the local network to reduce impact on hydraulic performance and improve biological treatment capacity to accommodate the development' would be made through developer infrastructure connection charges, and we are not expecting additional financial contributions.’

- 75.5 It is fully recognised that the requirement would not be via a Section 106 contribution but rather through Developer Connection Charges, but it is considered justified to include the information so that anyone developing or buying the site is aware of potential cost implications. Therefore, it is considered that it is appropriate to include.

- 75.6 Criteria 8 is identical to the previous adopted Local Plan except that the requirement for contributions to the Bermuda Connectivity Project. The Connectivity involves various phases from opening a route from St Georges Way to Bermuda Road connecting A444 Griff to Heath End Road, West Nuneaton. Providing improved access to A444 and Bermuda Park station from west Nuneaton. The Bermuda Connectivity Project will deliver benefits for pedestrians and cyclists in terms of improved access from parts of West Nuneaton to Bermuda Rail Station. The IDS states that SEA-4 will need to provide contributions to deliver bus / rail interchange facilities on St Georges Way in the vicinity of Bermuda Park Rail Station - including real time passenger information to support improved bus access to the Bermuda residential area and employment sites.

- 75.7 It is therefore considered that the reasoning and justification is acceptable in order that these are included as criteria in the policy.

Q76. Part 18 of the policy requires maintenance and enhancement of habitat connectivity to the south. What is the justification for seeking enhancement?

The relevant part of the policy states the following:

Policy SEA-4– Coventry Road

Form of development

18. Areas of high distinctiveness should look to be preserved to form part of a network of natural habitats. Habitat connectivity to the south should be maintained and enhanced to allow connections to the wider local wildlife site, including along the southern boundary of the site.

Answer

76.1 Core Documents [CD1] and Evidence Base [EB15] are applicable to this response.

76.2 The criterion is already in the adopted Borough Plan (2011-2031), with the exception of ‘and enhanced’ after the word ‘maintained’. The Inspectors Report for the previous adopted plan referred to this in paragraphs 222 and 223 of his report and which stated:

‘222.....Analysis of the site concluded that the northern part has less overall ecological value and development here could be supported in tandem with enhancements to the southern part of the site adjacent to the Griff Hollows LWS. This mitigation is important as assessed in the SA report for this site which concludes (based on the 2016 EGA) that short term negative effects are neutralised and improved over time once mitigation and connectivity has been implemented.

223. Accordingly, I recommend MM119 which would insert a new criterion into the Policy which would maintain habitat connectivity in the southern part of the site, including maintaining an open corridor, and MM120 to amend the key development principles for the site to also include a requirement for biodiversity offsetting.’

- 76.3 The reasoning and justification for preserving areas of high distinctiveness is answered in the Council's response to Question 47. There is a LWS to the south with high value habitat and brook and railway line both providing high ecological connectivity. Therefore, it makes good ecological sense to ensure that connectivity is maintained and enhanced. This is mentioned within Chapter 3.2 'Landscape, open space and biodiversity' of the Concept Plan (2020) for the Strategic Allocation available at: <https://www.nuneatonandbedworth.gov.uk/downloads/download/106/supplementary-planning-documents> and is identified within the latest Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version (2022) [EB15] by Warwickshire County Council which advises that whilst: 'there are no Local Wildlife Sites within the site boundary. However, there is a Geological Site of Special Scientific Interest (SSSI) and there are a few Local Wildlife Sites within 500m of the site.'
- 76.4 In addition, the site will need to provide 10% biodiversity net gain and the above requirements will contribute to this.
- 76.5 In conclusion, it is considered that the requirement is reasonable and justified.

Strategic Policy SEA6 – Bowling Green Lane

Q77. Allocation SEA6 has a smaller site area than the previously adopted allocation (EMP7). What is the reason for this? Does this explain the reduction in the amount of employment land from 26 ha to 19.89 ha?

