



The Planning Inspectorate

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# **Report to Nuneaton and Bedworth Borough Council**

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 09 April 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Nuneaton and Bedworth Borough Plan**

The Plan was submitted for examination on 6 June 2017

The examination hearings were held 30 August 2017 - 1 September 2017, 20 February 2018 - 22 March 2018 and 19 February 2019.

File Ref: PINS/W3710/429/2

## Abbreviations used in this report

AQAP	Air Quality Action Plan
AQC	Air Quality Consultants
AQMA	Air Quality Management Area
CWSEP	Coventry & Warwickshire Strategic Economic Plan
DCLG	Department for Communities and Local Government
DPD	Development Plan Document
DtC	Duty to Co-operate
EDS	Economic Development Strategy
EGA	Ecology and Geodiversity Assessment 2016
ELMOU	Employment Land Memorandum of Understanding
GTAA	Gypsy and Traveller Accommodation Assessment
GTSAP	Gypsy and Traveller Site Allocations Plan
HMA	Housing Market Area
HIA	Health Impact Assessment
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Coventry and Warwickshire Local Enterprise Partnership
LWS	Local Wildlife Site
MM	Main Modification
NBBC	Nuneaton and Bedworth Borough Council
NBBP	Nuneaton and Bedworth Borough Plan
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SAC	Special Area of Conservation
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNPP	Sub-National Population Projections
SOCG	Statement of Common Ground
TCAAP	Town Centres Area Action Plan
UAoHN	Updated Assessment of Housing Need
WCC	Warwickshire County Council
WCML	West Coast Main Line
WMS	Written Ministerial Statement

In addition to the abbreviations presented above, this report includes examination library document references, for example [D7] or [NBBC/72].

## **Non-Technical Summary**

This report concludes that the Nuneaton and Bedworth Borough Plan provides an appropriate basis for the planning of the Borough, provided main modifications (MMs) are made to it. The Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council and were subject to public consultation over a twelve-week period in late 2018. In some cases, I have amended the detailed wording where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To increase the overall levels of development to at least 14,060 homes and some 107 hectares (ha) of employment land to meet the Borough's needs as well as identified unmet needs from neighbouring Coventry.
- To amend the housing trajectory so that it meets the Borough's objectively assessed need for the period 2011-2018 and then steps up from that point to meet Coventry's established unmet need. In addition to the stepped trajectory to clarify that the shortfall accrued prior to 2018 will be recovered over the plan period (the Liverpool method) to secure realistic and sustainable rates of delivery.
- To allocate an additional housing site at the former Hawkesbury Golf Course (Proposed Site HSG12) via an alteration to the Green Belt boundary.
- To allocate an additional employment site as an extension to Prologis Park at Keresley (Proposed Site EMP3) via an alteration to the Green Belt boundary.
- To include additional policies on ensuring housing delivery and Plan Review.
- The inclusion of concept plans and the requirement for masterplans for some larger strategic allocations including revised access arrangements for Arbury (HSG2) and Bedworth Woodlands (HSG4).
- Various modifications to individual development management and site-specific policies.
- A new policy on healthy food environments, focusing on hot food takeaways.

## Introduction

1. This report contains my assessment of the Nuneaton and Bedworth Borough Plan (NBBP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and updated in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that plans submitted on or before 24 January 2019, such as the NBBP, are to be examined against the provisions of the 2012 NPPF. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to July 2018.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The publication version of the NBBP submitted in June 2017 is the basis for my examination. It is the same document as was published for consultation in January 2017.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
5. Following the main examination hearings, the Council prepared a schedule of proposed MMs and updated the sustainability appraisal. The MM schedule was subject to public consultation for twelve weeks in late 2018 and further hearings were held in February 2019 on various MMs. I have taken account of the consultation responses as well as submissions at the hearings in coming to my conclusions in this report. I have made some amendments to the detailed wording of MMs where these are necessary for consistency or clarity. None of my minor amendments to the wording of MMs significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
6. A small number of proposed main modifications, on further reflection, would not materially affect the interpretation or implementation of policies in the Plan and therefore it would not be necessary for me to recommend for soundness. These proposed modifications are: MM5, MM31, MM39, MM94, MM105, MM106, MM118, MM121 and MM169. In my view, these proposed

changes can be reasonably categorized as additional modifications to the Plan and therefore it would be a matter for the Council as to whether it wishes to make these changes to the Plan.

7. In light of the updated highways evidence and associated land take at Bedworth Woodlands (HSG4) submitted after consultation on the proposed main modifications I am not able to recommend MM60 and the capacity of the site should remain as submitted at circa 689 dwellings. Additionally, having regard to the comments made on the capacity of Golf Drive (HSG9) in the main modifications consultation I cannot recommend MM84 and as such the capacity of the site should remain at circa 621 dwellings as submitted.

## **Policies Map**

8. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Publication – Proposals Map 2017 [D2.1].
9. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, some of the published MMs to the Plan's policies, including the addition of allocated sites, require further corresponding changes to be made to the policies map. These further changes were published for consultation alongside the MMs as an appendix document and clearly cross-referenced in the main schedule of MMs. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
10. When the Plan is adopted, to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Publication Proposals Map 2017 and the further changes published alongside the MMs.

## **Consultation**

11. The pre-submission consultation was held over a 6-week period between 31 January and 13 March 2017. Notwithstanding that community representatives organised their own consultation events in early 2017, I nonetheless consider that the Council's consultations have met the legal requirements as set out in the Regulations<sup>1</sup> and the local standards set out in the Council's Statement of Community Involvement 2015 (SCI). Various means of commenting on the 2017 publication version of the Plan were provided as required (as summarised in the Table on pages 8-10 of the Council's Regulation 22c Consultation Statement [D8.1]). Whilst not every affected community received a specific public event or meeting in early 2017, I am satisfied that the Council undertook a proportionate consultation effort which went beyond the minimum legal requirement.

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<sup>1</sup> Town & Country Planning (Local Planning) (England) Regulations 2012

12. In terms of the effectiveness of the consultation, there is no substantive evidence that notable numbers of people have been prevented from commenting on the published Plan in early 2017. Nearly 4,000 duly-made representations were received on the published Plan, which is a significant number. The vast majority of these representations (3,200) used template forms prepared and circulated by community representatives which the Council processed as individually made representations. Those with an interest in the Plan were given appropriate opportunity to submit representations and participate in the hearings.
13. With regards to the proposed apportionment of Coventry's unmet housing need through the Coventry and Warwickshire Memorandum of Understanding (MOU) in 2015 there is nothing in this approach which indicates that the need for public participation in decision-making on matters of environmental governance has been disregarded. The citizens of Coventry and Warwickshire, including within Nuneaton and Bedworth, have had the opportunity to participate through relevant Local Plan consultations and examinations<sup>2</sup> on the household projections and associated evidence including the sub-regional MOUs on housing and employment. Coventry's housing need and unmet requirement was found sound in October 2017 having regard to the MOU. The proposed MMs to meet the full apportionment of unmet housing and employment needs from Coventry have been subject to sustainability appraisal (SA) and Habitat Regulations Assessment (HRA) which accompanied the consultation on the proposed MMs.

### **Sustainability Appraisal and Habitats Regulations**

14. Sustainability Appraisal (SA) has been carried out at each stage of plan preparation. Issues of coverage and consistency have been addressed during examination and considerable updates to the SA report produced in January 2018 and in September 2018. In terms of the timing of the outputs, SA is an iterative process that has informed the contents of the Plan. Some representors have argued that not all reasonable alternatives have been subject to SA. However, the Council can exercise its discretion in deciding what the reasonable alternatives may be. I am satisfied that the Council has exercised this discretion in a reasonable way. Overall, I find the SA has been adequate in terms of its purpose and generally accords with Paragraph 152 of the NPPF and the content in Section 11 of Planning Practice Guidance (PPG).
15. The Habitats Regulations Assessment (HRA) Screening Report – November 2016 [D3] sets out why an Appropriate Assessment is not necessary and Natural England supports this. An update of the HRA to accompany the MM consultation has taken account of the judgement by the Court of Justice of the European Union in the case of *People over Wind, Peter Sweetman v. Coillte Teoranta* and reaffirmed that the conclusions of the 2016 HRA remain valid.
16. A number of proposed housing and employment allocations in Nuneaton would be close to the Ensor's Pool Special Area of Conservation (SAC), a small body of water designated as a 'refuge' site for a population of Annex II species white-clawed crayfish (the qualifying feature). Recent trapping and dive

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<sup>2</sup> Stratford (September 2014-June 2016), Warwick (January 2015-July 2017), Coventry (April 2016 – October 2017), Nuneaton (June 2017 onwards) and Rugby (July 2017 onwards)

surveys undertaken on behalf of Natural England have revealed that the population of crayfish no longer exists, likely to be the result of biosecurity issues (crayfish plague). Natural England have therefore confirmed (February 2016) that a conclusion of no adverse effect on the integrity of the SAC can be made at the NBBP level. That does not remove the future scope for project level HRA and Policy NE3 would apply in that scenario.

## **Assessment of Duty to Co-operate**

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
18. In dealing with the Duty to Co-operate (DtC) there is a careful distinction to be made between the legal aspect of the Duty and separate, but often inter-related, aspects of plan soundness. Other cases of failures to meet the DtC were submitted to the examination including the high court judgment in *St Albans*<sup>3</sup> which helpfully sets out the legal framework. It is important to have in mind that it is a duty to co-operate, not necessarily a duty to agree.
19. The Council has provided a record of its engagement with neighbouring Councils and relevant statutory authorities through a DtC Statement [OTH/1]. Extensive supplementary evidence<sup>4</sup> has been provided during the examination demonstrating the Council has been an active participant of various strategic groups and bodies relevant to plan preparation. This evidence shows clear engagement and cooperation during the preparation of the Plan including on strategic cross-boundary matters such as infrastructure, the local economy, a jointly commissioned Green Belt Review Study and a jointly prepared Strategic Housing Land Availability Assessment (SHLAA) methodology. Accordingly, on most strategic issues there is confirmation of coherent cross-boundary activity and outcomes, including with neighbouring authorities in Leicestershire.
20. The principal duty to co-operate issues relate to unmet housing and employment needs arising from Coventry, an adjacent authority within the same wider Housing Market Area (HMA) and functional economic area. Importantly, the Council is a signatory of the Coventry and Warwickshire employment land MOU (ELMOU) agreeing to meet an apportionment of Coventry's unmet need. This demonstrates that there has not been an in-principle resistance by the Council to the re-distribution of unmet needs.
21. On the disputed ability to accommodate unmet housing need, the Council has accepted that the Borough is part of a wider Coventry and Warwickshire HMA. To this end, the Council has been a cooperative partner in commissioning and accepting joint Strategic Housing Market Assessment (SHMA) outputs since 2013 (as evidenced through NBBC/12). Importantly, the Council has consistently sought, as a minimum, to meet its own full housing need as identified through this joint working.
22. To sustainably distribute Coventry's un-met need the HMA authorities conceived a MOU which was finalised in Autumn 2015. Plan examinations elsewhere in the HMA have found the MOU an effective mechanism for this

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<sup>3</sup> R. (OAO St Albans City and District Council) v. SSCLG and others ([2017] EWHC 1751)

<sup>4</sup> Documents NBBC/04, 08, 09, 11 and 12

strategic cross-boundary matter and so do I. Whilst at the time of submitting the NBBP, all HMA authorities had signed the MOU, except Nuneaton & Bedworth, the Council has not disputed the mechanism of the MOU, which provides further distinction from other cases where the legal DtC has failed.

23. In not signing the MOU prior to submission the Council cited supply capacity issues in its ability to meet 4,020 homes from Coventry. This represents a very significant 40% uplift on the Borough's own objectively assessed need and given the small area of the Borough and extent of Green Belt, the Council's cautiousness has not been unreasonable.
24. I recognise that the other HMA authorities were, prior to submission, stern in their criticism of the Council's approach in not meeting the full share of Coventry's unmet needs, including legal DtC objections. This is not determinative given the evidence that the Council has been a cooperative partner, at no point disputing the HMA wide need and accepting the principle that it should accommodate a share of Coventry's unmet need (as evidenced in statements to Warwick and Coventry Plan examinations). The scale of Coventry's unmet need was only found sound after NBBP submission with the publication of the Coventry Inspector's Report in October 2017. More broadly the MOU underplays Nuneaton's cooperative outlook in that declining demographic need in the Borough between the 2012 and 2014 projections has, in effect, been offset by accommodating more of Coventry's unmet need to keep individual Borough apportionments the same<sup>5</sup>. The Council has been co-operative in the redistribution of unmet needs across the wider HMA.
25. Between the intended submission version of the Plan in 2015 and the final publication version of the Plan in early 2017 the Council identified it had capacity to accommodate 2,330 homes of the 4,020 unmet need. This is an appreciable proportion. Additionally, the Council's unambiguous position<sup>6</sup> has been that if it could evidence additional housing land capacity it would seek to meet the full unmet need. The Council has not been an uncooperative authority.
26. Since submission of the NBBP the other HMA authorities have withdrawn their legal DtC objection. Again, this is not determinative, but it is a material consideration. In arriving at this position, the other HMA authorities consider the Council has made efforts to engage on finding a constructive outcome on housing supply capacity. Timing is critical, and I am mindful that such engagement must have occurred prior to submission. The evidence is that the Council has proactively held dialogue with its neighbours before this Plan was submitted, expressing an optimistic attitude that matters of supply capacity could be resolved based on updated monitoring outputs for the 2016/17 period. There is no dispute that the various key meetings took place in Spring 2017, prior to submission, as presented in the records provided [summarised in OTH/01 and NBBC/12].
27. To some extent, with more time, it may well be that the supply capacity position would have been clarified and settled prior to submission. Whilst it is clearly the case that some of the outcomes which one would expect of the DtC

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<sup>5</sup> NBBC's need decreased from 10,040 to 9,400 on the 2014 projections, whereas Coventry's increased from 42,400 to 47,230.

<sup>6</sup> NBBC/06, NBBC/07, NBBC/24 and OTH/01

have only become formalised once the Plan was in examination I am under no doubt, however, that this scenario stems from engagement that occurred pre-submission. In January 2018 the Council signed the housing distribution MOU [NBBC/37]. The timing of this does not represent a belated compliance with the DtC, it is the outcome of ongoing dialogue and work stretching back over the past couple of years.

28. I was invited to draw parallels to the recent St Albans case but for the reasons set out above I find the circumstances in Nuneaton and Bedworth to be materially different. Accordingly, I arrive at a positive conclusion that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the legal DtC has been met.

## **Assessment of Soundness**

### **Background**

29. The Examination hearing sessions were held in two stages. The first stage in August 2017 looked at the legal DtC, other procedural matters, housing need and, in broad terms, housing supply capacity. A report summarising my findings was provided to the Council on the 19 September 2017. At that stage I identified some notable shortcomings in the submitted NBBP on housing provision, the site selection process and the housing trajectory. Accordingly, additional work was required to ensure a robust supply of deliverable and developable sites could be identified to meet the full objectively assessed need. A second stage of hearings in February and March 2018 considered all proposed sites and policies and the updated evidence. A third stage of hearings was held in February 2019 to consider the responses to the proposed main modifications, particularly in relation to the proposed additional housing allocation at the former Hawkesbury golf course and the proposed access arrangements for the Bedworth Woodlands housing allocation.

### **Main Issues**

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 11 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main issues of soundness rather than responding to every point raised by representors.

### **Issue 1 – Are the Strategic Objectives for the Borough effective and justified and is the proposed Plan period justified and consistent with national policy in terms of an appropriate time scale?**

#### *Strategic Objectives*

31. The strategic objectives of the Plan are comprehensive and reflect the key issues for the Borough as evidenced through the comprehensive sustainability appraisal reports and the core evidence base. There are some Sites of Special Scientific Interest (SSSI) in the Borough which are designated for their geological or geomorphological features as well as other local sites of geological interest. The relevant strategic objectives should be amended to include a reference to geodiversity and I recommend **MM2** and **MM4** for effectiveness and consistency with national policy.

### *Plan Period*

32. The submitted plan period of 2011-2031 is consistent with other Local Plans in the Coventry and Warwickshire Housing Market Area and key elements of the joint evidence base. There are still some 12 years of the plan period left. The NPPF at paragraph 157 advises that Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. Paragraph 157 does not stipulate the time horizon is to be regarded as post adoption only. The remaining plan period still represents a considerable period against which to deliver various requirements which have been objectively assessed against forecast needs to 2031. There is no need to extend the plan period.
33. In any event, Local Planning Authorities (LPAs) are now required by law to review whether there is a need to update strategic policies in the Plan on a five-yearly basis. Bearing in mind the 2019 NPPF, the latest methodology to establish local housing need and the requirement to ensure a deliverable supply of housing land, these factors come together to justify the Council committing to a "comprehensive review" of the Plan before 31 March 2023. This is a shorter period than the legislated 5 years, but I consider it necessary for soundness so that a review can be aligned quickly to updated assessments of needs across the wider housing market area, any further Green Belt assessment and the ongoing monitoring of housing delivery. I therefore recommend a new policy for an earlier Plan Review through **MM30** as being necessary for effectiveness.

### *Conclusion on Issue 1*

34. Subject to the modifications identified the strategic objectives and plan period are justified and consistent with national policy.

### **Issue 2 – Is the spatial strategy, including the over-arching approach to Green Belt, sound?**

35. The Plan at Policy DS2 sets out the settlement hierarchy and the roles of the Borough's settlements in contributing to the overall strategy for managing development in the Borough over the plan period. As submitted the strategy for housing, employment and service provision assigns a primary role to Nuneaton as the focus for most development, a supporting role to Bedworth and Bulkington and a local role to Keresley and Ash Green/Neal's Green.

### *The role of Nuneaton and whether the extent of non-Green Belt land to the north of the town supports an alternative spatial strategy*

36. Given the scale of Nuneaton including its town centre, key services such as the George Eliot Hospital and higher education and its role as a transport hub for bus and rail services, the approach to Nuneaton in Policy DS2 is justified. This is explained in detail in the submitted Accessibility and Settlement Hierarchy Study 2011 [L1] and 2013 Locality Hierarchy Study [L3]. Nuneaton provides good opportunities for improved containment between homes and jobs and where residents have considerable scope to travel other than the private car.
37. In terms of accommodating growth, the town already hosts most of the consented supply of housing and employment land. There is nothing in the submitted Infrastructure Delivery Plan (IDP) or from key stakeholders that

there are insurmountable infrastructure constraints to support additional sustainable growth.

