



Enquiries to:

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Date: 8th September 2023

Our Ref: KB

Dear Sir/Madam,

Addendum Council – 13th September 2023

I refer to agenda item 10f: **Corporate Enforcement Policy and Corporate Debt Policy** and after the Cabinet meeting held on Wednesday 6th September the following recommendation was put forward for Council approval:

That it be recommended to Council that the Constitution be updated accordingly.

I refer to agenda item 10g: **Capital Forecast Q1 2023/24** and after the Cabinet Meeting held on Wednesday 6th September the following recommendation was put forward for Council approval:

To recommend to Council for approval an update to the Capital Budget for 2023/24 as detailed at part 4.10 of the report.

In addition, the following items have been added to the Council agenda for approval:

ADDITIONAL ITEMS

11) Borough Plan Review Regulation 19 and Gypsy and Traveller Site Allocations Main Modifications consultation – report of the Assistant Director – Planning attached (**Page 2**)

12) Article 4 Directions – Abbey and Bulkington Conservation Areas. – report of the Assistant Director – Planning attached (**Page 5**)

Yours faithfully,

BRENT DAVIS

Chief Executive

To: Members of the Council

AGENDA ITEM NO.11

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Council 13th September

From: Assistant Director - Planning

Subject: Borough Plan Review Regulation 19 and Gypsy and Traveller Site Allocations Main Modifications consultation

Portfolio: Planning and Regulation - R. Smith

Building a Better Borough Aim: All.

Building a Better Borough Priority: All

1. Purpose of Report

1.1 The purpose of this report is to update Council on the process of the Borough Plan Review Publication Development Plan Document (DPD) and commencement to Regulation 19 Consultation Stage. The report also provides updates on the Gypsy and Traveller Site Allocations DPD currently undergoing Examination by the Planning Inspectorate and subsequent requirements for consultation on Main Modifications to the proposed DPD and to the supporting documents required for these Modifications.

2. Recommendations

2.1 It be recommended that Council note and adopt the current schedule for Regulation 19 stage of the Borough Plan Review documents and to the Main Modifications and supporting documents currently undergoing consultation to the Gypsy and Traveller Site Allocation DPD.

3. Background and what Council are being asked to consider?

3.1 Agenda Item 11 was taken to Cabinet on the 26th July and subsequently approved under the Minutes reference CB26. The agenda included both the draft Borough Plan Review Publication DPD plus supporting documents and request to proceed with these to the Regulation 19 stage and Main Modifications to the Gypsy and Traveller Site Allocations DPD.

3.2 The Borough Plan Review is now at the final stage before submission for Examination by the Planning Inspectorate. This current phase is known as the Regulation 19 Publication stage. The Document is currently out to consultation for the required six weeks until the 16th

October. The Publication stage is the final version that cannot be changed unless required to do so by the Planning Inspector.

- 3.3 The Gypsy and Traveller Site Allocations DPD went to a Hearing with the Planning Inspectorate on the 27th October 2022 and which the Inspector requires some Main Modifications to in order that he can then agree the Document is sound and which can then consequently be adopted by the Council. Additional Modifications have also been carried out. Main Modifications are defined as those recommended by the Inspector to make the DPD sound and legally compliant. Additional Modifications are those which do not materially affect the Policies in the DPD, but which are generally minor factual updates; corrections of any errors or which are considered necessary for clarity.
- 3.4 The Resolution from Cabinet was that:
- a) the Regulation 19 public consultation stage for the Borough Plan Review be progressed including the draft DPD, draft appendices and other evidence base documents over a period of 6 weeks in September/October 2023;
 - b) the Assistant Director for Planning be given Delegated Authority to make any amendments necessary to the documentation in consultation with the Portfolio Holder for Planning & Regulation up to the public consultation stage;
 - c) the Main Modifications required to the Gypsy and Traveller Site Allocations DPD be approved and to progress to public consultation on the Main Modifications and Sustainability Appraisal Addendum as required by the Planning Inspector; and
 - d) the Assistant Director for Planning be given Delegated Authority to amend further the DPD, Main Modifications and Sustainability Appraisal Addendum in consultation with the Portfolio Holder for Planning & Regulation as may be required by the Planning Inspector
- 3.5 The amendments required to the Borough Plan Review Draft Publication Documents have now been completed and approved by the Assistant Director of Planning and Portfolio Holder for Planning & Regulation As per the resolutions above, the two DPD's and supporting Documents are now out to public consultation which commenced on the 4th September 2023 for six weeks.
- 3.6 Once the consultation period has expired, the responses will need to be reviewed and the Borough Plan Review Publication Document and consultation responses will need to be considered and approved by Cabinet and Council (which is likely to take place in December 2023) so that the Documents can be taken to Regulation 20 stage - submission to the Planning Inspectorate for Examination. Responses to the Gypsy and Traveller site Allocations Document will be sent to the Planning Inspector and if considered sound by the Inspector, the Document will require consent from Cabinet and Council to adopt the final documents.