The relevant part of the policy states the following:

Policy SEA-6 – Bowling Green Lane

Key development principles

1. Provision of approximately 19.89ha of employment land.

The adopted Local Plan states:

Key development principles

1. Provision of approximately 26 ha of employment land.

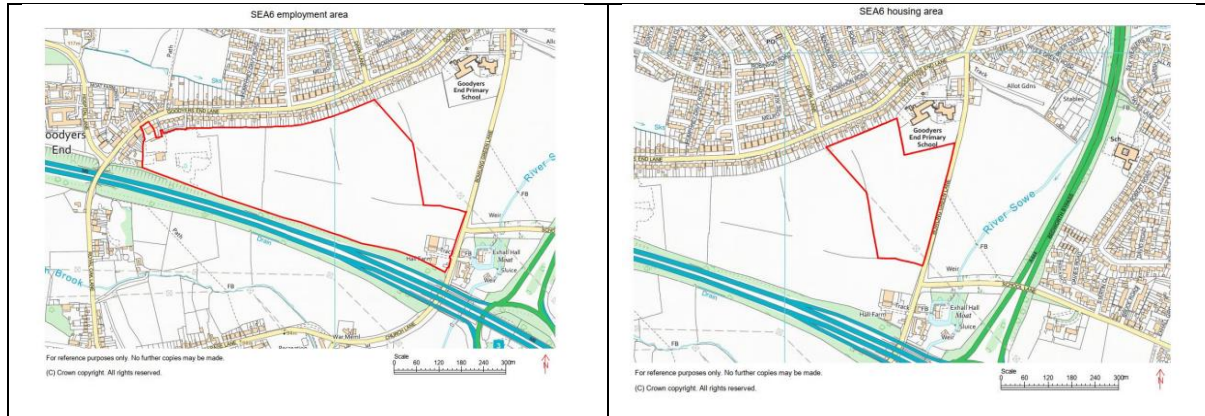
Answer

77.1 Core Documents [CD1] and [CD21] are applicable to this response.

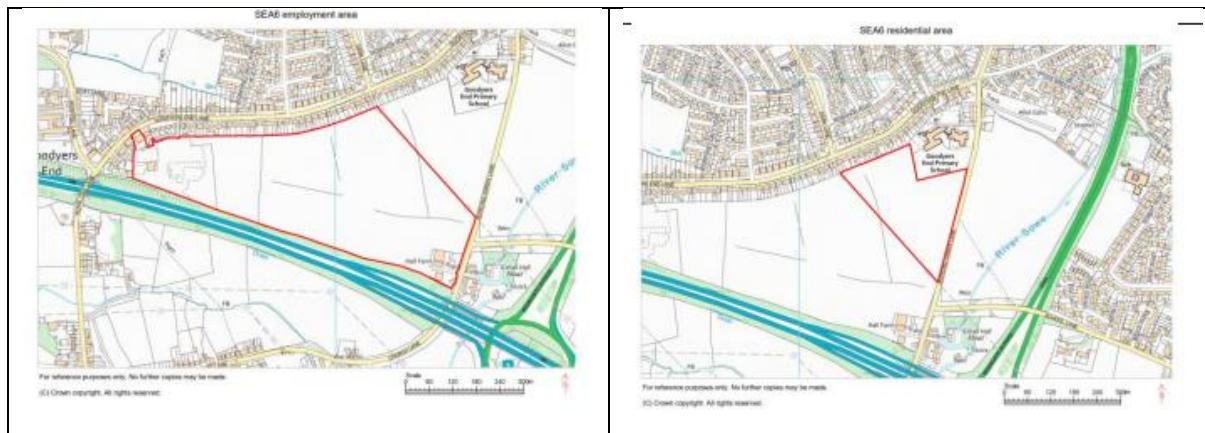
77.2 The adopted Local Plan purely identified the site for employment. However, since then part of the site is now intended to deliver residential properties therefore the overall employment yield was reduced to 19.89 hectares (written within the Publication (Regulation 19) document) and 7 hectares of residential use. However, there has been a suggest main modification [CD21] due to the red line being amended between the two uses.

Q78. Is there a requirement to amend the red line boundary of allocation SEA6 to reflect current planning applications?