38. In terms of environmental capacity, there are flood risk issues arising from the River Anker and Wem Brook but sequentially there are significant areas of land at the lowest level of risk. The town and its immediate hinterland contain very few designated sites. The Grade I Listed Arbury Hall and its separately listed registered parkland grounds to the west of Nuneaton do not present a significant bearing on the town's ability, in principle, to accommodate appreciable levels of growth. This is soundly evidenced through the comprehensive Borough Plan Heritage Assessment 2016 [J7.1-7.4].
39. The significant issue for future growth in Nuneaton is the fact that land north of Nuneaton comprises the principal undeveloped area of the Borough that is not Green Belt. Unsurprisingly it has been a consistent area of focus and to some extent provides a logical direction of growth during the plan period. Whilst it can accommodate an appreciable proportion of the Borough's growth to 2031, there are sound reasons why the Plan should not allocate further development in this direction.
40. On submission, the Plan allocated 3,331 homes on land north of Nuneaton. Through subsequent consents to 1 April 2018 this number has increased to 4,419 homes. Broadly, this one location already accounts for nearly a third of the housing requirement. The land identified in the Plan is well-related to existing housing and forms the next logical extension to the town at this location as evidenced through the SHLAA and SA. Accordingly, additional peripheral areas of land would be further removed from existing jobs and services in Nuneaton and planned facilities yet to be built north of Nuneaton including the link road and additional schools. Additional peripheral development at this location would result in a disjointed and unsustainable pattern of development.
41. There also needs to be realism about what can be delivered in one sizeable direction of growth. Whilst past build out rates are to be treated with caution, expanding north of Nuneaton yet even further would result in a scale of development well beyond what the market has previously sustained, even in buoyant years. As submitted the allocation north of Nuneaton is already dependent on a significant number of outlets sustaining near maximum delivery rates. Additionally, there would be infrastructure trigger points and a need for a sustainable sequencing of development. Releasing additional non-Green Belt land to the north of the town, beyond that already identified, would not be a reasonable alternative to significantly boost delivery than what is proposed in the submitted plan.
42. Moreover, extending further into the area of non-Green Belt land to the north of Nuneaton would result in peripheral growth some distance from the town centre, the larger employment sites to the south of the town, the hospital and from good transport links to Coventry. The latter is significant given a key element of the housing requirement is meeting the City's unmet needs. The result would be a 'top-heavy' spatial strategy well beyond reasonable cycling distances and direct public transport linkages to Coventry. It would not be a sustainable pattern of development or the most appropriate strategy.

43. Additionally, further growth north and east of Nuneaton would create potential for Nuneaton and Hinckley to coalesce with the risk of a loss of identity and erosion of some of the remaining openness and landscape setting between the two towns. Whilst I accept development already extends along the A47 Hinckley Road/the Long Shoot there is in places a lack of consolidation which provides a reasonable degree of separation.
44. I have taken account of the evidence on the development potential on sites within the built-up area, regeneration initiatives and the amount of undeveloped and vacant employment land. The Council has undertaken solid assessments of land supply, applying reasonable judgements, including through the employment land review and SHLAA. Realistic estimates of urban capacity have been accounted for and employment land with no reasonable prospect of delivery reassigned for alternative uses (including housing). The forthcoming Town Centres Area Action Plan (TCAAP) is better placed to determine town centre potential including for residential.
45. Accordingly, none of these factors avoid the need to consider altering the Green Belt boundary at the southern edge of Nuneaton if the town is to sustainably fulfil its role in the settlement hierarchy.
46. In particular, for Nuneaton to fully perform as the main location to support growth of the local economy and to tackle job quality and pay, then land options to the south of the town would be required. This would reflect that most of the sustainably located non-Green Belt land to the north is already committed for housing together with the evidence in the Local Enterprise Partnership's Strategic Economic Plan and the Council's Economic Development Strategy of strongest demand for additional land being well-related to the M6. In Nuneaton's case this would need to involve land on the southern side of the town close to the A444, consolidating recent employment growth at Bermuda Park. This area is accessible by the new rail station and programmed for further connectivity enhancements through improvements to the A444 and the Bermuda Connection project [OTH/59].
47. The Green Belt to the south of Nuneaton largely comprises open countryside albeit with elements of quarrying and strands of linear development. The Green Belt separates Nuneaton from Bedworth and Bulkington, it also serves as a break between the Attleborough and Whitestone parts of Nuneaton and Hinckley and Bramcote. The Joint Green Belt Study 2015 generally presents a mixed assessment of the performance of Green Belt to the south of Nuneaton against the five purposes in the NPPF.
48. From the evidence before me, including my observations, the principal purposes of Green Belt here are to prevent neighbouring towns merging into one another (mainly Nuneaton and Bedworth), check unrestricted sprawl and safeguard the countryside from encroachment. That said, the urban edge of Nuneaton already has a marked influence on many fringe parcels of Green Belt, including the immediately adjoining countryside character. Carefully located development would not result in neighbouring towns merging and only have a moderate effect on the two other principal purposes of Green Belt. Overall, Green Belt does not preclude the consideration of alterations to boundaries, particularly for well-contained parcels of land at the existing urban edge south of Nuneaton.

49. Consequently, in strategic terms, exceptional circumstances do exist to alter the Green Belt at Nuneaton as part of the most appropriate strategy for the Plan to secure the most sustainable pattern of development.
50. In bringing this altogether, Policy DS2 is justified in identifying Nuneaton at the top tier in the settlement hierarchy and assigning it a primary role in meeting development needs. Reasonable choices have been made in considering the capacity of non-Green Belt options in and around Nuneaton, but this does not remove the need to consider Green Belt locations to the south of Nuneaton if development needs are to be met sustainably.

*Role and Scale of development in Bedworth*

51. The second largest settlement in the Borough is the town of Bedworth. The town benefits from direct rail links to both Coventry and Nuneaton, is within reasonable cycling distance from large parts of north Coventry, provides significant employment and in addition to the town centre, accommodates a good level of service provision including, amongst other things, education, health and leisure. It is a sustainable location for additional housing and employment growth.
52. On submission the Plan at Policy DS2 described Bedworth as having a supporting role within the settlement hierarchy. Similar phrasing applied to the nearby large village of Bulkington. Given Bedworth's evidenced capacity to support growth, including additional employment development close to the M6, and the scale of housing allocation proposed in the Plan for the town, it is necessary for a distinction to be made between Bedworth and Bulkington for the Plan to be effective and justified. **MM6** and **MM7** would clarify that Bedworth is the second-tier settlement in the hierarchy with a commensurate level of employment, housing and service provision and I recommend them accordingly.
53. In terms of fulfilling its spatial role, particularly as an employment base close to the M6, it is important to note that the town is virtually encircled by Green Belt including by very narrow margins between its southern edge at Exhall and the M6 and northern fringe of Coventry at Longford. The only edge of Bedworth which is not Green Belt is at Bedworth Woodlands to the north-west of the town. Part of this area forms a proposal in the submitted Plan. Consequently, at a strategic level there would be insufficient non-Green Belt capacity for Bedworth to accommodate a scale of development that appropriately reflected its ability to sustainably accommodate identified development needs.
54. The Green Belt around Bedworth largely comprises open countryside with scattered peripheral development and former industrial activities (such as mining). The M6 and proximate edge of Coventry are significant urbanising influences on Green Belt parcels to the south of the town. The Joint Green Belt Study 2015 generally presents a mixed assessment of the performance of Green Belt around Bedworth against the five purposes in the NPPF.
55. From the evidence before me, including my observations, the principal purposes of Green Belt here are to prevent neighbouring towns merging into one another, check unrestricted sprawl and safeguard the countryside from encroachment. As with Nuneaton above, many parcels of Green Belt at the

edge of Bedworth are strongly related to existing urban development and have a limited relationship to a wider countryside character. Carefully located development would not result in Bedworth merging with Nuneaton, Bulkington and parts of Ash Green and Keresley. Overall, Green Belt does not preclude the consideration of alterations to boundaries, particularly for well-contained parcels of land at the existing urban edge south of Nuneaton.

56. Therefore, in principle, at a strategic level there are exceptional circumstances for considering altering the Green Belt around Bedworth. Given the proximity of Coventry and the City's unmet needs being a key component of the scale of development planned for, it is appropriate that options to the south of Bedworth should be the focus. The Joint Green Belt Study presents mixed findings in relation to the function and character of Green Belt parcels around Bedworth such that at a strategic level the performance of the Green Belt is not a moratorium on additional growth.

#### *Role and Scale of Development in Bulkington*

57. Bulkington is a large village with a population of just over 6,000 (2011 Census) and like the rest of the Borough it is within the Coventry Travel to Work Area. It has a reasonable range of facilities, including primary education, doctors, shops for day-to-day needs, pubs and hot food outlets and a well-used community centre. Whilst it does not have significant employment opportunities and does not have a rail station, jobs and rail services in Bedworth are within a reasonable cycling distance and the village has regular and direct daily buses to Coventry, Bedworth and Nuneaton. At a strategic level Bulkington is a sustainable location in the Borough.
58. The village is surrounded by Green Belt, the principal purposes of which are to prevent merging with the neighbouring towns of Bedworth and Nuneaton, check unrestricted sprawl and safeguard the countryside from encroachment. To some extent the West Coast Main Line (WCML) to the west of the village would serve as a strong existing feature that would contain additional development close to the existing settlement without sprawling into the countryside or resulting in coalescence with Bedworth. Elsewhere, more careful site selection is required but given the relatively modest scale of development for Bulkington it would only have a moderate effect on the three principal purposes of Green Belt applicable. Again, the Joint Green Belt Study's assessment of the performance of Green Belt does not preclude consideration of Bulkington as a location for some additional development.
59. The Green Belt around Bulkington largely comprises open countryside with scattered peripheral development and former industrial activities (such as mining). The M6 and proximate edge of Coventry are significant urbanising influences on Green Belt parcels to the south of the town. The Joint Green Belt Study 2015 generally presents a mixed assessment of the performance of Green Belt around Bedworth against the five purposes in the NPPF.
60. As set out above, it would not be justified to present Bulkington as being on a par with Bedworth. It would be justified to assign Bulkington a tertiary role in the hierarchy for a scale of development that would support its role as a sustainable, larger village. This would be encompassed within **MM6** and **MM7** and I recommend them accordingly.

*Role and Scale of Development on the 'Northern Fringe' of Coventry*

61. Ash Green, Neal's Green and parts of Keresley are situated very close to the urban edge of the northern fringe of Coventry. I recognise that the narrow green wedges of open countryside to the south of the M6 which separate these communities from Bedworth, the M6 and parts of Coventry are important to local communities. Nonetheless, the proximity of urban Coventry and the M6 are palpable. These are not detached, isolated settlements. The submitted plan appropriately responds to this and allocates an appreciable area of land at Pickards Way (EMP2) for primarily employment purposes. Other non-strategic sites are proposed for additional housing. During the examination, the Council also proposed to reinstate the employment land extension at Prologis Park in this part of the Borough.
62. As submitted, I do not consider that the submitted Plan adequately reflects the proposals for appreciable land releases in this part of the Borough. Consequently, **MM6** and **MM7** would be needed to make the Plan justified and effective in setting out that the 'Northern Fringe' of Coventry is clearly part of the submitted spatial strategy.
63. This is a part of the Borough where the Green Belt applies to any open land between settlement and M6. There is no scope to consider non-Green Belt options here such that I am satisfied that exceptional circumstances do exist in considering a modest role in meeting some housing and employment needs close to the edge of Coventry whilst striking the right balance in retaining those parcels of Green Belt that in the Joint Green Belt Study perform stronger against the five purposes.

*General Approach to Green Belt*

64. As set out elsewhere, the Council has been party to the preparation of a Joint Green Belt Study 2015 [P2.1] prepared for the Coventry and the Warwickshire authorities. The study has thoroughly and systematically appraised individual parcels of Green Belt land. Table 3.2 of the Study presents a clear audit line of how the review criteria stem from the five Green Belt purposes in the NPPF and how those criteria translate into a transparent scoring system. The methodology has been found sound elsewhere in the HMA and overall, I too find the Study to be a robust and proportionate piece of evidence that informs the demonstration of exceptional circumstances.
65. In considering the study and the Council's position as summarised at paragraph 2.97 of the Housing Topic Paper [NBBC/33] it is reasonable given the scale of need for housing and employment, that all deliverable "low" performing Green Belt sites should be considered for their development potential. Clearly the individual qualities of a particular Green Belt parcel is only one consideration and alignment to the most appropriate strategy to secure a sustainable pattern of development is also critical in determining whether exceptional circumstances exist as per paragraph 84 of the NPPF.
66. The scale of need is such in the Borough (factoring in Coventry's unmet need) that there are not enough low performing parcels. Accordingly, the Council has been justified in considering low-to-medium performing parcels and within those areas where the purpose and function of the wider Green Belt parcel was not unduly compromised, particularly in relation to preventing

neighbouring towns merging into one another and checking unrestricted sprawl. I consider this an appropriate approach in establishing exceptional circumstances. Furthermore, it is important not to lose sight that high performing parcels of Green Belt are not being contemplated as part of this Plan. As a consequence of the Plan's proposals 41% of the Borough (3,275 ha) would remain Green Belt.

67. The permanence of Green Belt must be given great importance. However, similar substantial weight applies to meeting the needs for homes and jobs in a way which addresses climate change through sustainable patterns of development. It is a balance which can be tested as part of preparing Local Plans. It is not the case that Green Belt boundaries are immutable. As demonstrated through the Joint Green Belt Study, SHLAA, ELR, SA and Housing Topic Paper, the Council has examined all reasonable non-Green Belt options and demonstrated these would be insufficient to meet the need identified. Other recent Local Plans in the same HMA have found exceptional circumstances to alter the boundaries of the West Midlands Green Belt. The submitted NBBP is not out of step with neighbouring authorities.
68. Policy DS7 sets out the approach to Green Belt including the identification of those areas of land where the Plan would result in alterations to the Green Belt. This needs to be updated as a consequence of other proposed modifications and I recommend **MM27** and **MM28** accordingly for effectiveness.

#### *Conclusion on Issue 2*

69. Subject to the modifications identified, the spatial strategy and general approach to the Green Belt would be sound.

### **Issue 3 – Whether the plan identifies a sound assessment of the overall level of housing need and the need for affordable housing and sets an appropriate housing requirement.**

#### *Introduction to the OAN*

70. The 2015 SHMA reflects the 2012-based Office for National Statistics (ONS) subnational population projections (SNPP) and 2012-based CLG household projections as is also described as the 'Updated Assessment of Housing Need' (the UAoHN). The SHMA was supplemented by a further HMA wide report in 2016 (the JGC Report [document S13]) which analysed key data from the 2014-based population and household projections. It does not review or revise key assumptions on the OAN applied in the 2015 SHMA. The outputs of the JGC report identify that whilst there has been a slight change at the individual authority level, the overall objectively assessed need for the HMA has remained consistent between the 2012 and 2014 projections. Accordingly, the current round of Local Plans in the HMA have progressed on the 2015 SHMA outputs. It is reasonable that the NBBP is similarly prepared.
71. The PPG advises at Paragraph 2a-016-20150227 that it is not always necessary to review matters each time household projections are published. There is cogency to the submission that because the 2012 and 2014 based projections result in similar HMA outputs, there is, in practice, little rationality

to revisiting the distribution. Whilst Nuneaton's OAN goes down slightly from 10,040 to 9,400, Coventry's unmet need goes up such that, under the functional relationship methodology used, the overall housing requirement for the Borough would remain similar.

72. The updated 2016-based population and household projections were published by the Office for National Statistics (ONS) in 2018. As raised through the MM consultation process, these show a reduction in projected housing need for the Borough such that the exceptional circumstances for Green Belt alterations are further disputed. The 2016-based projections have generated reflection on the appropriateness of the ONS' methodology for household projections and particularly the use of two historical points (2001 and 2011) rather than longer trends to project household formation rates. This feeds into wider considerations on how the 2016-based projections align with stated national objectives to deliver at least 300,000 homes a year to address housing affordability such that the Government has advised against the use of the 2016-based projections. On this basis, the 2014-based projections (and earlier) remain a valid starting point for assessing housing need. Additionally, given that the Borough is part of a wider housing market area, it would be premature to consider adjustments in one authority area.

#### *The Housing Market Area*

73. The Borough is evidently part of a wider housing market area (HMA). The key dynamic is the relationship with Coventry as evidenced by household migration and contextual data (for example travel to work area boundaries). It is therefore consistent with paragraph 159 of the NPPF to derive an understanding of the housing needs for the area from a SHMA which has assessed the full housing needs within the wider Coventry-Warwickshire HMA<sup>7</sup>. Whilst I acknowledge that socio-economic factors such as house prices and incomes suggest Nuneaton and Bedworth is at variance with other parts of the wider HMA, there is insufficient evidence, when looking at the guidance on defining HMAs<sup>8</sup>, to conclude that the Borough is a stand-alone HMA.

#### *Demographic starting point*

74. The demographic based need for Nuneaton is 423 dwellings per annum applying the 2012-based household projections. As paragraphs 47 and 159 of the NPPF make clear, the housing needs are those of the HMA. At an aggregate level the housing needs of the HMA have changed very little between the 2012 and 2014 based projections such that the latest jointly prepared SHMA retains individual authority apportionment based on the 2012-household projections. As such I find the 423 dwellings figure to be positively prepared and sound but any further upwards adjustments to this starting point will require careful consideration.

#### *Adjustments to the demographic starting point*

75. The rate at which new households form is an important consideration but the evidence, principally in UAoHN [S12], has appropriately considered the extent to which household formation appears to have been suppressed. Additional

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<sup>7</sup> As advised at PPG paragraph 2a-008-20140306

<sup>8</sup> PPG Paragraph 2a-011-20140306

analysis in the JGC Report on the 2014 based households [S13] finds similar. The evidence indicates that suppression is relatively modest in Nuneaton. There are inter-relationships with affordability and household formation rates and the 2015 SHMA identifies a logical and reasonable link between affordability/the supply of affordable housing and household formation rates for the 25-34 age group. In basic terms an improvement in affordability and the supply of affordable housing is likely to result in some recovery in household formation rates.

76. The UAoHN has looked at longer term trends by way of a sensitivity analysis to the official projections and this is presented at Table 47. The analysis has also considered the issue of unattributable population change. The sensitivity analysis is robust and that there are margins of error around the official projections which could be from -13% to +20% either side of the SNPP. These are extremes, and in my view unlikely to materialise such that I find the approach of applying the 2012-household projections provides a justified starting point for considering housing need.
77. In respect of migration, there are sensitivities around the 10-year migration trends as summarised at Figure 10.3 of the JGC Report. The difference between the official projections and the application of 10-year migration trends is slight such that the official projections remain reasonable to use in the analysis. The 2015 SHMA is to be considered robust in this regard and accordingly there is no need to make a further adjustment.

#### *Market signals*

78. The 2015 SHMA has assessed the range of market signals set out in the PPG. To improve affordability in the Borough, the 2015 SHMA presents a modest adjustment of 6 dwellings per annum. Whilst marginal, the output is consistent with the SHMA methodology to meet HMA wide need, as found sound in other parts of the HMA, and would be reasonable.
79. Given the higher 2012 demographic starting point, further uplifts for affordability would be difficult to justify. It is also important to bear in mind other uplifts to the household projections for future jobs. Clearly a positive adjustment for one factor can have simultaneously positive benefits for other factors. As such consolidating individual adjustments could lead to significant and unjustified uplifts. In respect of Nuneaton, the combined adjustments in the 2015 SHMA would represent a 19% uplift on the demographic starting point of 423 dwellings per annum (dpa). Furthermore, the resultant combined OAN of 502 dwellings per annum is 44% above the 2014-based household projections presented in the JGC report. On these measures the Plan will improve affordability and the modest adjustment of 6dpa for market signals would be justified.

#### *Future jobs*

80. It is clear from the issues facing the Borough that there does need to be an increase in knowledge-based employment opportunities, a re-balancing of the extent of out-commuting to work in Coventry, other parts of Warwickshire and Leicestershire and a need to address issues of deprivation and low wages in the Borough. The 2015 SHMA considers the level of housing needed to support

workforce growth indicated by employment forecasts would be 496 dwellings per annum equating a 73dpa uplift on the demographic starting point.

81. In terms of the reasonableness of the approach of translating jobs growth data into growth in the labour force the commuting ratio of the 2011 Census has been realistically held constant to 2031 at 1.33. The economic-led housing need figure has also been derived from a more accurate blending of actual demographic data from 2011-2014 and then projecting employment forecasts from 2014 onwards. The 2015 SHMA confirms that the various forecasts for Nuneaton and Bedworth (Experian's 2013-based forecast, Cambridge Econometric's 2013 and 2015 based forecasts and Oxford Economics 2013-based forecast for the Nuneaton and Bedworth Employment Land Review 2014) are relatively similar to one another and that the economy and labour market of the Borough is closely affiliated to that of Coventry. The forecasts generally cluster around 0.6% per annum growth rate equating to a job growth of 4,800 jobs between 2014 and 2031. This equates to the need for 496 homes and is the highest of all the scenarios considered.
82. Whilst the WMCA SEP [OTH/04] presents higher employment growth across wider LEP areas it does not present detailed consideration to individual local authority performance. SEPs are intrinsically optimistic and aspirational documents in terms of their outlook on future growth prospects. Additionally, forecasting employment growth is complex. For the 2015 SHMA, a number of estimates from established forecasting houses have been considered and these have generated a range of growth estimates. This demonstrates that there is no single straightforward or absolute forecast. When taking account of all available evidence, the 2015 SHMA is optimistically realistic when considering the number of new homes needed to support strong employment growth in the Borough. Accordingly, the 73 dpa adjustment is soundly based.
83. The upshot of this is that the Borough is in effect, through the adjustment of 73 homes per year to support further economic growth in the Borough, meeting unmet need from Coventry given the strong functional alignment of the local economy north of the city. This further illustrates the degree to which the NBBP is cooperating in supporting the wider housing needs of the HMA.

#### *Other local circumstances*

84. Reference has been made to Brexit and the general effects on future levels of net in-migration from European Union countries and wider implications on economic performance. The 2014-based household projections already factor in an adjustment that net in-migration trends are likely to fall such that I consider the HMA wide OAN to appropriately reflect this. At this stage the effects of Brexit on population and the economy remain uncertain and complex. Non-EU migration, which has been rising, is also part of the equation. Accordingly, it would be untimely to make further adjustments to the OAN for Brexit.
85. The Borough is not immune from general trends of an ageing population, with the 2015 SHMA forecasting that the population aged 60-74 is expected to increase by 23.7% over the plan period and population over 75 to increase by nearly 88% in the same period. National and local strategies seek to maintain

independence and to support residents to continue living in their own homes. There is insufficient understanding as to what the effects of down-sizing and need for specialist and support accommodation mean for churn in the housing market. The 2013 SHMA indicates a need for 2,231 extra care housing units in the Borough. NBBP Policies H1 and TC3 support the provision of additional housing for elderly within the general range and mix of housing to be provided and specifically on suitable sites close to town centres where there are services and public transport. Accordingly, there is no need for the OAN to be specifically adjusted for older persons housing.

### *Conclusions on OAN*

86. From the evidence before me, I am satisfied that the adjusted OAN of 4,277 dpa for the wider HMA and the 502dpa for the Borough are justified. Overall, the OAN of 10,040 dwellings for the Borough over the plan period is soundly based. This figure is the minimum to meet local demographic needs, ensure growth in future jobs can be supported and help balance the housing market, including improving affordability. There are not the specific local circumstances which would support a higher housing need figure.

### *Accommodation needs of Gypsies and Travellers*

87. The submitted Plan is supported by a Gypsy, Traveller and Travelling Show People Accommodation Assessment 2016 (the GTAA) [document Q3]. This has been prepared in accordance with the Government's Planning Policy for Traveller Sites 2015 (PPTS). Applying the latest planning definition, the GTAA identifies a need for 39 permanent pitches and 5 transit pitches over the plan period. In order that the Plan is positively prepared it would be necessary that Policies DS4 and H3 express the requirement as a minimum and **MM9** and **MM132** would do that respectively and I recommend them accordingly.
88. Since the GTAA was prepared the 2016 Housing and Planning Act introduced the need to conduct a wider assessment of all caravan and houseboat accommodation needs, not just those from Gypsy and Traveller ethnicities. Such an assessment would take considerable time. This would be a matter for Plan review.
89. The identified need for Gypsies and Travellers factors in the potential for 20 permanent pitches through a combination of authorising provision at Parrotts Grove and reasonable assumptions of the turnover of pitch provision at the authorised site in Nuneaton<sup>9</sup>. In the short term there is no identified need for net additional permanent pitches by 2021/22, nonetheless the Council has provided evidence that permissions for 7 permanent pitches have recently been granted in the Borough (application refs 032595 and 035177). The Council's proposal to find new sites for at least 19 permanent pitches and 5 transit pitches through a separate Gypsy and Traveller Site Allocations Plan document (GTSAP) is reasonable. The Council is making progress on the GTSAP in accordance with the LDS and has carried out initial consultations together with a further call for sites in 2018. The NPPF and PPG (paragraph 12-012-20140306) allow for multiple plan documents. **MM133** would clarify that Policy H3 would also be used to determine windfall proposals and I recommend it for effectiveness. Consequently, I consider the submitted Plan

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<sup>9</sup> GTAA 2016 (Document Q3, paragraph 10.6)

is sound in its overall approach in establishing and planning for the accommodation needs of Gypsies and Travellers.

### *Translating the OAN into a Housing Requirement*

#### *The validity of, and appropriate response to, Coventry's Unmet Needs*

90. The overall OAN for the Coventry and Warwickshire HMA is 4,277 dwellings per annum. Through the various iterations of the SHMA, Coventry on its own accounts for almost half of the housing need in the HMA. The forecast population growth in Coventry over the period 2011-2031 is high at 32% (comparing with Birmingham 16% and Nuneaton & Bedworth at 8%). The OAN for Coventry has recently been found sound, nonetheless, because of its ramifications for surrounding areas and in light of updated evidence, I have looked at matters relating to: (1) actual birth rates 2014-2016; (2) significant variations between 2001 and 2011 estimates; and (3) net international in-migration and international student retention.
91. On the first two issues relating to birth rates and variations in trends, national policy advises that the starting point in forecasting housing need is to apply the latest household projections. The PPG advises that these are to be considered statistically robust. Based on everything that is before me there are no compelling reasons to deviate from the officially produced projections on these points.
92. In relation to net in-migration I note that it is a significant issue for Coventry, generally running at about 4500 per annum<sup>10</sup>. It is one element of Coventry's population growth change, with the statistics showing that increases from natural change are also a significant factor in Coventry's forecast population growth. As set out elsewhere household projections already assume a fall in levels of international migration.
93. I have been directed to various documentation including latest statistics being collected under the exit checks programme which show that 96% of non-European Economic Area visas (for study, work or family visits) departed on time and there was no extension to stay. The Home Office report [OTH/19] describes these as "experimental statistics" (page 3). I also note the ONS is looking at the reliability of estimates of international emigration from the International Passenger Survey as well as grappling with the issue of "graduate" destinations, recognising that the existing methodology around health registration may have weaknesses resulting in over-estimating populations. Nonetheless, the various evidence including submissions from academics and the ONS about potential anomalous attributes in Coventry's population and household projections, it is not sufficiently advanced or conclusive to justify selectively unpicking Coventry's established and tested OAN, which has recently been examined in detail and found sound. In coming to this view, I have also had regard to the contrary submissions of others that net international migration may be conservatively estimated<sup>11</sup>. Again, the balance lies with the officially based ONS household projections being considered statistically robust.

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<sup>10</sup> Document OTH/20 ONS Projections by District – 2016 (Submitted by CPRE)

<sup>11</sup> Barton Willmore – Coventry & Warwickshire HMA OAN Evidence Review [OTH/05]

94. Notwithstanding the recent approvals of student flats in Coventry, the SHMA has appropriately considered student accommodation, and the overall housing need remains. Accordingly, the resultant shortfall of 17,800 homes in Coventry which the Joint Committee of Coventry, Warwickshire and South-West Leicestershire in 2015 sought the MOU to address is soundly based.
95. In distributing Coventry's unmet need, the methodology applied through the MOU is a functional relationship based on gross migration flows and two-way commuting relationships. In applying these factors with equal weighting, the average percentage of migrating and commuting flows was 32.3% for Nuneaton and Bedworth, the second highest after Warwick at 39.37%. This functional relationship methodology is appropriate if a wider sustainable pattern of development based on aligning homes, jobs and established travel patterns in the HMA is to be secured. Overall, the apportionment of 4,020 homes of Coventry's unmet need to Nuneaton & Bedworth is soundly based.
96. The housing requirement on submission was 13,374 homes which included a 10% allowance for flexibility to deliver the NBBC OAN, amounting to 1,004 dwellings. The benefits of such a buffer would be desirable, however it is essential that identified unmet HMA needs are met in the first instance. Consequently, the 10% flexibility allowance within the submitted housing requirement would not be a justified starting point.
97. Additionally, during the examination the Council has revisited its supply and since late August 2017 it has been able to demonstrate a supply over the plan period in excess of 15,000 homes. Accordingly, I find the submitted housing requirement of 13,374, which was considered to reflect capacity constraints, would not be justified, positively prepared or consistent with national policy and therefore would not be sound.
98. Therefore, I recommend for the Plan to be sound, that the housing requirement is modified to reflect the 4,020 homes of unmet need arising from Coventry, increasing the overall target to at least 14,060 homes over the plan period. **MM9, MM10** and **MM18** would reflect this in Policy DS4 (Overall Development Needs) and its associated monitoring target and I recommend them accordingly.

#### *Affordable Housing*

99. The 2015 SHMA identifies a need for additional affordable housing across the HMA. The Council has considered the need for affordable housing further in a background paper [document S2] which identifies a need for affordable housing of between 195 and 320 per annum. Looking at past delivery and viability considerations the identified Borough OAN is unlikely to meet this need.
100. In meeting a proportion of Coventry's unmet needs the resultant average annual requirement increases to some 700 dwellings per annum. Annual delivery will need to be higher than this, because of the shortfall in delivery that has accrued since 2011, against the Borough's own OAN. Delivering in excess of 700 homes per annum represents a significant boost in housing delivery compared to recent past completion rates. It will improve general affordability and increase the delivery of affordable homes. The housing requirement is to be expressed as a minimum such that additional 'windfall'

sources of supply are also likely to assist the delivery of affordable housing. Increasing the annual average requirement above 700 dwellings per annum to improve affordable housing delivery would be difficult to justify against past delivery rates. Moreover, increasing the housing requirement further would result in rates of development that are unlikely to be delivered or that would secure a wider sustainable pattern of development having regard to the available SHLAA and SA evidence.

*More recent evidence on housing need and housing requirement figures.*

101. The revised NPPF, states that, other than in exceptional circumstances, a new standard method (detailed in revised PPG) should be used to determine local housing needs. For Nuneaton and Bedworth, the standard method currently indicates a need for 385 dpa for the period 2016-2026. This is materially lower than the 502dpa OAN on which the plan is based. However, the revised NPPF makes clear that a plan already submitted for examination should be examined against the 2012 NPPF.
102. The lower local housing need is a reflection that the most recent 2016-based ONS population projections indicate lower population growth in the Borough than that on which the 2015 SHMA was based. However, such projections would still need to be considered against potential uplifts for household formation, economic growth and affordable housing. There would still be a matter of potential unmet needs from neighbouring authorities. Considering these matters would inevitably take a considerable amount of time. If the completion of plan examinations were to be delayed each time new evidence is published few plans would ever be adopted. Whilst future reviews of the plan will be likely to need to take account of it, it is not necessary for the plan to be modified at this stage to reflect the new standard method for soundness.

*Conclusion on Issue 3*

103. The full OAN of 10,040 homes over the period 2011-2031 for the Borough is based on reasoned judgement of the evidence and is sound. In order for the Plan to be sound, the proposed distribution of 4,020 homes of the unmet need within the wider HMA to 2031 resulting in adjusted housing requirement to 14,060 would be necessary. This revised figure of 14,060 has been subject to an assessment of capacity and supply, including updates to SA. In any event it is only moderately higher than the submitted Plan's target to deliver 13,374 homes.

**Issue 4 – Does the plan comply with national policy, the spatial strategy, and the evidence base in identifying the proposed housing sites? Are the submitted allocations requiring Green Belt alterations justified by exceptional circumstances?**

*General Approach to Site Selection*

104. On submission, the sustainability appraisal (SA) [D6] set out various options to meet the housing requirement including 12 shortlisted sites presented as either preferred sites or reasonable alternatives with associated detailed assessment, including non-strategic sites, at appendices D and E of the SA. On submission the SA was informed by the 2016 SHLAA [S8], which at

Appendix 3 presents a matrix of available sites which were assessed by the SA. This includes those strategic sites that have been carried forward into allocations as well as omitted sites.

105. During the examination the Council prepared a Housing Topic Paper [NBBC/33] on which comments were invited in late 2017 and was tested through the Stage 2 Hearings in February 2018. The paper appropriately justifies the site selection process when read in conjunction with the SA, SHLAA and Joint Green Belt Study. I am satisfied that the Council's SHLAA and SA processes have been thorough and that the planning judgements applied in determining which sites to take forward have been generally sound. The Council's approach also follows the joint SHLAA methodology [S7], which has been found sound elsewhere in the HMA. Overall, the Council has adhered to the relevant guidance in Section 3 of the PPG on housing land assessment, including the methodology outlined at paragraph 3-006-20140306.
106. The inclusion of Green Belt alterations for five strategic housing sites at a relatively late stage of plan preparation and the inclusion of 23 non-strategic sites (including two Green Belt alterations) between the submission version of the Plan in October 2015 and the publication version of the plan in January 2017 has created concern about the audit trail and site selection process. There is nothing unsound, however, about the relatively late inclusion of additional supply capacity which has involved some difficult choices to ensure housing needs are met through a sustainable pattern of development.
107. To assist the examination, the Council produced an additional SHLAA follow-up-schedule in 2017 [NBBC/10] which amplifies why certain sites were not taken forward. The Housing Topic Paper further elaborates on site selection and an updated SHLAA in 2018 [NBBC/70] updates the land availability picture. The judgements applied will not always be agreed particularly where sites are not proposed for allocation, but I am satisfied that the Council has taken a proportionate and realistic view of suitable and appropriate housing land options in the Borough.
108. The capacity of the proposed strategic allocations has been calculated applying reasonable density multipliers. This results in specific figures and only in a handful of cases should these be regarded as the number to plan for, for reasons set out below. In all other cases the plan should be positively prepared by expressing that the numbers are to be regarded as minima and I deal with the necessary MMs below on a site by site basis. In respect of HSG10 in Nuneaton and HSG5 in Bedworth these are the only modifications necessary for soundness and so I recommend **MM68** and **MM90** accordingly.

#### *Housing Sites in Nuneaton*

##### *HSG1 North of Nuneaton*

109. The site comprises an amalgam of completions, sites with planning permission and a remaining balance to be allocated. Through this process the capacity of the site, originally presented at 3,331 dwellings, has appreciably increased and as such the submitted Plan is no longer sound. To make the Plan effective and recognise its full potential during the Plan period I recommend **MM20** and

**MM32** which would clarify that the revised capacity of this strategic location over the plan period would be a minimum of 4,419 dwellings.

110. It is the largest development site in the plan with key initial phases already consented and well under construction. The Plan, however, is to some extent unclear on how future phases of development will come forward in a coordinated manner. I recognise that the general principles in Policy SA1 as well as the detailed content in Policy HSG1 will combine to secure sustainable development but requiring a concept plan and policy content requiring remaining development to come forward in accordance with that plan would be necessary to make the Plan effective and avoid potentially haphazard outcomes on such a strategically important site. I therefore recommend **MM33-35**.
111. The delivery of a connecting link road through the site is critical as identified in the Infrastructure Delivery Plan (IDP) and the STA. It is necessary to ensure the highway impacts on the wider surrounding road network, including the nearby A5, would not be severe. It would bind together distinct phases of the development east and west of Higham Lane, ensuring good connectivity especially for public transport and for integrated pedestrian and cycle linkages. The connectivity of the site and the wider highway network would also benefit from a new junction onto the A5 at the Callendar Farm part of the site. To reflect this and secure more effective outcomes at HSG1 I recommend **MM36** and **MM40-41**.
112. As submitted the Plan contains a landscape buffer between the northern edge of HSG1 and the A5 beyond which, by a narrow margin, is the Borough boundary with extensive countryside beyond. The landscape buffer is largely informed by the Landscape Capacity Study [T13] which places an emphasis on the openness of land above the 90metre AOD contour and views across the Anker valley, particularly towards 'Mount Judd', a conical man-made spoil heap. The area to be protected by the buffer is no different in landscape character from the wider countryside east of the A5. The submissions that the buffer would protect the remaining countryside in this part of the Borough ignores the fact that countryside and landscape washes over artificial administrative boundaries. There are no special landscape qualities that support particular protection for this area which is already influenced by inter-visibility with the existing urban edge of Nuneaton and sporadic development along the A5. The policy for HSG1 as submitted requires public open space and appropriate landscape treatment along its northern edge, I consider this a justified approach.
113. In terms of views over to Mount Judd and the Anker valley, these are generally intermittent and very likely to be affected by the extent of HSG1, including development on other parts of the site at Top Farm on land which would exceed the 90m AOD contour. Overall, the sizeable landscape buffer at HSG1 is not justified or consistent with national policy and I recommend **MM37-38** and **MM42** which would remove the proposed landscape buffer and requirement to retain land above 90m AOD for open space.

*HSG2 Arbury (proposed alteration to Green Belt)*

114. The site is currently Green Belt comprising a mainly open and large-scale patchwork of arable farmland bounded by existing development to the north and east, Harefield Lane (and Bermuda Park commercial area beyond) to the south and Spring Kidden Wood to the west. It is a contained site and its development in line with the allocation would not represent unrestricted sprawl or result in coalescence with neighbouring settlements. The proposal would result in the loss of open countryside but given existing urban features adjoining the site any harm arising from this loss would be only moderate and demonstrably outweighed by the wider public benefit of providing needed housing at the principal settlement in the spatial strategy.
115. The site would be of a scale to generate its own social infrastructure and would also be within walking and cycling distances of local services and facilities including Nuneaton town centre, the George Eliot hospital and substantial employment areas to the south of the town. It would be accessible by existing bus routes along Croft and Heath End Roads and is of a scale to support and sustain future internal bus services around the development. The site would be within reasonable and safe walking and cycling distance of Bermuda Park station. This connection should be reinforced in the Policy through **MM46** for effectiveness. It is a sustainably located site and would contribute to a sustainable pattern of development. Overall, when all these factors are taken into consideration and balanced, alongside the strategic factors discussed under Issue 2 above, there are the necessary exceptional circumstances to justify altering the Green Belt boundary at this location.
116. The site adjoins Arbury Park registered parkland and grounds containing the Grade I listed Arbury house and the separately listed grade II\* tea-house within the grounds as well as non-designated heritage assets at Coton Lawn within HSG2. The Heritage Assessment [J7.1] accompanying the plan appropriately sets out the assets, their significance, the contribution of HSG2 and the potential impacts. From the heritage assessment and from my observations the site HSG2 would harm the setting of the II\* registered parkland and gardens and result in the loss of non-designated heritage assets of low significance.
117. The Heritage Assessment at Section 5.5 identifies how proposals at HSG2 could maximise enhancement and minimise harm and these have generally been embedded into policy. **MM49** and **MM52** would clarify the scope to secure appropriate measures and commitments for an asset management plan for the Estate as identified in the SOCG with Historic England [OTH/42] and I recommend them for Plan effectiveness.
118. There would be no inter-visibility from either the immediate setting of Arbury Hall or the separately listed tea-House. The development would not be conspicuous from the main approach to Arbury through Spring Kidden Wood. Modern arable farming and the existing hard urban edge of Nuneaton has affected the contribution of HSG2 as part of the wider historic setting of Arbury Park. Together with the measures set out in Policy HSG2 on the form of development the harm on the setting of the parkland would be minimised such that any residual harm would be less than substantial. Whilst this harm

has significant weight, it would be substantially outweighed by the wider public benefits of providing needed housing on a sustainably located site.