Publication version shows the red line boundaries as follows:



The suggested additional modifications [CD22] show the red line boundaries as:



Answer

- 78.1 Core Documents [CD1], [CD14] and [CD22] are applicable to this response.
- 78.2 There are currently two Outline planning applications for the site being considered. Application reference 039592 is for residential use for C3 dwellings and a C2 care home. Planning reference 039611 is for 60,000 sq. m. of employment land.

78.3 The site promoter Opus Land Nuneaton Ltd raised the above query during the Regulation 19 consultation [CD14] (representation references 121.15 and 121.16). They also raised it within the signing of the Statement of Common Ground [CD6.11]. Whilst the Publication (Regulation 19) version of the Borough Plan Review provided a red line plan for both the employment and residential use, the line between the two has changed slightly with the submission of the planning applications. The reasoning for this from the promoter was:

‘The way the allocation boundary is drawn, therefore, effectively compromises the delivery of both the residential and the employment site. This renders this aspect of the allocation unsound on the grounds of effectiveness and consistency with national policy.’

This has been noted and a recommended additional modification has been included [CD22].

78.4 Therefore, this recommended modification will bring the application in line with the outstanding planning applications.

Q79. Are the key development principles set out within Strategic Policy SEA6 justified and consistent with national policy?

The relevant part of the policy states the following:

Policy SEA-6– Bowling Green Lane

Key development principles

1. Provision of approximately 19.89ha of employment land.
2. Provision of approximately 7ha of land to deliver at least 150 dwellings.
3. Provision of a new junction onto Bowling Green Lane at the School Lane junction, with associated traffic lights and any transport improvements/new junctions and upgrades required along Bowling Green Lane and School Lane (in conjunction with both the development on School Lane and either by agreement with the landowner or securing the transfer of the land to the highway authority to facilitate the use of highway powers for land outside of the School Lane site. The developer will be expected to submit for agreement an HGV routing strategy which will show HGVs accessing/egressing the site from the School Lane direction and avoiding the local schools on Bowling Green Lane, Ash Green Lane and Wheelwright Lane).
4. Financial contributions towards Borough-wide strategic highway infrastructure works, identified within the Bedworth area, and provision of a cycle network within the site, including contributions to links beyond the site to residential areas and toward Bedworth Town Centre.
5. Developer contribution towards local bus service(s) to serve the employment site in order to enhance accessibility for local residents.
6. Developer delivery, or contribution, as agreed within Warwickshire County Council, to secure provision of bus infrastructure to complement the point above.
7. Suitable sewage connection to the existing foul drainage network and contributions to increase capacity to the treatment works to support growth.
8. Contribution towards increased personnel and vehicles for Warwickshire Police.

Answer

- 79.1 Core Documents [CD1], [CD9.2], [CD14], [CD21] and [CD22] are applicable to this response.
- 79.2 In respect of the key development principles (KPD) the site promoter Opus Land Nuneaton Ltd., responded to KDP's, 1, 2, 3 and 8. These were also discussed within the Statement of Common Ground. Their comments are below.

- KDP 1: the site area should be amended to reflect the revised allocation boundaries which are required to be amended as identified above in order to be sound. (representation reference 121.15 and 121.16). This has now been resolved see the Council's response to Questions 77 and 78.
- KDP 2: as noted in section 3 above, in relation to Strategic Policy DS4, the number of homes to be provided should allow flexibility where, for example, a care home may be provided on site or other policy constraints may limit the ability to achieve the 150-home target. It is noted that whilst the Strategic Policy DS4 references the 150 homes as an approximate figure, Strategic Policy SEA6 identifies it as a minimum figure. Principal 2 should be amended to incorporate flexibility in order to make it sound. (representation reference 121.16). This has been addressed via a suggested main modification [CD21].
- KDP 3: the principle addresses the detail of the proposed access onto Bowling Green Lane serving the employment site. The policy should recognise that the residential site is likely to secure an independent access to avoid potential conflict between employment and residential uses separated as they will be by the presence of the electricity pylons and intervening green infrastructure. (representation reference 121.16). This has been addressed via a suggested main modification [CD21].
- KDP 4: Financial contributions towards Borough-wide strategic highway infrastructure works, identified within the Bedworth area, and provision of a cycle network within the site, including contributions to links beyond the site to residential areas and toward Bedworth Town Centre. This was not queried by the agent and is a scheme identified within the IDS [CD9.2] (IDP project reference 66 and 72.)
- KDP5. Developer contribution towards local bus service(s) to serve the employment site to enhance accessibility for local residents. This was not queried by the agent and is a scheme identified within the IDS [CD9.2] (IDP project reference 66 and 72.)