119. The potential total loss of non-designated heritage assets (Coton Lawn Garden and Coton Lawn Farmhouse) needs to be considered against their low heritage significance. Again, the harm of total loss would be outweighed by the wider public benefit of providing otherwise sustainably located new housing to meet an identified need.
120. The site adjoins Ensor's Pool, a SAC site and Local Nature Reserve and contains other features (veteran trees, ponds and hedgerows) of biodiversity value. None of these environmental attributes indicate the site should not be allocated subject to appropriate layouts and mitigation. **MM50** would clarify the need to protect adjoining LWSs at Spring Kidden Wood and North Woods and I recommend it so that the Plan is justified.
121. The site will require a comprehensive approach including clarification, albeit in indicative terms, of how the site can be connected to the A444 to the south. I accept that there are various peripheral points to the site which could facilitate some early delivery connecting into the existing road network within Nuneaton, but this needs to be coordinated within a wider concept plan. As such I find the lack of a long-term framework including strategic road access, for such a strategic site for the Plan to be ineffective, not positively prepared and therefore not sound.
122. The capacity of the site is indicatively shown as 1,525 dwellings, to be positively prepared this should be expressed as a minimum as per **MM43**. **MM44**, **MM47**, **MM48** and **MM51** would introduce a broad concept plan for the site, showing an indicative route for the strategic access road and require development to come forward through a masterplan in accordance with the concept plan. All are necessary for Plan effectiveness and I recommend them accordingly.
123. The need for the road is explained in the assumptions underpinning the STA ([Z5] paragraphs 4.9-4.10, page 32). The road would require traversing Green Belt land, primarily in close proximity to existing commercial uses and land restored from former mining activity. It is balanced as to whether the road would be local transport infrastructure under paragraph 90 of the NPPF given its potential to function as an alternative local distributor road connecting to Heath End Road but alternatively for similar reasons as set out above, exceptional circumstances to alter the boundary of HSG2 to include the road corridor exist. **MM45** would necessarily confirm the distributor link road function including necessary connectivity to the A444 and relate it to the concept plan.

*HSG3 Gipsy Lane (proposed alteration to Green Belt)*

124. The site is bounded by housing to the north and east, the Coventry Canal and proposed Faultlands employment site (EMP1) and Bermuda Park employment area beyond to the west and Gipsy Lane to the south. It is a well-contained site such that development here would not result in unrestricted sprawl, result in merging with Bedworth or encroach into the wider countryside. It is a sustainably located site within walking and cycling distance of local services

and facilities including major employment areas. It would contribute to a sustainable pattern of development. Gipsy Lane would form a clear, defensible boundary to the south. Accordingly, taken together with the strategic factors discussed under Issue 2 above, exceptional circumstances exist to alter Green Belt boundary at this location.

125. To be positively prepared the capacity of the site should be expressed as a minimum and **MM53** would do that. To secure appropriate connectivity and sustainable outcomes the policy should specify through **MM55** that the layout of the site will secure effective cycle network connections to the adjoining EMP1 allocation given the volume and speed of traffic on Gipsy Lane. Gipsy Lane will need improvements and it is justified that these works are implemented at an early stage and take account of mature highway trees at this location. **MM54** would do this and I recommend it, so that the Plan is justified and effective.
126. The HSG3 development should make the most of the attractive feature of the adjoining Coventry Canal and ensure the structural integrity of the canal is preserved and valued habitats along its route are successfully incorporated and enhanced. **MM58** would secure this within policy and I recommend it for effectiveness. The existing Turnover bridge provides a point of connection over the canal to the EMP1 site. As set out under main issue 6 below, the suitability of using and adapting the heritage bridge remains to be determined and as such a fall-back position of securing an alternative bridge crossing needs to be embedded within policy. Consequently, I recommend **MM56** which mirrors a similar MM for EMP1. I have amended the wording of **MM56** to include navigational safety as a consideration should an alternative bridge be required.
127. Given Policy BE4 references archaeology there is no justification for a particular policy requirement within HSG3 and **MM59** would remove it accordingly. There is also no need for the policy to specifically exclude adjoining land at the Red Deeps/Wem Meadows wildspace which would not form part of the allocation. **MM57** would provide the necessary clarification.

*HSG9 Land at Golf Drive (proposed alteration to Green Belt)*

128. The site is bounded by housing to the south and west and a golf course to the east. Open countryside to the north extends into the plain of the River Anker valley but an established hedgerow along most of the northern boundary which would provide a defensible limit. The site contains buildings at Hill Farm and pylon infrastructure which further reduce any intrinsic landscape value. Although a section of open footpath from Golf Drive across the site would be subsumed within development, the rural character of the extensive network of footpaths beyond to the north would not be affected. The contained nature of the site means that its development in line with the allocation would not result in unrestricted sprawl or wider encroachment into the countryside, with the northern edge of development aligning with housing around Grassington Drive to the west. There would be no coalescence with neighbouring settlements or planned development in Rugby Borough.
129. The site would be within walking and cycling distance of day-to-day services and facilities including a good level of bus services into Nuneaton. It would be

reasonably related to strategic employment on the south side of the town. Overall, it would form a part of a sustainable pattern of development. Accordingly, together with the strategic factors discussed above, exceptional circumstances exist to alter the Green Belt boundary at Golf Drive as submitted.

130. In terms of enhancing the connectivity of the site and securing proportionate and justified infrastructure the policy for the site needs to be modified to include contributions to evening and weekend bus services, specify that off-site highway measures will also include the B4114 corridor and that the principal destinations for cycle path connections are the town centre and Bermuda Park. **MM85-87** would address this and I recommend them so that the Plan is justified and effective.
131. Hill Farmhouse is a Grade II listed building perched on a slight promontory looking over the plain of the Anker valley. Development of HSG9 would adversely affect the setting of this building although existing urbanising features, such as the pylons, already compromise its original rural setting and thus limit the harm. In this case, subject to appropriate mitigation, the harm would be less than substantial and would be outweighed by the considerable wider public benefit of providing needed housing at a sustainable location. Having regard to the Heritage Assessment accompanying the Plan the policy should be clearer in requiring a buffer to protect the setting of the farmhouse and **MM88** would be necessary for the Plan to be justified. Accordingly, the capacity of the site is unlikely to exceed the 621 homes identified by the Council.
132. HSG9 is one of the larger housing sites in the Plan. In terms of ensuring coordinated development including further detail on access arrangements, it would be justified for the policy to require a concept plan to be submitted to demonstrate how the site can come forward and to be used as a basis for assessing future proposals. This would not be onerous or unduly delay development and accordingly I recommend **MM89** for Plan effectiveness.

#### *HSG11 Tuttle Hill*

133. The extent of the allocated site in the Plan is justified, taking account of highways arrangements and neighbouring uses. That said, with further work, there may well be additional potential at this previously-developed location and accordingly, it is necessary that HSG11 is modified to be expressed as "at least 200 dwellings" as per **MM91** so that the Plan is positively prepared.
134. In terms of delivery of the site it would not be justified to require the site to deliver a new bridge over the WCML. **MM93** and **MM95** would clarify that the site can contribute towards delivery of a good quality cycle connection via Stoney Road using the existing underbridge to link to Sustrans route 52 and public open space in Weddington. This would be a justified and proportionate approach. There is repetition in the submitted policy on contributions to bus services and infrastructure and **MM92** would address this so that the Plan would be effective.
135. The site is positioned to the east of Coventry Canal and represents a significant opportunity to enhance the setting of the Canal and the gateway into Nuneaton for users of this waterway. It would be justified to require

through the policy that development addresses the canal, making the most of a waterfront context, and as such secure enhancements to the towpath along the site boundary. **MM96** and **MM97** would do this and I recommend them accordingly.

### *Housing Sites in Bedworth*

#### *Bedworth Woodlands (HSG4)*

136. The extent of the proposed allocation has been appropriately scaled back from earlier versions of the Plan. This approach is justified by the landscape quality, including the cohesive condition of the remnant features of the Arden Forest landscape, and various heritage assets immediately to the north and north-west of the proposed HSG4.
137. The submitted site is not subject to any designations where the NPPF states that development should be restricted<sup>12</sup>. The submitted policy for HSG4 sets out an extensive list of site-specific criteria which appropriately reflects the comprehensive landscape, ecological and heritage evidence underpinning the Plan as it relates to Bedworth Woodlands. In respect of the ecological value of the site, there is no need for development to encroach into the Flash Meadow LWS and **MM63** is necessary in setting out the retention of this site. Additionally, the policy needs to remove specificity in terms of how ecological impacts can be mitigated. **MM64** would do this and I recommend it for effectiveness and consistency with national policy.
138. There is no justification to require development at this location to secure an asset management plan for the Arbury Estate including any heritage assets at risk. **MM67** would remove the reference and I recommend it so that the Plan is justified and effective. The site contains areas of medieval ridge and furrow including two areas which are reasonably well-preserved. These are non-designated heritage assets which the Heritage Assessment [J7] ascribes 'medium' value. A balance needs to be struck and given the wider public benefit of the housing need it would be justified and consistent with national policy to retain this ridge and furrow "where possible", including incorporating it into green infrastructure. **MM62** would introduce the qualification (consistent with Policy SA1) and I recommend it accordingly.
139. Highways access to the site is a significant issue. On Plan submission, the principal means of highway access, as evidenced through the STA, was to be taken from a new junction on the A444 opposite Sutherland Drive. This involved land outside of the allocation and the control of the landowners and would not be deliverable. Subsequently, WCC has adequately demonstrated through further assessment work [NBBC/62] that the existing local highway network can only accommodate the trip generation from some 170 dwellings before further interventions are required. This is disputed but further assessment work [NBBC/77] clearly shows that without a northbound connection onto the A444 traffic levels through Bedworth Town Centre and northbound on the B4113 to Nuneaton would be severe. The potential effects on air quality in Bedworth, given the evidence [NBBC/55] also support the need for a northbound connection onto the A444.

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<sup>12</sup> NPPF paragraph 14, footnote 9

140. A revised access arrangement has been prepared [plan ref VD18716-SK01 A, NBBC/62]. This would be within the allocation and whilst highways orders would be required the proposed scheme is necessary to avoid a severe impact on the highway and ensure the site is deliverable. The route would pass near to the rear of properties on Woodlands Road but there would remain a reasonable degree of separation and scope to consider noise mitigation as part of detailed proposals.
141. The proposed access would involve the loss of some well-preserved ridge and furrow in the south-east corner of the site. The area lost would be significant, but some areas would be capable of retention as part of the green infrastructure for the site. Whilst the Heritage Assessment recommends that this area should be retained, I note there is no public access or visibility from a public vantage point and the setting of this small area is somewhat compromised by the proximity of existing housing and the A444. Whilst I attach significant weight to the loss of some of the ridge and furrow as a non-designated heritage asset this harm would be less than substantial and outweighed by the significant public benefit of meeting an identified housing need and creating a form of access which is necessary to access the site and remove appreciable traffic from the town centre.
142. WCC have estimated initial costs for the indicative route at no less than £2.62million and likely to be more, others suggest the scheme is likely to be in the region of £4million. The Council's plan-wide viability work has assessed the site and bearing in mind the other infrastructure costs associated with the site, the revised highways arrangement is likely to push the scheme to the margins of viability in the absence of any public contribution towards the northbound connection to the A444<sup>13</sup>. It is a balanced situation, but I note from the wider viability work that even only small increases in sales values would have a noticeable positive impact on viability such that over time development would be viably able to support the revised access arrangements. To ensure there is a reasonable prospect that the highways infrastructure is delivered in a timely fashion Policy HSG4 should be accompanied by a concept plan to illustrate the proposed highway access and a requirement that development should come forward in accordance with the concept plan. **MM61, MM65** and **MM66** would do this and I recommend them all accordingly so that the Plan is justified and effective. I have amended the wording of **MM66** slightly to reflect the updated wording from NBBC following the February 2019 hearing which provides necessary clarification.

*Hospital Lane (HSG5) (proposed alteration to Green Belt)*

143. The site is currently Green Belt on the western edge of Bedworth, bounded by housing to the north, east and in large part to the south. Hospital Lane to the west forms a readily recognisable and permanent physical feature. Pylons across part of the site provide a further urbanising influence. Accordingly, whilst there would be a loss of openness, development would not represent unrestricted sprawl, there would be no merging with nearby settlements and Hospital Lane would prevent encroachment into the wider countryside to the

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<sup>13</sup> NBBC/85

west. The site therefore performs only moderately against the purposes of Green Belt.

144. Day-to-day facilities are within reasonable walking and cycling distances. The site is well-connected to employment and Bedworth Town Centre by existing bus routes and the surrounding road network and layout of the site would support further bus provision. At a more local level, the site would be well-related to the employment allocation at Bowling Green Lane EMP7. It would therefore form part of a sustainable pattern for development. Consequently, together with the strategic factors discussed above, exceptional circumstances exist to alter the Green Belt boundary at Hospital Lane as submitted to provide for at least 398 needed new dwellings.

*School Lane (HSG6) (proposed alteration to Green Belt)*

145. The site is highly contained by development and part crossed by pylons. Visually and perceptibly, in large part due to the presence of the adjoining M6, it does not form part of a wider, evident openness separating Bedworth from the northern fringe of Coventry. Heading north from Coventry on the B4113 there is a continuous frontage of development on the east side of the road such that to a noticeable extent Coventry and Bedworth (Exhall) already merge at this location. The HSG6 site would consolidate development but, in the context of the existing degree of enclosure by the M6 and existing commercial development at School Lane and Coventry Road, there would not be unrestricted sprawl and the wider countryside would be not encroached upon. As such, the site performs only very partially against the purposes of Green Belt.

146. In terms of securing a sustainable pattern of development, the site would be well-related to day-to-day services facilities by walking and cycling, frequent bus services along the B4113 corridor and significant employment at Bayton Road and through proposed sites EMP2, EMP6 and EMP7. There are no statutory environmental designations and no reason why habitats and any protected species cannot be addressed through other policies of the plan. Similarly, the proximity of the M6 does not preclude the principle of residential development subject to design, layout and other forms of mitigation. Overall, the site is well placed to contribute to a sustainable pattern of development and together with the strategic factors discussed above, exceptional circumstances exist to alter the Green Belt boundary on this part of School Lane.

147. The STA identifies potential mitigation measures and the multifaceted highway modelling behind the STA has not underestimated network capacity of the locality and performance in the peak periods. The precise timing of mitigation will depend on when development comes forward and updates in modelling to reflect latest travel behaviours. The impact of HSG6 alone, or in combination, can be reasonably mitigated and the residual impact would not be severe.

148. On submission the site was intended to provide 388 dwellings across a wider site. The western portion of the site is under the control of a landowner who does not wish this part of the site to be developed and for it to be retained as Green Belt. As such a wider allocation as submitted would not be justified,

even when taking account of the potential for the Council to use compulsory purchase powers.

149. Consequently, the Plan should be modified to reflect a reduced site comprising the eastern half of the site. The remainder of the site should be left as Green Belt. Given the sustainable location of the site and the scale of nearby commercial buildings, the site could reasonably support a higher density scheme at around 50 dwellings per hectare to offset the reduction in capacity such that the site could still yield at least 220 dwellings. Accordingly, **MM69** is necessary to amend the boundary of the site and **MM20**, **MM70** and **MM71** would reflect the revised capacity and I recommend these MMs so that the Plan is justified and effective. **MM72** would also be necessary to effectively safeguard established trees on the site within the proposed development.

### *Housing Sites in Bulkington*

#### *Bulkington East (HSG7) (proposed alteration to Green Belt)*

150. The site comprises two parcels of land, a field north of Arundel Road and a field east of Lancing Road on land which rises up to Bramcote Close and Long Street. Both are within wider Parcel BU1 in the Green Belt Study which scores moderately well against Green Belt purposes. On closer inspection, both parts of HSG7 would not result in restricted sprawl, merging with neighbouring settlements and the southern part of the site is largely experienced as a field adjoined by housing, such that it has a limited relationship to the wider countryside. The northern field on the other hand is perceptibly part of the wider countryside stretching over the shallow valley towards Bramcote. However, it is particularly contained by established hedgerows and trees such that any intrusion into the wider landscape would be limited. The site is within walking and cycling distance of services and facilities and accessible to regular bus services through the settlement. It is sustainably located and would form part of a pattern of sustainable development. Overall, the necessary exceptional circumstances to alter the Green Belt boundary exist.

151. The transport implications of the proposed allocations at Bulkington have been subject to further analysis through updates to the Paramics modelling in January 2018 (NBBC/41) which reasonably demonstrate that, subject to mitigation, there would be no severe impact on the safety or performance of the highway network. **MM74** would be necessary to confirm that HSG7 should make a proportionate contribution to off-site highway mitigation identified in the updated January 2018 testing and I recommend it so that the Plan would be justified and effective. **MM77** would reflect the evidence from the highways authority that it supports the main access points from Nuneaton Road and Lancing Road. This would not negate the consideration of Bramcote Close as an alternative point of access to the southern part of the site.

152. The site would accommodate nearly 200 dwellings and I recommend **MM73** to clarify that the capacity of the site in the Plan is to be treated as a minimum in order to be positively prepared. The site should make proportionate contributions to community facilities and healthcare provision in line with the evidence in the IDP. **MM75** and **MM76** would introduce the requirements into Policy HSG7 and I recommend them both.

*Bulkington West (HSG8) (proposed alteration to Green Belt)*

153. The site is bounded to the south by housing along the B4109 Coventry Road and to the west by the WCML. To the east is the existing settlement edge of Bulkington which is generally on rising land above the proposed allocation such that the settlement edge is already relatively exposed and pronounced in the wider landscape. There is already some development in the area including a short length of established two storey housing development on the old Bedworth Road and a recent residential scheme at Weavers Close where the B4029 crosses the WCML, including some prominent three storey buildings. Consequently, HSG8 would not result in unrestricted sprawl, the merging of Bulkington and Bedworth or encroachment into the wider countryside.

154. I note that the northern boundary of the site is at present a post and wire fence within a wider fabric of open fields. To ensure compliance with NPPF paragraph 85 the boundary needs to be strengthened at this point so that it correlates with the adjoining boundary at Mill Lane. To do this, the policy should require boundary strengthening through a new green edge and given the topography of the site this location would be appropriate for open space provision. I therefore recommend **MM83** for Plan effectiveness and ensure consistency with national policy.

155. Development on this side of Bulkington would be close to services and facilities in the village and within reasonable walking and cycling distance of Bedworth including the rail station and a secondary school. Overall, HSG8 would form part of a sustainable pattern of development and taken together with the strategic factors discussed above, exceptional circumstances exist to alter the Green Belt boundary at this location.

156. As with HSG7, to be justified and effective, the policy content of HSG8 needs to reflect updates to the IDP and the January 2018 updated highway modelling for Bulkington in terms of proportionate contributions to infrastructure and, therefore, I recommend **MM79-81**. The site is in various ownerships, particularly to the south of the B4029. Accordingly, the policy should require a concept framework to be agreed so that subsequent proposals, including access arrangements, come forward in a co-ordinated manner to secure the efficient and effective development of the allocation. **MM82** would strengthen the policy in this regard, although I note the northern parcel of the site (north of the B4029) may well be capable of coming forward in isolation given it is slightly detached from the wider allocation. **MM78** would clarify that the site capacity at 495 dwellings is to be regarded as a minimum. I recommend both MMs so that the plan is positively prepared and effective.

*Non-Strategic Housing Sites*

157. The Plan allocates a number of smaller non-strategic housing sites through Policy DS5 and presents them in detailed plan form at Appendix A of the Plan as well as on the Policies Map. The SA has been subsequently updated to individually appraise these sites [document NBBC/36]. Whilst this is retrospective, it nonetheless demonstrates that the proposed non-strategic housing sites would contribute to the most appropriate strategy. A number of the sites will have local biodiversity and heritage considerations, including the setting of the Coventry Canal, and as such mitigation would be required in

accordance with other policies of the Plan. **MM21** would introduce additional text to this effect within Policy DS5 and I recommend it for effectiveness.

158. Two of the proposed non-strategic sites would involve alterations to Green Belt boundaries and they are appropriately identified in Policy DS7. Site NUN181 at Stockley Road, Bedworth is situated between established housing on Blackhorse Road and recent housing development off Sephton Drive. Existing employment uses and the railway line contain the site to the west and the former Hawkesbury Golf Course is to the north. Existing highway infrastructure at Stockley Road and Sephton Drive already crosses part of the site. In terms of the purposes of Green Belt, the site relates more to the built-up character of this part of Hawkesbury. The site does not function to check unrestricted sprawl, prevent neighbouring towns merging into one another or preserve the setting of Bedworth. Development of the site would not contravene the five purposes of Green Belt. It would make a modest contribution to boosting housing delivery in a sustainable location consistent with the Plan's spatial strategy. As such, and when taken together with the strategic factors discussed above, there are exceptional circumstances for altering the Green Belt here.
159. The second proposed alteration of Green Belt for a non-strategic housing site is Site NUN286/NUN317 at Burbages Lane in Neal's Green. With an estimated capacity of 127 homes it is one of the largest non-strategic sites. The southern part of the site is not in the Green Belt and I note the Council has resolved to grant planning permission for 47 homes on this land subject to a legal agreement. Accordingly, there are considerations as to whether a larger site would enable a more comprehensive and coherent form of development.
160. At present the site is largely to the rear of existing housing on Burbages Lane, however, it would form a relatively compact and logical extension to Neal's Green such that an appreciable finger of Green Belt along the shallow valley containing the A444 would remain. Neal's Green and Longford would not merge and the development of the site, contained by existing boundaries, would not result in unrestricted sprawl.
161. Any loss of openness would be principally experienced from Wheelwright Lane. However, views across the site are limited due to the extent of surrounding development. It is a modest gap in an otherwise continuous built-up frontage. Development of the site would also affect user's experience of the public footpath (Route B18) from Burbages Lane to St Giles Road, however the majority of the route of the footpath beyond the proposed allocation would remain in countryside.
162. The proposed site would accord with the development strategy and enable housing to come forward to meet needs in this part of the Borough. The edge of Coventry is within reasonable walking and cycling distance of the site and employment opportunities are nearby. Good public transport connections by bus link into Coventry. Overall, and when taken together with the strategic factors discussed above, site specific exceptional circumstances exist to justify altering Green Belt boundary here.

#### *Conclusion on Issue 4*

163. Subject to the main modifications identified, I find the proposed housing allocations in the NBBP would be soundly based.

#### **Issue 5 – Whether the Plan will support and maintain a deliverable supply of housing.**

##### *The evidence on housing land supply on submission*

164. On submission the Plan was predicated on not being able to meet in full the identified apportionment of Coventry's unmet needs such that the submitted housing requirement was 13,374 over the plan period. The submitted Plan's trajectory was also based on the situation as of 1 April 2016 and indistinct in terms of the profile of delivery (annualised or stepped) and the inputs to determining whether or not a five-year deliverable supply of housing would exist on plan adoption. It was evident in the very early stages of examination that the housing land supply position was challenging recognising that the April 2016 housing land statement<sup>14</sup> (document S3) revealed that a five-year supply, on an annualised basis, could not be achieved including dealing with the shortfall over the plan period (Liverpool method), rather than in the first five years. This only improved slightly by the time of the April 2017 statement (document S4)<sup>15</sup>.

165. Overall, the submitted Plan is ambiguous on deliverable supply, and the extent to which the situation would improve from past performance. Additionally, in light of the need to slightly increase the housing requirement (see Issue 3 above), the evidence on submission points to a necessity to strengthen and clarify the Plan's approach to housing delivery and potentially identify additional deliverable supply. As submitted the Plan, on this main issue, would not be positively prepared, consistent with national policy or effective and therefore not sound.

##### *Updated evidence on deliverable supply during examination*

166. Post submission the Council presented outputs of monitoring for 2016/17 [NBBC/14 and then NBBC/20]. The consequence of the updated annual monitoring material is that the Council as of 1 April 2017 asserted a total supply of 15,223 dwellings<sup>16</sup> (an increase of 1,849 on the submitted Plan requirement of 13,374). Detailed aspects of the housing land supply evidence were assessed further by the Council in its Housing Topic Paper of November 2017 [NBBC/33] and refinements made in terms of expired sites, windfall analysis and potential duplications. Further revisions were prepared in response to the main modification consultation in March 2019 [NBBC/86-88]. Notwithstanding the scrutiny to which the land supply has been subjected to, I find the Council's updated monitoring outputs and assessment of capacity and supply to be reasonable. They reflect a reality that in the recent absence of a

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<sup>14</sup> On an annualised approach: 2.67 years under Sedgefield, 3.31 years under Liverpool

<sup>15</sup> On an annualised approach: 3.6 years under Sedgefield, 5.04 years under Liverpool

<sup>16</sup> A figure which has thereafter remained reasonably constant – including 15,217 in NBBC/86

demonstrable five-year supply, appreciable amounts of additional non-Green Belt supply have been consented.

167. That scenario could be interpreted as indicating the Council's site selection process for the Plan has omitted reasonable alternatives. Overall, however, I find the Council's SHLAA, as the principal evidence on site selection, has applied reasonable judgements and generally followed the jointly agreed HMA authorities' methodology. There is nothing unreasonable with the approach that sites which are discounted through the SHLAA have not migrated into the SA as reasonable alternatives. The Council's Housing Topic Paper addresses these matters and sets out the reasonableness of the Council's approach. The one exception is Hawkesbury (HSG12) and that is dealt with separately below.

#### *Components of Supply*

168. Since 1 April 2011 some 2,382 dwellings have been completed in the Borough as of 31 March 2018 and this figure should be updated through **MM10**.

169. The capacity of the proposed strategic allocations needs to be amended to reflect changing circumstances. Given the complex situation with HSG1 (a blend of completions, numerous applications, including schemes under construction, and remaining allocated land), this should be presented separately. Accordingly, the capacity of all other strategic allocations should be modified through **MM10** to 5,582 dwellings. With regards to North of Nuneaton at HSG1, the plan period should be modified through **MM10** to make clear that remaining permissions as of 1 April 2018 total 939 dwellings, and that the remaining capacity of the site in terms of the strategic allocation is 2,823 dwellings. The capacity of non-strategic allocations is reasonable and only requires slight adjustment in **MM10** from 940 dwellings to 926 dwellings to reflect factual matters.

170. Sites with planning permission excluding sites on HSG1 should be amended to 1 April 2018 which results in a negligible change from 2,144 dwellings to 2,148 dwellings which **MM10** would address. The submitted plan made a modest allowance for windfall sites at 121 dwellings. In accordance with NPPF paragraph 48 the Council has revisited the windfall evidence such that a reasonable allowance should only be made from 1 April 2021 onwards to avoid double counting. The forecast contribution of 247 dwellings from windfall sources over the last ten years of the plan period is soundly based and **MM10** would reflect this and ensure the Plan is positively prepared and consistent with national policy.

#### *Non-implementation and a supply buffer for flexibility*

171. There is little before me that permissions for major housing sites (10 or more dwellings) regularly lapse and are not renewed. Accordingly, the focus is on smaller sites and in the absence of extensive local monitoring a 10% non-implementation rate on sites of less than 10 dwellings should be applied. This needs to be made clearer and **MM10** would confirm it, which I recommend for effectiveness.

172. On submission the Plan included a 10% flexibility allowance within the housing requirement at Policy DS4. As set out above this approach would not be

sound given the need to focus on increasing the submitted housing requirement to address unmet need within the HMA. Consequentially, supply does need to be increased to meet the higher requirement but significant further buffers in supply for flexibility (for example at 10%) would not be justified or a basis for exceptional circumstances for further Green Belt alterations.

*Shortfall since 2011 and trajectory going forward*

173. There is little to explain the basis of the trajectory in the submitted plan. On this basis, I find it would be unsound in terms of how it is to be monitored, the basis on which future decision makers would be expected to assess supply and delivery and how the unmet need from Coventry feeds into a realistic trajectory.
174. The modified housing requirement of 14,060 would equate to a steady 703 dwellings per annum (dpa) over the plan period. The extent of Coventry's unmet need, however, was only established in 2015 and was largely confirmed in late 2017. On this basis it would not be justified or sound to measure delivery on a constant 703dpa. The most effective and justified approach would be to apply the Borough's OAN of 502 dwellings for the period from 2011 and for the step change in terms of Coventry unmet need to align with plan adoption and start from 2018/19. This is 4020 dwellings over 13 years which would result in an annual target of 812 dwellings per annum from 2018/19 onwards.
175. Since the start of the plan period there has been a 1,132 shortfall against this stepped trajectory amounting to persistent under-delivery. Consequently, a buffer of 20% should be applied (brought forward from later in the plan period) to provide a realistic prospect of the planned supply and to ensure choice and competition. Recovering the shortfall within the next five years (the Sedgefield approach) would equate to 226 dpa which once a 20% buffer is applied would result in a need to deliver 1,245 dpa in years 1-5 post adoption. This would be an undeliverable and unsustainable step-change that would set up the plan to immediately fail, contrary to the Government's primary objective of a plan-led system.
176. The plan's strategy maintains a fine balance between meeting an unprecedented scale of need, making the most of sustainably located non-Green Belt land and altering the Green Belt to secure a sustainable pattern of development. To maximise sustainable outcomes, it is a strategy which relies on two strategic urban extensions to Nuneaton and a variety of sizeable Green Belt alterations. Most strategic allocations are not due to deliver until after plan adoption. Accordingly, the shortfall since 2011 should be spread over the remainder of the plan period (the Liverpool approach) so that it can be sustainably, and realistically, delivered.
177. I therefore conclude that for the Plan to be sound, it needs to apply a stepped trajectory and that the shortfall from 2011 is recovered over the remaining plan period. The revised trajectory at **MM11** and the updated explanatory text at **MM13** and **MM14** would do this and thus make the plan justified, effective and consistent with national policy.

*Would there be a deliverable 5-year supply on the updated evidence?*

178. The total supply over the plan period (2011-2031) would be 14,608 equating to approximately 600 dwellings over the requirement. Within the remaining period 2018-2031 the supply equates to 12,226 and is profiled to deliver sooner rather than later. This results in a significant incremental increase over the next 3 years resulting in a peak period of supply in 2021/22-2023/24.
179. This requires a broad split of 60% from strategic sites, 15% from non-strategic sites and 25% from existing commitments and other sources. It is undoubtedly a challenge, but given the pent-up housing need, the Plan provides an opportunity for the market to concertedly respond to significantly boost supply to meet both the Borough's and a share of Coventry's needs.
180. The assessment of supply realistically recognises that some sites will require a lead-in time from plan adoption and as such are phased to deliver from 2020/21 onwards. The biggest challenge is the scale of combined delivery required from the two strategic sites at Nuneaton (HSG1 and HSG2). Reasonable individual trajectories for these sites were prepared (Appendices N & O of NBBC/33). The Council has provided cogent evidence that a realistic and reasonable approach has been taken to the trajectories for these strategic sites.
181. Given the length of the examination it has been necessary to update the housing land supply as of 1 April 2018 so that the Plan would be justified and effective. This was done in May 2018 [NBBC/63] and reveals that when making the various modifications, including applying a stepped trajectory and the Liverpool approach, the supply would be, at best, circa 5.4 years on plan adoption, without identifying any additional supply.
182. In examining this figure, I consider some caution needs to be applied to the fact that the plan is based on significant alterations to Green Belt that cannot come forward until plan adoption. Whilst I accept the Council's submission that preparatory parallel progress is being made on a number of Green Belt sites, it is nonetheless a risk. Additionally, as further discussion on Bedworth Woodlands as part of the February 2019 hearing has revealed the trajectory for this site will need to be readjusted back slightly [NBBC/86]. In bringing this all together, I find the May 2018 figure of 5.4 years is very likely to decrease, such that exceptional circumstances exist to consider additional supply to provide robustness to the plan and de-risk it from being out-of-date soon after adoption.
183. The application of the new NPPF is not a reason to revisit the profile of the land supply and delay adoption, for a Plan being examined under the transitional arrangements of the 2012 NPPF. In any event, the delivery of each of the proposed allocations has been scrutinised and adjusted accordingly in the 1 April 2018 supply update [NBBC/63v2], which was further updated in March 2019 [NBBC/86]. Overall, I find the Council's approach to forecasting delivery accords with recognised practices and applies reasonable assumptions.

*Additional deliverable supply*

*Former Hawkesbury Golf Course (HSG12) (Proposed alteration to Green Belt)*

184. This site did not form part of the proposed submission Plan but was presented in the accompanying SA as a reasonable alternative based on access and deliverability concerns. Those were addressed relatively early in the examination such that the Council was able to conclude in the Housing Topic Paper [NBBC/33] that there were no reasons why the site should not be allocated. This was formalised through SOCGs including with the highway authority [OTH/33&34].
185. The evidence in the Joint Green Belt Study 2015 and the Landscape Assessment provide a demonstration that the site makes a limited contribution to the Green Belt (Parcel BE4) by virtue of its man-made qualities as a restored mining site and subsequent golf course. The site is contained by existing development and to the east the Coventry Canal. Development here would not result in unrestricted sprawl, neighbouring settlements merging into one another or encroachment into the countryside. At a site-specific level, taken together with the strategic factors discussed above, there are exceptional circumstances to justify altering the Green Belt boundary.
186. In spatial terms it is sustainably located within the settlement hierarchy in Policy DS2 and is within reasonable walking and cycling distance of most day to day services and facilities and is directly adjacent to significant employment opportunities. Whilst schools within the Borough are some distance from the site they are not so far as to be considered remote from the site. There is a regular bus service that passes the site and more frequent bus services a short distance away on the B4113 Coventry Road. Importantly, the site offers an opportunity to provide a missing part of the Sustrans 52 cycle route linking Nuneaton, Bedworth and Coventry, including connections into Bedworth town centre and to the railway station. The site would contribute to a sustainable pattern of development.
187. The site has a capacity of at least 380 dwellings and would be capable of some delivery (c.125 dwellings) within the first five years [as per NBBC/72 and NBBC/86] providing further resilience. Consequently, the allocation of the site is necessary to make the plan sound in being positively prepared and would ensure the Plan is based on the most appropriate strategy.
188. I therefore recommend **MM20** to include the site in Policy DS5 as a strategic housing site for at least 380 dwellings and **MM28** to identify the site in Policy DS7 as a Green Belt alteration. **MM175** would be necessary to provide a site-specific policy for the allocation and supporting text to guide the implementation of policy. Following the February 2019 hearing session, I have amended the detailed wording of **MM175** for additional clarity, broadly in line with NBBC/82 on matters relating to infrastructure and mitigation. It does not alter the substance of the policy wording and supporting text consulted upon.
189. Having regard to the additional highway modelling of the Longford Road corridor, the assessment of the Blackhorse Road level crossing [OTH/33] and the assessment by the Exhall Residents Association [OTH/62] (and associated scrutiny by WCC in NBBC/74) the impact on the local highway network would

not be severe. There is a reasonable prospect that the forecast level crossing down times as a result of increased frequency of trains could be improved and that alternative means of the crossing the line could positively align with Network Rail's stated objective to reduce the number of level crossings. Even taking a worst-case scenario the barriers would remain open for a significant proportion of the day and the location would not be harmfully cut off.

190. The modifications to include HSG12 have brought criticisms of consistency in approach with the nearby former Hawkesbury tip site, given the Council signed a SOCG in May 2018 [OTH/57&58] which concluded with an agreement that the site is suitable for allocation. I must give appreciable weight to the signed SOCG and the updated SA analysis.
191. Militating against the allocation of the former tip site is the fact that the site is separated from settlement in the Borough and from proposals in the Coventry Local Plan by existing canals. The proposed primary access solution is to the east resulting in an unsustainably detached development. Additionally, given the condition of the former tip site and past activities on the site I have strong reservations it can make any meaningful contribution to five-year supply. As such I cannot share the agreed assessment in the SOCG and find greater weight should be given to the assessment (for site NUN123) in the 2011-2013 SHLAAs which reasonably discounted the site.
192. In conclusion, for the reasons set out above, there is a very real risk that without additional deliverable supply capacity, the May 2018 trajectory at 5.4 years of supply would be uncertain and very likely to be less. This provides the exceptional circumstances for the proposed inclusion of the former Hawkesbury Golf Course HSG12. This is illustrated by the latest March 2019 trajectory [NBBC/86] and commentary [NBBC/87] revealing a deliverable supply including HSG12 at approximately 5.3 years once a number of adjustments are made.

### *Contingencies*

193. There is no requirement in national policy (or a prescribed figure) for a plan to contain a land supply buffer above and beyond the housing target although it is widely recognised that a reasonable supply contingency can assist in ensuring a plan-led approach. The revised trajectory at NBBC/86 would include a very modest buffer (a total supply of 14,608 over plan period against a requirement of 14,060). There are no reasonable options or exceptional circumstances, at this moment in time, to increase the buffer.
194. Should monitoring reveal that housing delivery has fallen below the trajectory then a number of interim measures are available prior to Plan review in line with the flexibility sought by paragraph 14 of the NPPF. These include proactive measures by the LPA to assist with delivery including, amongst other things, working with developers on funding bids, re-phasing larger schemes where this would assist with viability and helping to overcome site assembly and land acquisition issues. Where there is a need to deliver in the short term and there is not a deliverable supply, then the basic contingency may well be the release of additional sites. Where this is demonstrably necessary, the priority should be the redevelopment opportunities emerging in Nuneaton town centre and elsewhere at the edge of settlements in accordance with the

modified settlement hierarchy in Policy DS2. To formalise a positively prepared approach to monitoring housing delivery and stimulating action where necessary I recommend the measures outlined above are presented in a new Policy DS8 as set out in **MM29**. This modification would be necessary for effectiveness, positive preparation and consistency with national policy.