- KDP6. Developer delivery, or contribution, as agreed within Warwickshire County Council, to secure provision of bus infrastructure to complement the point above. This was not queried by the agent and is a scheme identified within the IDS [CD9.2] (IDP project reference 18) intended Borough wide so for all sites.
- KDP 7. Suitable sewage connection for a response and justification on this please see the Councils response to Question 83. This was not queried by the agent.
- KDP Principle 8: it will be necessary for the policy to provide evidenced justification of how development at the site would give rise to a requirement for a contribution towards increased personnel and vehicles for Warwickshire police. Absent a CIL Regulation 122 level of evidential justification, then the requirement expressed by Principle 8 would not be sound as it would not be consistent with national policy. (representation reference 121.16). This is already discussed in the Council's response to Question 56 and 65 and there is already a suggested additional modification [CD22] to amend to include the wording: **Requirement for 100 or more C3 dwellings) subject to the request being CIL Regulation 122 compliant.**

79.3 It is therefore considered that the KDP are justified. In terms of compliance to national policy, the requirement for plans to set out Section 106 contributions are established in paragraph 34 of the NPPF, and it is considered that the requirements do not undermine the deliverability of the site and are viably acceptable. In terms of the highways requirements the policy has been written with the active involvement of local highways authorities as per paragraph 106 and the site is deemed to provide sustainable development.

Q80. Paragraph 7.129 refers to flooding and states that sequential and exception tests are required for allocation SEA6. Is this justified by evidence and if so, is this guidance or should it form part of the key development principles?

The relevant paragraph referred to states the following:

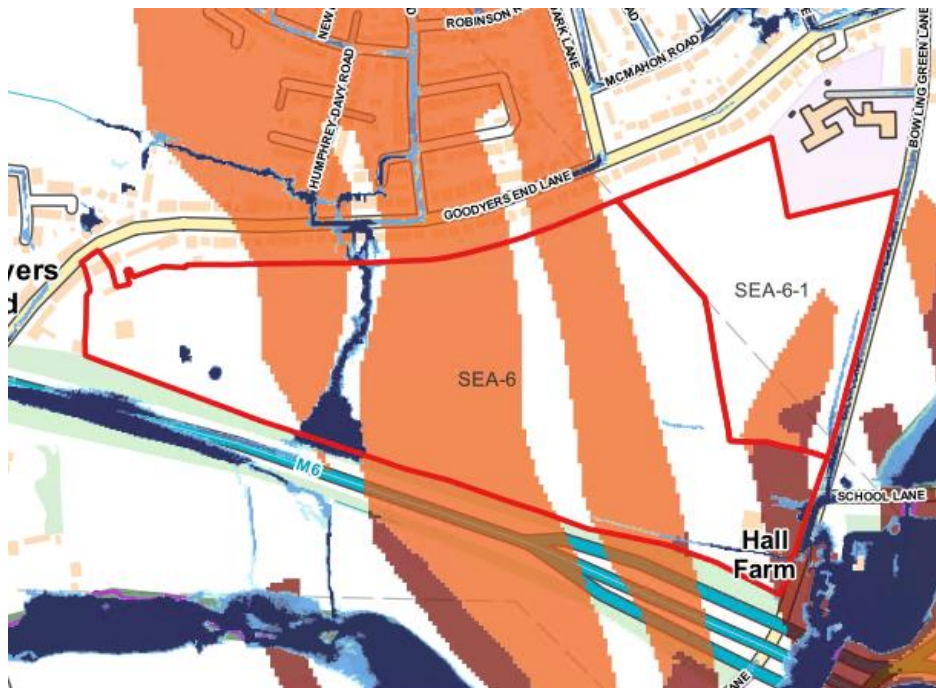
Flooding

7.129 The SFRA Level 2 (August 2023), provided for the Borough Plan Review, required the site to undergo a full Level 2 assessment. The site is within Flood Zone 1. The Report states there is no fluvial risk and surface water flood risk, to most of the site, is shown as very low but modelling shows that ponding and ground water risk is increased in flood events. A culvert in the area could pose a threat if blocked. The Report suggests an appropriate assessment of the groundwater regime should be carried out at the site-specific Flood Risk Assessment (FRA) stage. The Report states that development proposals at the site must address the potential changes associated with climate change and be designed to be safe for the intended lifetime. The provisions for safe access and egress must also address the potential increase in severity and frequency of flooding in the 1% AEP plus 40% climate change surface water event. Site drainage proposals should address the requirements for access routes, avoid impeding surface water flows and preserve the storage of surface water to avoid exacerbation of flood risk in the wider catchment. The Report concluded that Sequential and Exception Tests are required for this site. The document should be considered as part of the further site-specific flood-risk assessment that will be required for any planning application.

Answer

- 80.1 Core Document [CD1] and Evidence Base Documents [EB17.2] and [EB18] are applicable to this response.
- 80.2 The evidence base provided for the Borough Plan Review included a Strategic Flood Risk Assessment (SFRA) Level 2 for the site. The SFRA took the approach the combined site was 'More Vulnerable' due to the residential element. Therefore, the Exception Test was required for these sites.
- 80.3 For the SFRA Level 2 [EB17.2] the site was split into two: SEA-6 for the employment area and SEA-6.1 for the residential area. The Level 2 concluded that the majority of the two sites were at low risk of flooding; however, the

employment area was bisected by a surface water flow path in all modelled surface water events. The site was assessed as below:



Since the above, the red line internal boundary has changed to be in line with the grey dashed line of the pylons. This was to match the current planning applications. This means that the surface water flood area in the residential part has been reduced in size.

- 80.4 The key messages from the SFRA Level 2 [EB17.2] was that development would likely to be able to proceed if:
- Development is steered away from the surface water flow path bisecting the west side of SEA-6 which is at high risk of surface water flooding.
 - A carefully considered and integrated flood resilient and sustainable drainage design is put forward, with development to be steered away from the areas identified to be at risk of surface water flooding across the site.
 - Safe access and egress can be demonstrated in the 1% AEP plus 40% climate change surface water event. As SEA-6 is bisected by a flow path in all modelled surface water events, safe access and egress must

be demonstrated for both sides of the site if it would not be possible to cross between the two sides during a flood event.

- Any flood mitigation measures implemented are tested to check they will not displace water elsewhere (for example, if land is raised to permit development on one area, compensatory flood storage will be required in another).

80.5 Under the NPPF (paragraphs 168 and 169), the 'flood risk vulnerability classifications' only factor into the exception test. In terms of the Sequential Test, this should be applied to all allocations/development regardless of vulnerability.

80.6 A sequential and exception test has been carried out for the site [EB18]. However, this was carried out just for the employment use. This has been retested for the site for the employment and residential use and which concludes that the site is acceptable for both uses. This addendum can be found at appendix E (addendum to [EB18]).

80.7 JBA the consultant who carried out the SFRA level 2 have advised that:

"The Exception test looks to have been recommended on the basis of the surface water flow through the middle of SEA-6. With that in mind, if SEA-6-1 were to be considered in isolation it would probably not trigger the Exception Test. Where sites are mixed use, the higher vulnerability classification is used for the Exception Test, so this is why it will have been recommended.

Whether they can be considered as separate sites is hard to say without more information— Examiners tend to not like drawing boundaries around parts of sites to avoid triggering the Exception Test, but if there is a genuine hard line split between the intended uses and the two parts of the site it might be justified.