#### *Conclusion on Issue 5*

195. Subject to the MMs identified, including a stepped trajectory, meeting the shortfall over the plan period and the allocation of HSG12, I conclude that there would be a reasonable prospect of five years' worth of deliverable housing land on plan adoption. It would also set out the robust provision of developable housing land for the medium to long term.

#### **Issue 6 – Whether the Plan provides appropriate measures to support a strong, competitive economy? Are the allocations of Green Belt land for employment justified by exceptional circumstances? Should other Green Belt allocations be made?**

##### *The wider economic strategy*

196. The SHMAs employment growth calculations use forecasts from Cambridge Econometrics Local Economy Forecasting Model (LEFM). The Council's Employment Land Study [M7] is aligned to the LEFM figures of March 2015. Prior to this an alternative Oxford Economics model – the Nuneaton and Bedworth Forecasting Model (NBFM) had provided a forecast as of April 2014. Over the respective periods, the LEFM forecasts a growth of 2,360 full time equivalent (FTE) jobs and the NBFM forecasts 4,710 FTE jobs – equivalent to annual average growth rates of 0.35% and 0.7% respectively.
197. The forecasts are a starting point and are trend based. It needs to be recognised that development constraints and other economic trends may well have affected these projections. The ELS has applied the LEFM which is sound given it aligns with the SHMA and provides a tempered outlook for economic performance. On this basis it considers provision of around 70 ha of employment land (55-60ha for B8 and 10-15ha for B1/B2) would meet the forecast needs and strike the right balance between being aspirational and realistic.
198. In addition to the 70ha, the employment land study has found approximately 18ha of poorer employment land and building stock which should be replaced which would bring the overall requirement up to around 87ha to meet the Borough's needs. I find this figure robust and therefore sound. In terms of meeting this 87ha Borough requirement, there is already a supply of 23ha of retained commercial land including 14ha with planning permission for employment uses. The net balance to find through plan allocations would be 64ha which is a sound basis for meeting the Borough's own economic needs.
199. Regard also needs to be given to the Employment Land Memorandum of Understanding – July 2016 (ELMOU) prepared by the Coventry and Warwickshire Joint Committee and signed by NBBC. The ELMOU seeks to ensure that the 714ha of employment land needed across the HMA is met including the shortfall of some 241 hectares of employment land to meet

Coventry's needs. The ELMOU redistributes this shortfall along the same lines as the housing need distribution recognising the degree of functional relationship. This results in a headline re-distribution to Nuneaton and Bedworth of 91 hectares as presented at Table C, paragraph 4.6.2 of the ELMOU.

200. Further analysis has been undertaken recognising the need to address the unemployment rate in the Borough (the highest in the HMA) and regeneration of parts of the employment base. This analysis also looked at evidence from the Coventry and Warwickshire Local Enterprise Partnership (LEP) regarding the need for B8 warehousing particularly related to the motorway network and the demand for B2 general industry. Consequently, the ELMOU (Table E, paragraph 4.7.5) recalculates the proportion of Coventry's unmet need to Nuneaton and Bedworth at 26ha. Given the careful analysis undertaken and the factors influencing the sub-regional economy this distribution is justified.
201. The submitted Plan seeks to meet the Borough's own employment land requirement (87ha) but was only able to accommodate 16.6 ha of the Coventry shortfall, leaving it 9.4ha adrift of the agreed apportionment. This situation has not drawn significant duty to cooperate concerns, in part because other locations within the wider HMA are forecast to meet the shortfall through further over-provision of employment land. Additionally, forecasting employment land is subject to numerous variables which require a degree of caution. Consequently, the submitted shortfall of 9.4ha at approximately 8% of the Borough's overall requirement is unlikely to impede local or sub-regional economic growth in the short term.
202. Notwithstanding the Plan's general conformity with the ELMOU there remains some concern, including from the LEP and others, that the Plan lacks the required ambition and alignment with the LEP's Strategic Economic Plan (CWSEP) and the wider SEP for the West Midlands Combined Authority. I note the aim of the CWSEP is to improve the economy by employing 94,500 additional people over the period 2014-2030. This equates to about 5,900 net annual jobs every year. This is significantly above the Cambridge Econometrics forecasts applied in the SHMA, which in turn have informed the Council's Employment Land Study. Intrinsically, LEPs want to be ambitious and encouraging of their local economy, however, I am unaware that other Plans in the HMA have departed from the evidence base and review of employment growth assumptions used to derive future jobs in the SHMA. Given the variabilities that inform employment projections the prudent outlook used to inform the SHMA would allow for relatively steady employment growth in the Borough.
203. The Plan constructively proposes strategic employment land allocations around Bermuda Park to the south of Nuneaton that would be well-connected to the M6 and the LEP's investment in the Coventry to Nuneaton rail service (NUCKLE 1). I have also taken account of the proposed employment land releases around Junction 3 of the M6 to the south of the Borough. All of these sites require Green Belt alterations and are of sufficient scale to meet the LEP's objective. The scope to do more is very limited. Overall, the employment land requirement in the Plan would proactively support economic development in a way which is aspirational but realistic.

204. The NPPF at paragraph 21 requires Local Plans to have a clear economic strategy. The submitted Plan aligns with the Council's Economic Development Strategy (EDS) and recognises that issues facing the local economy include poor accessibility to some employment locations by non-car modes, significant levels of out-commuting, a declining manufacturing base and limited knowledge-based jobs, lowest household earnings in Warwickshire, and a need to improve skills. Additional text is needed to explain how the spatial strategy and strategic employment allocations appropriately respond to the EDS and CWSEP and so deliver the economic vision for the Borough. Consequently, I recommend **MM8**, **MM12** and **MM25** for plan effectiveness.
205. 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.

#### *General approach to Employment land*

206. The employment land studies from 2014 onwards and SA at Section 4 (from paragraph 4.1.66 onwards) have examined reasonable options to meet the need for additional employment land. The proposed sites are, in general terms, deliverable and have been assessed for potential market attractiveness. The latest ELS complies with NPPF paragraph 22 in that the plan does not seek to protect employment sites that no longer have a reasonable prospect of providing employment. On submission, this work has identified through existing supply and potential sites an overall employment land supply of 103ha.
207. With exception of EMP5, the submitted employment sites would require alteration to the Green Belt. At a strategic level it is evident that there is insufficient sustainably located non-Green Belt land to accommodate the overall requirement for homes, jobs and services. In relation to the local economy, this is brought into focus given that Green Belt correlates to the location of land around existing strategic employment hubs south of Nuneaton and north of Coventry, including along the M6 corridor. In terms of the objectives for economic regeneration, addressing unemployment and improving accessibility to jobs by public transport these can only be served by looking at land options close to Nuneaton and Bedworth. Therefore, these strategic factors, when taken together with the shortfall in employment land provision identified above, demonstrate that exceptional circumstances exist to alter Green Belt boundaries to ensure the local economy is supported.
208. As set out above, meeting future employment needs will require land on existing employment sites and already consented land as examined through the ELS and the summary of outputs at Table 11 of the plan. Policy E1 would support employment proposals on these sites but as submitted the wording would be likely to unintentionally restrict development including potentially onerous SPD requirements on inward investment and density standards.

Various restructuring and wording changes to the policy would make it effective and I recommend these as set out in **MM134** and **MM136**. It also needs to be clear that these sites to be protected and supported for employment uses through Policy E1 are shown on the Policies Map and I recommend **MM137** accordingly.

209. There is a recognition that more could be done to encourage tourism as part of the local economy. The submitted plan focuses on tourism in town centres only but should be more positively prepared to support appropriately located tourism proposals elsewhere in the Borough. **MM135** would do this in Policy E1 and I recommend it for effectiveness.

210. In terms of flexibility, Policy E2 recognises that through the ELS process there are some existing employment sites where alternative uses would be suitable in-principle. However, the Policy as submitted would not be effective in terms of managing non-employment uses at these locations and ensuring the local economy would not be unduly harmed. **MM138** and **MM140** would provide additional clarity in the policy in terms of ensuring this employment land resource is not unnecessarily lost including details on marketing requirements, the potential for mixed-use schemes and that any affected or displaced businesses are appropriately taken into consideration. **MM139** would recognise that an area at School Lane, Bedworth should also be considered against Policy E2. These MMs would make the policy justified and effective and I recommend them accordingly.

#### *Nuneaton Employment Sites*

211. As the principal settlement in the hierarchy at Policy DS2 it is crucial that additional employment is directed to Nuneaton. This is necessary to improve rates of economic activity and skills but also to redress the disparity with economic performance and average earnings compared to southern parts of the HMA. The submitted Plan responds accordingly through the employment land allocations proposed.

212. The strategy for delivering additional employment land in Nuneaton involves further land releases to the south of the town. There are sound reasons for doing this including good proximity to established and planned residential areas in terms of accessing work by modes of transport other than the car (including via Bermuda Park station), good access afforded by the A444 including its direct link to the M6 Junction 3 and Coventry; the ability to create critical mass with neighbouring employment sites; and the potential to limit commercial traffic volumes through the town centre.

#### *EMP1 - Faultlands (proposed alteration to Green Belt)*

213. The principal site to the south of Nuneaton is the Faultlands site (EMP1) to the east of the A444 Griff roundabout which would provide for 26ha of land for B1, B2 and B8 uses. The scale of the site means it is a strategic employment site, capable of coming forward as a high-quality site, and meeting the needs of the growing logistics sector, amongst others.

214. In terms of its current Green Belt status, the site comprises farmland and restored former quarry land and the existing farm buildings at Faultlands. Power lines bisect the site and the busy B4113 Coventry Road and Gipsy Lane

roads form the western and southern boundaries respectively. Immediately to the south of the site is the Griff Quarry (granite). The Coventry Canal is to the east and to the north the Griff Hollows LWS with housing beyond. Gipsy Lane provides a very clear and readily recognisable boundary that would provide a new permanent southern edge to Nuneaton. A meaningful degree of Green Belt separation between Nuneaton and Bedworth would be preserved. In terms of its assessment against the purposes of Green Belt, the site is part of wider parcel N5 which scores moderately in the Joint Green Belt Study. However, at a site-specific level there would not be unrestricted sprawl or significant encroachment into the wider countryside as described above. Consequently, site-specific exceptional circumstances would exist, together with strategic considerations identified under Issue 2 above, to alter the Green Belt boundary here.

215. There would be no adverse impact on the geological Griff Hill Quarry SSSI in the south-west corner of the site as confirmed in correspondence from Natural England<sup>17</sup> given the intention to de-notify that part of the SSSI within the proposed allocation. **MM115** would reflect this and remove the need for associated mitigation. There are local environmental designations in proximity to the site including the Griff Hollows LWS, the Coventry Canal and the Wem Brook. Generally, the policy follows the evidence contained in the 2016 Ecology and Geodiversity Assessment [F8.3] however further clarity and specificity is required. **MM107-109** would introduce necessary clarifications on landscape buffer and ecological mitigation and I recommend them so that the plan would be justified and effective.
216. The STA demonstrates that the site can be safely accessed from a new signalised junction on the B4113 Coventry Road and this has been modelled to operate well within capacity by 2031. **MM104, MM103** and **MM98** would clarify that the site would also make proportionate contributions to the A444 corridor and Gipsy Lane improvements respectively. A significant factor that supports the inclusion of this site is its connectivity by means other than the car including regular buses along the B4113, the nearby Bermuda Park station and foot and cycle access to adjacent residential areas. It would be a sustainably located site. **MM99** would clarify the need for proportionate contributions to a cycle link to Bermuda Park Station. Given the proximity of bus stops at the edge of the site a requirement to fund bus services into the site would not be justified and so **MM101** and **MM102** are necessary.
217. The site has been appraised as part of the heritage assessment of the Plan [J7.1]. Faultlands Farm on the site is recognised as a non-designated heritage asset. Notwithstanding the area's links to the author George Eliot, there is little evidence of an associated heritage significance such that the harm from total loss of the farm buildings would be no more than moderate. This harm would be substantially outweighed by the significant wider public benefit arising from high quality employment in an area where skilled jobs are keenly needed. The requirement in the submitted policy for the scale of development to take reference from the farmstead buildings would not be justified and **MM110** would necessarily remove it.

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<sup>17</sup> Appendix 2 in document OTH/32 Statement of Common Ground between NBBC and The Arbury Estate – dated 31 August 2016.

218. The policy addresses the setting of the adjacent canal but as submitted includes aspects of detail which would not be justified and would reduce flexibility in bringing the site forward and therefore would not be sound. An over-arching criterion within the policy to require development proposals to address the Canal would strike the appropriate balance between respecting and preserving its setting but also ensuring development does not turn its back on this significant asset. Additionally, the Policy should be strengthened to emphasise development proposals need to positively respond to the landscape and ecological value of the Canal. **MM111-MM114** would do this and I recommend them for justification and effectiveness.
219. It is proposed to utilise the Turnover Bridge across the canal as a foot and cycle link from residential allocation HSG3 to the east, and then through site EMP1 westwards to Bermuda Park. This would form a desirable and direct off-road route which would have a positive role in reducing dependency on the car. There is legitimacy to the concerns that the Turnover Bridge, as a heritage asset, may not in safety terms be a feasible option, subject to further detailed analysis. As such the Plan as submitted is unsound in assuming this to be the case. Accordingly, I recommend **MM100** for effectiveness to require a crossing over the canal such that if the Turnover Bridge is not technically feasible then an alternative bridge provision will be made. I have amended the wording of **MM100** to ensure consistency with MM56 for the adjoining HSG3 site and to include navigational safety as a consideration should an alternative bridge be required.

*EMP4 – Coventry Road (proposed alteration to Green Belt)*

220. The site is partly in the Green Belt sandwiched between the railway line and commercial development to the west and Coventry Road and housing to the north and east. To the south is Griff Hollows with an official Gypsy and Traveller site beyond. The site performs lowly in terms of the purposes of Green Belt as evidenced in the Joint Green Belt Study (Parcel N6) and is in large part already subsumed within the urban fabric of this part of Nuneaton. Elements of the northern part of the site are previously developed.
221. In terms of exceptional circumstances, the path along Griff Hollows currently forms a clear, readily recognisable boundary. Given the extent of surrounding development, the development of the site in line with the allocation would not represent unchecked sprawl, encroachment into open countryside or result in any merging between Nuneaton and Bedworth. Employment use of the site would be well-related to existing homes and jobs and adjacent to Bermuda Park station and bus routes, thus positively contributing to a sustainable pattern of development. Consequently, there are exceptional circumstances to alter the Green Belt boundary here.
222. The site was designated as a Local Wildlife Site (LWS) in 2014 and is known as the Griff Hollow Quarry LWS. The site was identified for survey in the Ecology and Geodiversity Assessment (EGA) 2014 [document F6] and various recommendations presented in the 2016 EGA [document F8.3, page 4]. 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. Accordingly, I also recommend **MM122** to make clear the net capacity of the site is approximately 8.6ha to indicate not all of the site would be developable.

#### *EMP5 Caldwell Road*

224. During the course of the examination planning permission was granted on appeal<sup>18</sup> for residential development on the proposed employment allocation at Caldwell Road in Nuneaton. At 0.6 ha in size its de-allocation would not undermine the delivery of the employment strategy in the Plan. It would not be justified or effective to retain the site for employment uses. Accordingly, I recommend **MM23** and **MM123** to remove the allocation from the Plan.

#### *Bedworth Employment Sites*

##### *EMP6 School Lane (proposed alteration to Green Belt)*

225. This site is a modest allocation of some 2ha which has been presented in the Plan as part of the adjoining larger HSG6 housing allocation to the west. The site is bounded by the B4113 Coventry Road and employment uses to the east and M6 to the south. The site is Green Belt but due to its location and the extent of urbanising influences around it, it is part of a poorly performing parcel (BE5) in the Joint Green Belt Study.

226. In terms of altering the Green Belt here the proposed allocation would utilise clear, readily recognisable and permanent boundaries. As an enclosed parcel of land between the M6 and built development, the allocation would not result in harmful encroachment into countryside. Development would, in combination with site HSG6, result in a continuous built-up frontage along the western part of Coventry Road but the reality is that there is already a strong blurring of Bedworth and Coventry due to the continuous built-up frontage to the east of the B4113 opposite this site. The brief gap provided by the site is weakened by the dominance of the elevated M6, the pylons and enclosure from adjoining development. EMP6 would not result in the sort of harmful merging of neighbouring towns which national policy in the NPPF seeks to avoid.

227. The site is well connected to the M6 via the B4113 Longford Road and notwithstanding local survey work [OTH/62], EMP6 has been appropriately modelled in the STA without adverse impacts. It is within walking and cycling distance of large parts of Bedworth and directly adjacent the bus corridor, including existing bus stops, on the B4113. It is a sustainably located site for

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<sup>18</sup> APP/W3710/W/17/3182644

which there is no credible evidence of harm to highway safety. It would form part of a sustainable pattern of development.

228. Taking all of these site-specific factors, together with strategic considerations discussed under Issue 2 above, there are the exceptional circumstances to alter the Green Belt boundary to facilitate needed employment development.

*EMP7 Bowling Green Lane (proposed alteration to Green Belt)*

229. As the 2016 Employment Land and 2015 Joint Green Belt studies illustrate, there are limited options for strategic employment land releases at Bedworth even though its proximity to the M6 and Coventry are significant attractors for investment in new jobs. The Plan proposes a single large site at Bowling Green Lane to the south-west of the town in the Green Belt. In terms of strategic exceptional circumstances, the site at 26ha, would be a strategic site capable of accommodating larger premises. The site would also be highly visible from the M6, which the evidence base and LEP identifies as a key factor for attracting investment.

230. In many perspectives the site is not part of any wider, open countryside. It is a reasonably contained site where development would not represent unrestricted sprawl. The M6 to the south and Bowling Green Lane to the east provide clear, readily recognisable and permanent boundaries. Open countryside to the south of the M6 would maintain separation with Ash Green. The openness of the shallow valley of the River Sowe to the east would also be maintained.

231. Bowling Green Lane is well-related to large residential areas of Bedworth west of the A444 and within walkable and cycling distance from Ash Green. Buses already pass near the site and the submitted policy requires contributions to bus services and infrastructure. There is scope to improve cycle connections to the area, including from Bedworth town centre and this would be necessarily confirmed in Policy EMP7 by **MM125**, which I recommend for effectiveness. Overall, it would contribute to a sustainable pattern of development. Bringing this all together, I find there would be exceptional circumstances to alter the Green Belt boundary here.

232. Whilst the site has a good profile from the M6, access would involve utilising the road network to the south of Bedworth. The STA work demonstrates a need to enhance the capacity of the B4113 Longford Road and School Lane junction to facilitate this site and the Plan recognises the need for this site to contribute to highway mitigation identified through the STA. To enable both EMP7 and HSG6 to come forward, improvements to capacity on School Lane, including land currently outside of the public highway, would be required. The submitted Plan is largely silent on this and therefore unsound. To remedy this additional policy content clarifying that further land will be required to facilitate improvements along School Lane is proposed in **MM124** and I recommend it for effectiveness.