But that said, given the low risk from most sources to SEA-6-1 it should be fairly straightforward to pass the flood risk part of the Exception Test for SEA-6-1 if needed".

80.8 The SFRA concluded that the main flood risk implications would be within the employment site and the map shows the area of highest risk of surface water

flooding to the western boundary of the outline planning application (Council planning application 039611). This is most likely due to a culvert under the M6. However, the individual further SFRA's level 2 carried out for the planning applications would need to investigate this in more detail.

- 80.9 There is some flood risk to the residential land, but this may be argued as negligible as these are quite small percentages. Whilst comments are still outstanding from Warwickshire County Council Flood Lead Local Flood Authority for the residential planning application (039592) they have responded with a no objection subject to conditions, to the employment application (039611). The Environment Agency were consulted as part of the planning applications and concluded that on the residential element that:

“Although areas of the site are located in Flood Zone 2 and 3, the proposed development will be located in Flood Zone 1. Therefore, we have no comments”.

- 80.10 For clarity, it is considered that the requirement for the sequential and exception text should be included in the policy key development principles which then refers to the supporting text. Therefore, it is recommended that an additional modification is included to state:

Strategic Policy SEA6 – Bowling Green Lane

ADD as additional criteria to key development principles:

The Strategic Flood Risk Assessment level 2 for the site established that overall, a sequential and exception text should be provided for the site. (for reference refer to the supporting text on 'Flooding'.

- 80.11 An addendum to [EB18] for this site, has been attached to the Council's MIQ's response (Appendix E).

Q81. Is the proposed development on allocation SEA6 justified having regard to traffic generation, the effect on highway/pedestrian safety, the character of the area, heritage assets, flooding, pollution and ecology?

Answer

- 81.1 Core Documents [CD1], [CD9.2] and [CD22] and Evidence Base Documents [EB12], [EB13], [EB15], [EB17.2], [EB19], [EB21] and [EB22] are applicable to this response.
- 81.2 All of the Strategic Allocations have undergone extensive evidence base work in terms of a Strategic Transport Assessment; landscape [EB19]; heritage/historic environment [EB21] impacts; Strategic Flood Risk Assessment for each site [EB17.2]; Air Quality Assessment [EB12] and an Ecology and Geodiversity Assessment [EB15]. In addition, consultees such as Warwickshire County Council Highways and Infrastructure Teams, Environment Agency, Severn Trent Water, Stagecoach, Warwickshire County Council Flood Risk Management and Historic England have all been consulted throughout the process. None of the evidence base or statutory consultants have raised any significant concerns about the development of the site.
- 81.3 The site was a Strategic Employment Allocation in the last Local Plan. Other than updating the evidence base and adding a residential element, there have been no significant material changes. The previous Inspectors Report [EB22] (paragraph 229 to 235) considered the site was appropriate for employment, including its proximity to the M6, was not part of any wider open countryside, a contained site which would not represent urban sprawl and would maintain the openness to the valley of the Sowe to the east. He considered the site was well related to residential areas and within walkable/cyclable distance from Ash Green with buses passing the site. He stated there was scope to improve cycle connections and supported a main modification. He stated whilst there would be a requirement for improvements to the road network and

improvements to the capacity on School Lane and that whilst the proposal would bring appreciable volumes of traffic to School Lane, it was already relatively busy. He considered that living conditions of the residents on the road would not be significantly harmed, including in relation to air quality, and that the carriageway could re-aligned or widened to the frontage of the site and that in principle School Lane would provide an appropriate route for access. Due to the proximity of the school, he confirmed that an HGV ban or weight limit in the form of a traffic regulation matter would be required via a main modification. In relation to the Scheduled Ancient Monument to the southeast he considered that the heritage assessment showed that there was already an impact to the setting by the elevated M6 and pylons and dilapidated farm buildings so that the harm would be negligible subject to a main modification and outweighed by the significant benefits of the employment creation.