233. Appreciable volumes of additional traffic would be generated along School Lane, but it is already a relatively busy suburban road that connects the northern fringes of Coventry to Bedworth. The living conditions of residents on this road would not be significantly harmed including in relation to air quality as demonstrated in the updated air quality assessment [G5]. The

existing carriageway is of reasonable width and could be realigned or widened along the frontage of the HSG6 site. In principle, School Lane would provide an appropriate route for access to this site, subject to a new junction with Bowling Green Lane/Church Lane.

234. Given the location of primary and secondary schools in the area additional text in the policy on implementing an HGV routing strategy via School Lane only would be necessary for soundness. Any wider HGV ban or weight limit restriction would be a separate traffic regulation matter. Through the modified policy, the requirement is on the development to demonstrate what measures it will put in place to ensure HGV traffic avoids Goodyers End and Ash Green. Accordingly, I recommend **MM124** for Plan effectiveness.
235. To the south east of the site is Exhall Hall which comprises a Scheduled Ancient Monument and listed buildings. Having regard to the comprehensive Heritage Assessment of the NBBP [J7.1, p220] the setting of the heritage assets is to some degree compromised by the elevated concrete M6 junction 3 immediately to the south, the pylons that pass directly over the Hall and the dilapidated modern farm buildings at Hall Farm. The harm of the proposed allocation on the setting of these heritage assets would be negligible and significantly outweighed by the significant benefits of employment creation. In light of the SOCG with Historic England additional text should be added to EMP7 to manage development closest to the heritage assets and I recommend **MM126** with a slight amendment to clarify that the issue is managing the scale of development as per the evidence at paragraph 22.5.1 (2<sup>nd</sup> bullet point) of the Heritage Assessment.

*Employment/Mixed-Use Sites on the Coventry Fringe*

*EMP2 – Pickards Way<sup>19</sup> (proposed alteration to Green Belt)*

236. The site is situated on the south-east quadrant to Junction 3 of the M6 and at 18ha is of the strategic size needed for modern businesses. Whilst employment land to the south has taken time to come to fruition and has evolved to become a quasi-retail area it is, however, a smaller area than EMP2 and does not have the same profile to the M6. The size and location of EMP2 has been tested through the ELS work and is the sort of site supported by the LEP as being necessary to meet forecast employment growth. The site is well-related to the edge of Coventry and would form part of a sustainable pattern of development in accordance with the modified spatial hierarchy in Policy DS2.
237. The site forms part of a patchwork of fields bounded by the A444 to the west, housing to the east, employment development to the south and the elevated M6 to the north. It is not a tranquil area or readily interpreted as part of a wider area of countryside. From my observations on site, including from the public footpaths across it, the Joint Green Belt Study is robust that the host parcel (BE5) performs relatively poorly in terms of the purposes of Green Belt.
238. The proposed allocation would be contained by the existing physical features described above and the A444 to the west would form a clear, recognisable and permanent new boundary to Green Belt. The degree of encroachment

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<sup>19</sup> Described as 'Phoenix Way/Wilson Lane' on plan submission.

into countryside would be limited and the allocation would not result in unrestricted sprawl or result in the merging of Longford with Ash Green. There would remain a good degree of separation to Neal's Green (even when taking site NUN286/317 into account) and Ash Green to the west. EMP2 would, in a modest way, consolidate the extent of development along the B4113 corridor but I do not find it harmful to the purposes of Green Belt which are already weak at this urban location. Overall, there are exceptional circumstances, at both the strategic and site specific levels, to alter the Green Belt boundary at this location.

239. The STA outputs show that the site, at a strategic level, is acceptable in highway safety terms. The housing element of the allocation would have separate access onto Wilson's Lane which is a residential area. The allocation would be accessible by walking and cycling from southern parts of Bedworth and Longford, and close to the Sustrans Cycle Route N52. The nearby B4113 is a bus corridor between Bedworth and Coventry and some buses ply the adjacent Wilson's Lane. The new railway station at the Ricoh Arena and bus facilities are approximately 1 mile to the south of the site which moderately enhances its connectivity. The site would be sustainably connected.
240. Within the wider EMP2 allocation it is proposed to accommodate 73 dwellings at the eastern fringes of the site adjacent to existing housing at Longford. This would be logical given access can be suitably achieved from Wilsons Lane as modelled in the STA. Given the level of housing need identified, together with the site-specific reasons set out above, there are exceptional circumstances for a modest amount of housing here, through an altered Green Belt boundary in accordance with the fourth tier of Policy DS2. As submitted the housing section of the policy does not identify the full infrastructure requirements and is therefore unsound. **MM116** would insert a new criterion seeking a contribution to primary medical care and I recommend it so that the Plan is justified.

*EMP3 – Prologis Extension (proposed alteration to Green Belt)*

241. In earlier iterations of the Plan it was proposed to include employment land to provide an extension to the strategic employment area at Prologis Park, Keresley (a cross-boundary site with Coventry City). Concerns relating to its Local Wildlife Site (LWS) status and regarding Great Crested Newts led to its removal from the Publication Plan. However, in light of the recent de-designation of the site as a LWS<sup>20</sup> and the detailed mitigation strategy prepared by FPCR Environment and Design Ltd, upon which Natural England have been consulted, I am satisfied that the specific environmental issues can be satisfactorily mitigated. This is presented in a SOCG signed by both NBBC and directly neighbouring Coventry City Council.
242. At the time of plan submission, there was a modest shortfall against the employment land requirement identified in the Coventry and Warwickshire ELMOU for the Borough (including meeting unmet need for land for Coventry). Against this backdrop, there is a need to consider the release of additional land in the Borough to support the wider Coventry economy and the reasonable prospect of providing jobs to residents in the Borough. At a

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<sup>20</sup> March 2017 following a Habitat Biodiversity Audit Panel

strategic level this provides the necessary exceptional circumstances to consider altering the Green Belt. This site would make a useful contribution to meeting those unmet needs.

243. Reference has been made to undeveloped land and vacant premises on Prologis Park but on the whole Prologis Park is a vibrant and healthy strategic employment site. The Council's ELR reasonably takes into account existing land supply and demonstrates a clear, strong residual need for additional, deliverable employment land.
244. The 5.3ha site is contained, bounded by strong landscaping to the north along Exhall Road, industrial units to the south at Prologis Park and housing to the west at Keresley. The site forms a logical extension to the employment development on this former colliery site. The site would not represent an encroachment into open countryside or result in the merging of Keresley and Ash Green or more widely with Bedworth. Exhall Road would provide a clear, defensible and permanent boundary for Green Belt. Accordingly, at the local level, exceptional circumstances exist to alter the Green Belt to allow this site to be allocated.
245. The proximity of the LWS to the east of the site and the small pond on-site would not preclude development. Both can be addressed through the new policy EMP3 proposed in **MM117** and the strategic development principles in Policy SA1 in terms of requiring mitigation.
246. Given the clear and pressing need for employment development, the resolution of site-specific environmental issues, the demonstration of exceptional circumstances in relation to altering the Green Belt and the ability of this site to form a logical extension to the successful regeneration of the former Coventry Colliery site, the inclusion of this site as an employment allocation would be justified to ensure the Plan is sound. I therefore recommend the site is allocated as EMP3 for 5.3 hectares for B1, B2 and B8 employment uses together with key development principles to secure sustainable development and supporting text to assist implementation of the policy. This would make the Plan justified, effective and positively prepared I recommend **MM1**, **MM22**, **MM27**, **MM28** and **MM117** on this basis.

#### *Overall Supply of Employment Land*

247. On submission the Plan sought to allocate 103 hectares of employment land within an overall requirement for 113 ha. Netting the difference between the loss of 0.5ha at EMP5 in Nuneaton and the additional of 5.3ha at Prologis Park, Keresley the revised supply figure would be 107.8ha. Whilst the land supply of 107.8ha is below the 113ha requirement set out in the ELMOU there is very little evidence that the wider sub-regional economy would be adversely affected by this shortfall. I am satisfied that the land supply is justified as being what could be sustainably delivered when taking account of the existing constraints within the Borough. I therefore recommend policy DS4 on development needs and associated monitoring targets are amended to the 107.8ha figure through **MM9**, **MM15**, **MM19** and **MM26** in order for the Plan to be justified and effective.
248. The Plan contains an employment land trajectory which shows significant take up in the years immediately following plan adoption. There is some doubt

about the realism of this although it seems clear that the principal demand is for larger, strategic sites which require Green Belt alterations confirmed on Plan adoption. There is already evidence of positive latent demand for employment land in the Borough as demonstrated by a submitted planning application on site EMP1<sup>21</sup>. The profile of the employment land trajectory needs to reflect that examination has taken longer than envisaged and to smooth out early, high rates of delivery. **MM16** and **MM17** would present the basis for a more realistic trajectory and I recommend them for Plan effectiveness.

#### Conclusion on Issue 6

249. Subject to the proposed modifications set out above I find the overall strategy of the Plan to support the local economy and the proposed sites and employment policies to deliver it to be justified, effective, positively prepared and consistent with national policy, and therefore sound.

### **Issue 7 - Is the Plan's approach to the natural environment, including Air Quality and Flood Risk, soundly based?**

#### *Policies on Natural Environment*

250. As submitted Policy NE1 covers the broad matter of 'Green Infrastructure' and appropriately responds to the evidence in, amongst other sources, the comprehensive Nuneaton and Bedworth Landscape Capacity Study 2017 [T13], the Nuneaton and Bedworth Green Infrastructure Plan 2009 [W3] and the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy 2013 [W6]. Given the significant scale of development proposed in the Borough Policy NE1 is vital in securing an appropriate dividend of natural and semi-natural green space to support biodiversity, human well-being, flood management and cultural heritage. A number of proposed allocations present key opportunities to secure meaningful green infrastructure in accordance with Policy NE1.

251. Policy NE1 on submission requires development proposals that affect watercourses to provide an 8-metre easement. As worded, this would not be effective and therefore not sound. The policy needs to be clarified that the 8-metre specification would be in relation to watercourses classified as Main River and introduce flexibility for other watercourses. **MM157** would do this and I recommend slightly amended wording, as advised by the Environment Agency in their Main Modification consultation response, for effectiveness.

252. As submitted Policy NE2 is ambiguous with criterion (d) inferring that new developments would address existing open space deficiencies. As such Policy NE2 on this point would not be justified or consistent with national policy, which requires infrastructure to be directly related to the development and would be unsound. **MM158** would amend criterion (d) thus ensuring the policy would be consistent with national policy. Additionally, for effectiveness the policy should clarify that open space, other than children's play or sports pitches, could multi-function as flood storage where appropriate (as referenced in the PPG<sup>22</sup> and Section 11.8 of the Level 2 SFRA) and **MM159** would

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<sup>21</sup> LPA ref 034901

<sup>22</sup> PPG Paragraph 7-051-20150323

introduce this. **MM160** would clarify that community parks would be part of wider Green Belt alterations proposed in the Plan and I recommend it for effectiveness.

253. Policy NE3 sets out the general approach to biodiversity and geodiversity including mitigation and where necessary compensation. This has been informed by, amongst other things, a comprehensive Ecology and Geodiversity Assessment (EGA) in 2016 [F8.1-F8.3]. As submitted the policy recognises the ecological hierarchy but lacks specificity in relation to international and national sites and is therefore unsound. **MM161** would introduce additional text in the policy giving clearer protection to the SAC site and SSSIs and I recommend it for effectiveness and consistency with national policy. In respect of local sites, policy NE3 includes duplication which affects policy effectiveness. **MM162** would address this and I recommend it accordingly.

### *Air Quality*

254. There are two Air Quality Management Areas (AQMAs) in the north of Nuneaton town centre. The A47 Leicester Road Gyratory AQMA designated in 2007 and the B4114 Midland Road to Corporation Street AQMA designated in 2009<sup>23</sup>. Both are located on arterial road routes where they pass through more compact densities of development. Both are designated for exceedances of the Nitrogen Dioxide (NO<sub>2</sub>) annual mean objective of 40µg/m<sup>3</sup>. In 2011 the Council produced an Air Quality Action Plan (AQAP) [NBBC/27] which identified measures the Council would take to improve air quality and the significant partnership role with Warwickshire County Council (WCC) as the transport and highway authority.

255. The Council has commissioned and maintained a proportionate assessment and analysis of air quality in the Borough in terms of understanding both existing air quality issues and the associated effects of the NBBP. A specific air quality update and screening assessment was prepared in 2015 [NBBC/26] by Air Quality Consultants (AQC). As proposals in the Plan and associated traffic modelling through the S-Paramics model in the STA evolved, AQC prepared an updated air quality assessment issued in early 2017 [G5]. As the examination has progressed and further data has become available, AQC prepared an updated Air Quality Assessment in March 2018 [NBBC/55] which includes the updated housing requirement. Examining the scope, content and methodology of these assessments, they are competent and consistent with what is required by the NPPF and PPG. There has also been appropriate synergy between the outputs of the STA traffic modelling and the air quality assessments.

256. In terms of SEA and SA, scoping of the environmental baseline of the Borough lists relevant policies and programmes (Appendix 1, Table 1 of SA Scoping Report [D5]) including air quality assessments and the AQAP. Further updates to SA were able to reflect on the outputs of the subsequent Air Quality Assessments prepared for the Council. Air quality is reflected in SA objectives 14 and 15 and in turn Objective 7 and other policies of the Plan, including Policy HS2 on Strategic Accessibility and Sustainable Transport which requires development proposals to address potential impacts on AQMAs. It is also

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<sup>23</sup> Both at a time of Euro III emissions standard

noteworthy that Policy BE3 also requires major residential development to minimise potential for pollution, including air. As such the submitted Plan would appropriately respond to Action 7 of the AQAP in terms of the role of the Borough Plan in improving air quality.

257. The evidence shows that there are other locations where concentrations of NO<sup>2</sup> would increase as the result of the scale of planned growth<sup>24</sup> although not in exceedance of the 40µg/m<sup>3</sup> objective. Not recognising this would not be sound. Accordingly, Objective 7 should be modified as per **MM3** to recognise there are locations, other than AQMAs, where air quality needs to be carefully considered. I have amended the wording of **MM3** slightly to provide clarity.
258. The AQAP emphasises that traffic management through and around Nuneaton town centre and modal shift more generally are central planks to any strategy to improve air quality in the AQMAs. Table 9 of the AQAP shows improving traffic flows and vehicle emissions standards as having the highest impact. In terms of the evidence, whilst HGVs and buses are a relatively small proportion of the traffic flow in the AQMAs they are disproportionately large contributors to Nitrogen Oxide (NO<sub>x</sub>) and in turn NO<sup>2</sup>. More generally, the AQMAs were designated at a time when the emissions standard was Euro III. During the Plan period the emissions standard has moved to Euro VI so that by the end of the plan period these standard vehicles will form the majority of vehicles on the road. I recognise that there is some scepticism around emissions standards, but this is addressed in the latest 2018 AQC assessment at paragraphs 4.10-4.11 including the move away from laboratory testing to 'Real Driving Emissions'. On this basis it is reasonable to assume that the continuing decrease of older vehicles on the road network will reduce emissions, and diesel cars and vans registered for approval since 2017, will generate even lower emissions as more stringent controls apply (as per paragraph 4.12 of NBBC/55). It is also reasonable to assume an increasing transition to hybrid and fully electric vehicles. The West Midlands Low Emission Bus Delivery Plan 2016 [OTH/35] seeks to guide and support the transition of the West Midlands bus fleet towards zero or low emissions over the period to 2035.
259. In broad terms, the modelling applied in the air quality assessments of the Plan (set out in section 3 and Appendix A3 of NBBC/55) applies recognised modelling using latest toolkits published by DEFRA and subjected to a model verification process. Overall, I find the Council's approach and evidence base to accord with the PPGs advice that it should be proportional to the nature and scale of development proposed and the level of concern about air quality.
260. I have taken into account the measures put in place by the Council to monitor air quality in the AQMAs and in particular the detail presented in the 2017 Air Quality Annual Status Report at Section 3.1 and appendices C and D on the methodology (including quality assurance) and location of diffusion tube monitoring. There has not been any systemic attempt to evade monitoring or produce poor and potentially misleading findings. In this regard I must rely to some degree on DEFRA in terms of the adequacy of data capture and the status report of February 2017 [NBBC/48] which recommended the revocation

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<sup>24</sup> The Borough Model in NBBC/55 identifies 10 locations with adverse increases.

of the Leicester Road Gyratory AQMA and noted only marginal exceedances in the Midland Road/Corporation Street AQMA.

261. With regards to a more precautionary approach, the modelling undertaken to inform the 2017 and 2018 AQC assessments takes a prudent approach including the application of the latest Defra Emission Factor Toolkit. This is further exemplified in vehicle emissions and modelling assuming 'canyon' conditions (explained at Section A3 of NBBC/55), which has the potential at certain locations to over-estimate likely concentrations. I also note that although the automatic monitoring station was decommissioned at the end of 2016 at the Leicester Road gyratory AQMA and the AQMA itself has been recommended for revocation<sup>25</sup>, this has not yet been enacted and the Council continues to monitor the location. This adds to the picture of a precautionary approach being taken.
262. Whilst there is emerging evidence which submits that air pollution could be impacting on areas like educational attainment and cognitive behaviour, there is an insufficient basis in respect of the Borough to restrict development or introduce additional policy controls on new development. The threshold of 40µg/m<sup>3</sup> remains the basis for assessing the Plan's impact on air quality as set out at paragraph 124 of the NPPF which requires compliance with and contributions towards the EU limit values or national objectives for pollutants.
263. In terms of the AQAP, traffic management measures<sup>26</sup>, particularly around Nuneaton town centre, and measures through the Local Transport Plan to promote walking and cycling<sup>27</sup>, including as part of new developments, would add further effectiveness in addressing air quality. A successful bid to the LEP as part of the Growth Deal to develop the Transforming Nuneaton Town Centre scheme has potential to improve traffic flows around the town centre. Further funding has been sought from the National Productivity and Investment Fund for improvements on the A47 in Nuneaton including improved pedestrian and cycling routes and removal of the redundant railway bridge at the eastern end of the Leicester Road gyratory AQMA. More widely, travel plans, and working towards the 15% modal shift in Policy HS2 (and in particular reducing single-occupancy car travel), would also have a role to play in reducing the number of car journeys. The proposed development strategy and proposed location of allocations offers the most appropriate strategy to facilitate modal shift in terms of aligning to the bus and rail corridors south of Nuneaton towards Coventry, including capitalising on the recent NUCKLE1 investment.
264. As submitted, I find, on important points of detail, however, Policy HS2 would not be sound in relation to air quality. It needs to be modified to recognise that proposals with transport implications need to consider their impact on air quality not just in relation to AQMAs but to other locations where the evidence indicates there would be concentrations close to the thresholds in the national objectives. A more flexible approach in Policy HS2 would also enable proposals to be assessed against any updates to national and local standards on air quality. Additionally, the policy should be more positively prepared to

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<sup>25</sup> Section 2.1 of 2017 Air Quality Annual Status Report (NBBC/47)

<sup>26</sup> As identified in the 2017 Air Quality Annual Status Report, WCC in considering the implications of growth in the Plan through the STA have identified a number of transport schemes in Nuneaton town centre which are in the IDP.

<sup>27</sup> NBBC/49

state support for the provision of infrastructure which would assist air quality, such as electric vehicle charging points.