- 81.4 In relation to traffic generation and effect on highway/pedestrian safety. The Strategic Transport Assessment [EB19] looked at traffic modelling and trip generation for both uses. Whilst the combination of SEA6 and Prologis could mean queuing on the School Lane eastbound approach (paragraph 7.23) would be 'severe', that improvement schemes could be provided and schemes are included in the (Infrastructure Delivery Schedule) [CD9.2] via the development including the provision of a cycle network within the site as well as contributions to links beyond the site to residential areas and toward Bedworth Town Centre (project reference 66) and widening and cycle route on School Lane and Borough wide road infrastructure (project reference 56). For information the employment planning application (039611) has received a no objection from Warwickshire County Council Highways subject to conditions and Section 106 contributions.
- 81.5 According to the Landscape Character Assessment (Feb 2023) [EB19] the site is within the designation of Keresley Urban Fringe and in terms of landscape condition it was considered poor and that the built form should reinforce the character along the edges, with tree and hedge planting and by siting buildings closer to existing development and by enhancing the village

character of Church Lane and St Giles Lane. The evidence base considered the historic landscape was enclosed agriculture with adjacent settlement.

- 81.6 In terms of heritage assets, Historic England's response to the Regulation 19 consultation [CD14] (representation reference 15.25) was that they welcomed the criteria to provide an enhanced buffer to Exhall Scheduled Ancient Monument but requested that a evaluative archaeological recording was included in the criteria. This was included with the suggested additional modifications [CD22] as policy wording as well as the inclusion of supporting text.
- 81.7 In reference to flooding please refer to the Council's response to Question 80.
- 81.8 In relation to pollution, water quality is covered by legislation and any planning approval will have conditions for the submission of Suds. In terms of air quality an Air Quality Assessment was carried out as part of the evidence base [EB12]. This will have included consideration of Coventry City's area wide Air Quality Management Area and used the traffic modelling from the Strategic Transport Assessment to run air quality modelling for 2031 and 2039. In 2031 with the 'do something' scenario for road improvements it was considered that there would be no exceedances or cause any adverse impacts at location of sensitive exposure and the effects of the scenario were judged to be 'not significant' (paragraph G3.14). For 2039 the conclusion was that the 'Do Something' scenario and the 'Do Something' scenario with Mode Shift, would not lead to any exceedances or cause any adverse impacts at locations of sensitive exposure and therefore, the effects of both these scenarios are judged to be 'not significant' (paragraph G3.18). The overall short-term impact was considered in all scenarios to be no predicted exceedances (paragraph G3.20). In addition to this, any planning application will need to conform with the Councils Air Quality SPD (2020)¹⁷.
- 81.9 For information the employment planning application (039611) has received a no objection from Warwickshire County Council Flood Risk Management, and

¹⁷ [Supplementary Planning Documents | Nuneaton and Bedworth Borough Council](#)

which necessitated conditions to prevent increased risk of flooding, to improve and protect water quality and to improve habitat and amenity.

- 81.10 In reference to ecology, a site assessment was carried out in the Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version [EB15]. The site included areas scoring 4 in distinctiveness, but no protected or important species were recorded within the boundary, although there were several protected/important species recorded within 500m of the site boundary. The ecology report encouraged buffers to woodlands, hedgerows and ponds.
- 81.11 In conclusion, it is considered that whilst any new site will impact an area, that the evidence base work and consultation with statutory consultees means that the allocation is justified and reasonable.

Q82. Should the Strategic Policy SEA6 make specific reference to the moat at Exhall Hall and to the need for a hydro-ecological study?