265. Furthermore, it is important to recognise that the Borough is seen as part of a pan-regional effort across the wider West Midlands to improve air quality. In this regard it would be justified to modify Policy HS2 to require proposals to accord with the West Midlands Transport Emissions Framework (WMMTEF) and its associated policies. A similar approach has been found sound in other Plans in the HMA. Given the policies and proposals of the Borough Plan are part of the actions to deliver the AQAP this should be referenced in the Plan for effectiveness. **MM145, MM147-MM150** would introduce these air quality related modifications into Policy HS2 and I recommend them accordingly.

#### *Flood Risk*

266. The Plan is informed by a Level 1 2008 Strategic Flood Risk Assessment (SFRA) [N1] which was augmented by a Level 2 SFRA in 2012 which was subsequently updated in 2016 [N5], including further assessment of potential canal inundation. I note the Environment Agency's concerns regarding the absence of further assessment following updated climate change modelling but note their pragmatism in getting an updated Plan in place, which is the reasonable approach to take. The proposed allocated sites largely avoid Flood Zones 2 and 3, although Gypsy Lane, Nuneaton (HSG3) contains parts of the Wem Brook floodplain and there are limited parts of North of Nuneaton (HSG1) where the Change Brook forms a tributary to the River Anker. The capacities of both sites can be achieved without developing land in areas of higher flood risk in accordance with the precautionary approach in Policy NE4 which requires more detailed flood risk assessments.

267. Clarity is needed in Policy NE4 to ensure land required for current and future flood management is safeguarded, and that account is taken of WCCs advice as a statutory consultee in its capacity as Local Lead Flood Authority. **MM163-166** would do this and I recommend them for plan effectiveness.

#### *Conclusion on Issue 7*

268. Subject to the inclusion of the MMs referred to above, the Plan is consistent with national policy and local evidence in its approach to preserving and enhancing the natural environment, including air quality and flood risk.

#### **Issue 8 – Does the Plan make appropriate provision for retail, leisure, tourism and related uses? Are the Plan's policies for the hierarchy of retail centres positively prepared, justified and effective?**

269. The submitted Plan identifies the town centres of Nuneaton and Bedworth and puts in place a focused policy framework to support their vitality and viability. The Plan is underpinned by a Retail and Leisure Study Update 2014 [X7.1] and a Town Centre Office Requirements study 2013 [X6] which identify a moderate need for additional comparison and convenience retail floorspace and commercial leisure uses and a demand for further office-based employment. This data is now of some age and does not reflect the adjusted housing requirement however given recent national retail trends and the identification of the economic regeneration within Nuneaton town centre as a strategic

priority in the latest LEP SEP [OTH/04], the floorspace figures in Policy TC1 would be justified minima.

270. In respect of tourism, the town centres provide an opportunity to sustainably accommodate tourism facilities (including tourist accommodation) and heritage activities. Accordingly, the Plan should express support for such proposals as part of the vibrant mix of town centre uses and I recommend **MM141** for consistency with national policy.
271. In terms of the nature of town centre growth progress is being made through the NBBC and WCC partnership to capitalise on the potential of Nuneaton town centre through the Nuneaton Investment Prospectus (March 2018) [NBBC/51] and the Transforming Nuneaton Opportunities initiative [NBBC/52]. This work is at an early stage such that I consider it appropriate that the detail is appropriately included in the emerging Town Centres Area Action Plan (TCAAP). To ensure consistency Policy TC2 should require town centre proposals in Nuneaton to have regard to proposals in the TCAAP and the aspirations of the 'Transforming Nuneaton' initiative and I recommend **MM142** so that the Plan would be effective and positively prepared.
272. Policy TC2 refers specifically to a café quarter in Nuneaton town centre which is identified at Appendix E of the submitted plan. There is little to demonstrate that the proposed quarter would be deliverable or why a café, as a main town centre use, should have to demonstrate why they could not be located in the conceptual café quarter. This would be counter to national policy to promote competitive town centres. **MM143-144** and **MM171** would remove the policy text and Appendix E relating to the proposed Café Quarter and I recommend them for effectiveness, justification and consistency with national policy.
273. Policy TC2 also introduces primary and secondary frontages and provides a clear policy framework of which uses will be permitted in such locations. Clarity is needed in presenting the primary frontages and primary shopping areas at Appendix D so that they are clearly distinguishable for future users of the document. **MM170** would do that and I recommend it for effectiveness.

#### *Conclusion on Issue 8*

274. Subject to the inclusion of the MMs referred to above, the Plan is consistent with national policy on ensuring the vitality of town centres.

### **Issue 9 - Whether the policies for housing, communities and the built environment are sound?**

#### *Policies for Housing*

275. The Plan as submitted seeks 25% affordable housing provision on sites of 15 dwellings or more and 20% on sites of between 11 and 14 dwellings. From the evidence in the SHMA, the 2016 Affordable Housing Background Paper [S2] and the 2016 plan-wide viability work [H3] the 25% figure would be a viable and justified target for larger residential schemes.
276. The lower threshold of 20% on schemes of 11-14 dwellings originates from further plan-viability work (H3.1, page 47, para 3.3.9). This demonstrates

that residential schemes in this bracket can support an on-site affordable housing contribution of this scale. 20% when applied on such a relatively short range does not generate whole numbers, resulting in complexities around dealing with proportions on relatively modest schemes. In my view, this would not be effective and therefore unsound. 20% generally generates 2 dwellings on these sites and to simplify the Plan and boost housing delivery the requirement on sites of between 11 and 14 should be modified to 2 affordable units. I therefore recommend **MM127**, **MM130** and **MM131** which clarify the affordable housing requirement on schemes of 11-14 dwellings for effectiveness.

277. Policy H2 refers to Starter Homes but the Council recognises that national policy around affordable housing provision is in transition and other models and definitions may materialise. To further future proof the Plan and introduce some flexibility into Policy H2 I recommend **MM128** in terms of referring to supporting affordable housing schemes that would be in line with any updates to national policy and **MM129** which would cross refer to SPD guidance.

*Policies for Healthy, Safe and Inclusive Communities*

278. As submitted Policy HS5 is broadly entitled 'Health' and contains two policy objectives. The first is in relation to requiring health impact assessments on certain developments. The second part of the policy is entitled 'Fast Food Proposals' and seeks to address obesity by restricting A3, A4 and A5 uses to town centre locations and only at other locations subject to criteria (including 400 metres from secondary schools). The health profile evidence, including in the SA scoping report and in the Health Impact Assessment (HIA) [E2] reveals significant variations in life expectancy relative to deprivation, high levels of child obesity and worse than the average for England on indicators<sup>28</sup> relating to healthy eating in adults, adult obesity, diabetes, alcohol specific hospital stays and areas of mental health. More up-to-date information submitted during the examination in the 2017 Health Profile of the Borough [NBBC/53] and the Health Annual Status Report 2017 [NBBC/54] reaffirms the health challenges in the Borough.

279. The HIA for the Plan at paragraph 5.1.7 identifies where planning policy could be influential in relation to health and includes reducing access to unhealthy food, increasing opportunities for physical activity and creating environments that improve mental health and wellbeing. In line with the Marmot Review's recommendations, various strands of the Plan would pull together to improve active travel and improve good quality green spaces. However, it remains that there would be notable health inequalities and factors negatively affecting life expectancy that would justify further policy interventions in the Plan<sup>29</sup>. As submitted, however, the detail in Policy HS5 would not be effective, justified or consistent with national policy and therefore would not be sound.

280. To ensure the Plan would be effective I recommend that Policy HS5 is divided into two separate policies. This would enable those using the document to readily identify policy relating to HIAs and policy on healthy food

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<sup>28</sup> See Figure 5-1, p15, document E2 – from Public Health England (2013).

<sup>29</sup> As per PPG paragraph 53-006-20170728

environments. **MM151** and **MM153** would do this and create a sound policy for requiring HIAs on major development proposals.

281. In terms of healthy food environments, the PPG states that where supported by evidence, LPAs can consider bringing forward local plan policies, and supplementary planning documents, which limit the proliferation of certain uses in identified areas. In assessing the evidence in the health profiles and the Council's further response on the matter [NBBC/61] it is clear from Public Health England data that for both child overweightness and obesity at reception year, Nuneaton and Bedworth is above both the Warwickshire and England averages. Similar parallels apply at the Year 6 cohort. The picture does not improve when looking at overweightness, obesity and diabetes diagnosis data for adults (16+), where again the Borough's statistics are higher than local and national averages.
282. The reasons for overweightness and obesity are complex but there is evidence<sup>30</sup> that managing the proliferation of hot food takeaways is an established way in which planning policy can positively intervene. The evidence as it relates to Nuneaton and Bedworth justifies an intervention and would align to the ongoing collaborative work with the local Health and Wellbeing Board and Clinical Commissioning Group to address health inequalities in the Borough.
283. As submitted the Plan takes a wide approach to include limiting restaurants, cafes and public houses as well as hot food takeaways. This would not provide sufficient differentiation between the many types of food and drink outlets. There is not the evidence to justify such a broad approach, it would be inconsistent with national policy and therefore unsound. I therefore recommend that only the provision of additional hot food takeaways (Use Class A5) are managed through a new Policy HS7 'Creating A Healthier Food Environment', revised supporting text and monitoring indicators. Accordingly, I recommend **MM152** and **MM154-6** so that the Plan would be justified and consistent with national policy. The reasonable 400metre buffer around secondary schools and sixth form colleges would not result in a moratorium on additional provision, and in any event, the policy would specifically allow for additional hot food takeaways within town centres. I have however, amended **MM155** slightly to state that the 400-metre radius be measured from the principal point of access for effectiveness.

#### *Policies for the Built Environment*

284. The evidence through the Camco Study 2010 [G3] into the feasibility of renewable and low carbon resources in Warwickshire and Solihull reasonably points to very limited potential in the Borough for wind energy and that there would be constraints to large scale wind energy development. However, as drafted Policy BE2 would be unduly restrictive without appropriate justification and therefore would not be sound. I recommend **MM167** so it would be effective and consistent with national policy to support a transition to a low carbon future.

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<sup>30</sup> At Section 7.6 of the HIA and elsewhere, including NBBC/61

285. Having regard to the PPG<sup>31</sup> there is evidence to justify the requirement for introducing the optional standard M4(2) for accessible and adaptable dwellings to apply to 35% of major residential development proposals. This includes the household survey that informed the 2010 Housing Needs Assessment prepared by Ecotec [document S1] which shows high numbers of households in the Borough with physical and mobility impairments. Further evidence through the SHMA shows that 35.4% of households in the Borough have at least one resident with a long-term limiting illness. This is higher than the averages for Warwickshire, the West Midlands and England. The 35% figure has been subject to viability testing and would be deliverable<sup>32</sup>. I therefore find this part of Policy BE3 to be sound.
286. Turning to the optional standard for water efficiency of 110/litres per person per day (pppd) this would appear to come from Warwickshire Sub-Regional Water Cycle Study 2010 [N3] which predicted a supply-demand deficit<sup>33</sup> and identified the Borough as being in an area of moderate water stress. The more up-to-date evidence in the Joint Warwickshire Partnership Water Cycle Study 2017 (WCS) [N6] concludes that there would be sufficient supply to meet planned growth across the sub-region within the plan period in the context of wider efforts of Severn Trent Water and others to improve water efficiency.
287. Building Regulations already set a mandatory national standard of 125 litres pppd such that there needs to be a clear need to set tighter standards. The WCS takes a precautionary assessment of the long-term beyond the plan period but there are various pathways towards achieving water neutrality as set out at Appendix F of the WCS other than the optional standard. Accordingly, the submitted Plan would not be justified in seeking the optional standard and therefore unsound. **MM168** would remove the requirement for the optional standard and I recommend it for the Plan to be justified.

#### *Conclusion on Issue 9*

288. Subject to the main modifications identified the development management policies for housing, communities and the built environment would be sound.

### **Issue 10 – Whether the Plan makes adequate provision for infrastructure to support growth? Whether the Plan, as a whole, is viable and therefore deliverable?**

#### *Infrastructure Delivery Plan*

289. The submission Plan was accompanied by an Infrastructure Delivery Plan 2017 (IDP) [D4.1-D4.2]. The IDP is an iterative document and the schedule of schemes has been updated in 2018 [NBBC/69]. In terms of the approach to infrastructure planning, the policies for each of the strategic allocations identify relevant site-specific infrastructure or where proportionate contributions are needed for off-site provision. The IDP accords with NPPF at paragraph 162 in terms of establishing a cooperative and holistic

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<sup>31</sup> PPG paragraph 56-007-20150327

<sup>32</sup> Updated Local Plan Viability Assessment 2016 [Document H3] summary point (xv), p.8

<sup>33</sup> Page 76, paragraph 6.4.10

understanding of the quality and capacity of infrastructure to meet forecast demands arising from the Plan's proposals.

290. In respect of Bulkington both strategic housing allocations require a contribution towards community facilities. It would not be justified, however, to specify in policy that a contribution should go to the Bulkington Village Community and Conference Centre. There should be flexibility in the policy for community contributions to be negotiated on each proposal depending on what would be required to meet the lawful tests at Regulation 122 of the CIL Regulations (also at paragraph 204 of the NPPF).

### *Transport Planning*

291. In relation to understanding the transport impacts of the Plan, there have been successive strategic transport assessments undertaken. The latest version, which reflects the submitted Plan's proposals, is the comprehensive 2016 Strategic Transport Assessment (STA) prepared by Vectos for WCC [document Z6.1-Z6.5]. The modelling has adapted during the examination including a reassessment/check in early 2018 [NBBC/40] together with outputs for Bulkington in early 2018 [NBBC/41] and further assessment work for sites in Bedworth following the Stage 2 hearings [NBBC/60 and 62].

292. The STA assesses the impact on the highway network to 2031 in terms of assessing 4 scenarios: the reference case (growth that would occur in any event), then the impact of the Plan's proposals in addition to this and then the impact of proposed mitigation in the STA on those two scenarios. An S-Paramics traffic model has been developed and the methodology takes a complex and multi-faceted approach to forecasting that accords with relevant guidance (webTAG). Various local surveys have sought to demonstrate the STA modelling under-estimates the impacts of the Plan's proposals, but they are not as comprehensive as the STA, including modelling future traffic behaviours and understanding the wider impact of proposed mitigations. Highways England in considering the impact of the Plan on the strategic road network are clearly satisfied with the STA [OTH/31] and this provides me with confidence that the approach taken has been robust.

293. The assumed modal shift to be targeted at 15% is aspirational but realistic. All of the proposed sites in the Plan present good opportunities for trips to be made by modes other than the private car. Policy HS2 should be widened so that all proposals, not just the strategic sites, should target the 15% objective. **MM146** would do this and make the Plan effective and positively prepared.

294. Overall, I find the STA and associated outputs to be robust evidence that accords with the requirement at paragraph 32 of the NPPF that Plans should be supported by a transport assessment to demonstrate that safe and suitable access can be achieved, the need for major transport infrastructure has been reduced and improvements (mitigation) can be secured such that there would be no severe residual cumulative impacts. The STA also accords with NPPF paragraphs 156 and 162 and PPG Section 54 on transport evidence in plan-making, in informing policy content for transport infrastructure and assessing capacity of infrastructure for transport.

## *Viability*

295. The Plan is accompanied by a plan-wide viability assessment 2016 [documents H3.1-3]. It is a comprehensive document that updates previous viability work and applies reasonable development costs and revenues assumptions to demonstrate that residual land values are within the bounds that are likely to be anticipated for willing landowners and developers in the terms expressed at paragraphs 173-174 of the NPPF and accompanying PPG<sup>34</sup>. The assessment has undertaken prudent sensitivity testing around potential affordable housing contributions to underpin the content of Policy H2.
296. The assessment is appropriate in identifying the caution that needs to be applied to employment generating developments but the general testing on residential typologies and further detailed testing of the proposed submitted strategic sites shows that the proposed scale of obligations and policy burdens does not threaten their ability to be developed viably. The one site where matters are more balanced is HSG4 Bedworth Woodlands because of the highways infrastructure needed to unlock the site but Policy HS1 includes the standard policy valve if there are viability challenges. In any event, only modest changes in revenue inputs can have a materially positive impact on viability, particularly for greenfield sites such as HSG4.

## *Conclusion on Issue 10*

297. Where necessary the individual policies for strategic sites identify specific infrastructure requirements. Taken together with the generic policies relating to infrastructure and transport [Policies HS1-6] I conclude that, subject to the MM identified above, the Plan makes adequate provision for new infrastructure in a way which would be viable and therefore deliverable.

## **Issue 11 – Does the Plan contain an adequate framework for monitoring and implementation?**

298. The submitted Plan includes an index of monitoring indicators for each policy. A number of targets need to be factually updated to reflect other modifications including the housing requirement and additional site allocations and to ensure internal consistency. These were presented in **MM172-MM174** and I recommend them for plan effectiveness. In addition to the monitoring framework in the Plan, Appendix I of the SA Report contains further detail on indicators for monitoring the underlying SA objectives.
299. Overall, I am satisfied, subject to the MMs identified, there would be appropriate monitoring arrangements in place to monitor Plan effectiveness and delivery.

## **Public Sector Equality Duty**

300. The submitted Plan was accompanied by an Equality Impact Assessment [D7]. Relevant groups and people were invited to participate in the preparation of the Plan, including representatives of the Gypsy and Traveller communities, religious and faith groups and bodies representing the elderly and disabled.

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<sup>34</sup> PPG Paragraphs 10-005-20140306 to 10-015-20140306

301. In respect of age and disability the Plan, subject to the MMs, is likely to have a positive impact in terms of delivering additional housing to latest Building Regulations standards as well as securing the optional technical standard M4(2) for accessible and adaptable dwellings on major residential proposals. In respect of Gypsies and Travellers, the impact of the Plan is to some degree uncertain because detailed site delivery is being progressed through a separate DPD. However, the Plan does include positively prepared policies for Gypsies and Travellers (Policies DS4 and H3) recognising that permanent and transit pitch requirements are to be regarded as minimums. I am satisfied that the combination of the criteria-based approach in Policy H3 and a Gypsy and Traveller Site Allocations Plan will enable the Council to meet the identified accommodation requirements within the plan period.

## **Assessment of Legal Compliance**

302. My examination of the legal compliance of the Plan is summarised below.

303. The Borough Plan has been prepared broadly in accordance with the Council's Local Development Scheme (LDS), which was updated in October 2018. The adoption of the Plan should be very close to the date anticipated in the LDS with any minor slippage due to the need to hold a further hearing into proposed modifications, which was not a factor within the Council's control.

304. Consultation on the Borough Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement 2015 and the minimum requirements in the 2012 Regulations.

305. Sustainability Appraisal has been carried out at all stages and is adequate.

306. The Habitats Regulations Assessment Screening Reports (2016, as updated in 2018) set out why Appropriate Assessment is not necessary and Natural England supports this.

307. An objective of the Plan is to address climate change in all new development (Objective 8). Consequently, the NBBP includes policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change (notably Policies NE4, BE2, BE3 and HS2 amongst others). Importantly, the development strategy of the Plan seeks to align to homes with jobs and locate development where it can be accessed by a variety of means of travel including public transport, cycling and walking.

308. The Borough Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

309. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

310. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Nuneaton and Bedworth Borough

Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Spencer*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.