Answer

- 82.1 Core Document [CD1] and Evidence Base Documents [EB15] and [EB17.2] are applicable to this response.
- 82.2 An individual consultation response from the Regulation 19 consultation [CD14] (representation reference 403.2) remarked that the River Sowe ran through the moat of the Scheduled Ancient Monument of Exhall Hall and that pollutants from the development and flooding could ingress the river thereby damaging the moat, structure and earthworks.
- 82.3 A Strategic Flood Risk Assessment Level 1 and Level 2 has been carried out for the Strategic Employment/Housing Allocation. The Level 2 [EB17.2] looked at the specific sites and considered the catchment areas and climate change. No reference was made to potential pollution issues to the river. Policy NE4 refers to the requirement for the submission of a Flood Risk Assessment and Drainage Strategy for any development and which must consider that flood risk will not be increased downstream and that climate change exceedances are included in the design.
- 82.4 The site will require SuDS which will aid water quality and will need to reduce surface water run off to greenfield ratios plus climate change. Any planning applications such as those currently being considered will need to include this and will include conditions that have to be approved by Warwickshire County Council Lead Local Flood Authority. Water quality is also included in Policy NE4, and proposals will not be able to lead to a deterioration of water quality. Proposals will require interceptors to trap any potential contamination within the site.
- 82.5 The Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version (July 2022)

Warwickshire County Council [EB15] did not have any mention in relation to ecological issues to the river corridor. They have been sent the concerns in this question and conclude that:

“Maps would suggest that the moat is likely fed by the Sowe and if directly linked would rise and fall unless there are sluice gates/barriers in place to manage the levels of the moat. I cannot see any ecological issues with the hydrological dependencies”.

82.6 In conclusion there has been no request for such a criterion to be added.

Q83. Part 7 of the policy requires contributions to increase capacity to the sewage treatment works to support growth. This did not form part of the previous adopted policy. What is the reason/justification for this?

The relevant part of the policy states the following:

Policy SEA6 – Bowling Green Lane

7. Suitable sewage connection to the existing foul drainage network and contributions to increase capacity to the treatment works to support growth.

The adopted Local Plan states:

Key development principles

6. Suitable sewage connection to the existing foul drainage network.

Answer

83.1 Core Documents [CD1], [CD9.2] and [CD14] are applicable to this response.

83.2 The Infrastructure Delivery Schedule [CD9.2] (project reference 6) includes information received from Severn Trent Water for improvement works. Work is identified for SEA-3 at Coventry - Finham Sewage Treatment Work expansion and which is to increase capacity to the treatment works to support growth and which they advise will be via developer contributions i.e. Developer Infrastructure Charges at a set rate.

83.3 Severn Trent Water responded at the Publication (Regulation 19) stage [CD14] (representation reference 6.13). and stated:

‘We would like to note that bullet 7 ‘Suitable sewage connection to the existing foul drainage network and contributions to increase capacity to the treatment works to support growth’ would be made through Developer Infrastructure Connection Charges, and we are not expecting additional financial contributions.’

83.4 It is fully recognised that the requirement would not be via a Section 106 contribution but rather through Developer Connection Charges, but it is considered justified to include the information so that anyone developing or buying the site is aware of potential cost implications. Therefore, it is considered that it is appropriate to include in the text.

Issue 5: Other Strategic Allocation

Q84. Is Policy CEM1 soundly based and justified?

Answer

- 84.1 Core Document [CD1] is applicable to this response.
- 84.2 Strategic Policy CEM1 – Land north of Marston Lane, Bedworth seeks to safeguard land for use as a burial ground to serve the Borough's long term burial needs. The latest burial data for the Borough indicates that there are 7 years of burial capacity remaining at Marston Lane Cemetery in Bedworth.
- 84.3 The Council have sought to safeguard further land within the Borough, especially within Bedworth, to meet this need over the plan period. Following the Call for Sites, one site, land north of Marston Road was promoted as a site that could deliver residential development, an extension to the cemetery and relocation or improvement of the existing playing fields. The site is located within the Green Belt, however in accordance with paragraph 149 of the NPPF, cemeteries and burial grounds are listed as exceptions to inappropriate development in the Green Belt.
- 84.4 The safeguarded land incorporates existing play pitch provision, which, in the event that they were required to facilitate burial space in the short term, could be relocated within the site, in accordance with the provisions in Strategic Policy CEM1.
- 84.5 The Council considers this allocation is soundly based as it seeks to safeguard land to meet the long terms needs for burial land within the Borough.