4. Conclusion

- 4.1 Having regard to the Cabinet approval Minutes CB26, it is requested that Council note and adopt the current schedule for Regulation 19 stage of the Borough Plan Review documents and to the Main Modifications and supporting documents currently undergoing consultation to the Gypsy and Traveller Site Allocation DPD.

5. Background Papers

- 5.1 The Draft documents that were approved by Cabinet are in the agenda and addendum from the 26th July 2023 which can be viewed at:
[Agendas, reports and minutes | Nuneaton & Bedworth \(nuneatonandbedworth.gov.uk\)](https://www.nuneatonandbedworth.gov.uk/agendas-reports-and-minutes)
- 5.2 The final Borough Plan Review Documents and Gypsy and Traveller Site Allocations Documents that are currently out to consultation can be viewed at:
[Consultations on planning policy | Planning Policy consultations | Nuneaton & Bedworth \(nuneatonandbedworth.gov.uk\)](https://www.nuneatonandbedworth.gov.uk/consultations-on-planning-policy)

MARIA BAILEY

AGENDA ITEM NO. 12

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Council 13th September 2023

From: Assistant Director - Planning

Subject: Article 4 Directions – Abbey and Bulkington Conservation Areas.

Portfolio: Planning and Regulation - R. Smith

Building a Better Borough Aim: All

Building a Better Borough Priority: All

1. Purpose of Report

1.1 The purpose of this report is to seek to approve to cancel and renew Article 4(1) Directions in the Abbey and Bulkington Conservation Areas.

2. Recommendations

2.1 To recommend approval of the cancelation and renewal of Article 4(1) Directions in the Abbey and Bulkington Conservation Areas.

3. Background

3.1 In line with guidance, a recent review of all Article 4 Directions has been carried out to ensure they are still relevant. In 2008 the Council implemented Article 4 Directions in Abbey and Bulkington Conservation Areas. The review found that whilst there is evidence that the council process was followed at the time, the Council's legal advice is that the review should ensure that up to date evidence confirms the ongoing need for the Article 4 Directions. To do this it is considered necessary for the 2008 Directions to be rescinded, and 2023 Directions be implemented in their place.

4. Body of Report

4.1 There are two types of Article 4(1) Directions that can be imposed on buildings or land within an area:

- **Non-immediate Article 4(1) Direction** - This means that the Article 4(1) Direction is only imposed following a consultation period of, usually, 28 days and with at least 12 months notice of it coming into force. Any objections will be considered by the Council before it considers whether to confirm the Direction, or not. A non-immediate Article 4(1) Direction is used where there is not an urgent requirement to remove permitted development rights.
 - **Immediate Article 4(1) Direction** - This means that permitted development rights are removed with immediate effect and then consulted on. The Article 4(1) Direction will lapse after 6 months from when it was made unless it is confirmed beforehand. Any objections will be considered by the Council before it considers whether to confirm the Direction, or not. An immediate Article 4(1) Direction is used where there is an urgent, justified requirement for protection. Once confirmed, an immediate Article 4(1) Direction becomes permanent.
- 4.2 The legislative process for implementing an Article 4 Direction is set out in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (hereafter referred to as the GPDO). Paragraph 2 (1) (b) sets out that the local planning authority can implement an immediate Article 4(1) Direction in the whole or part of a conservation area where the Local Planning Authority considers it necessary. The types of development to which the Article 4(1) Direction can be applied are listed in paragraphs 3 (a-j).
- 4.1 The Article 4(1) Direction comes into force on the date which notice is served on the occupier of the land. If it is not practicable to contact the occupiers of the land; the date is taken from which the notice is first published by local advertisement and by site display. Immediate Article 4(1) Direction applies for six months from the date which it comes onto force unless confirmed by the Local Planning Authority.
- 4.2 To confirm the immediate Direction and to make this permanent, the Council needs to serve notice of the Direction and specify a period of at least 21 days during which representations may be made. The Council must take into account any representations made. The Direction should not be confirmed until a period of at least 28 days following the latest date on which any notice relating to the Direction has been confirmed or longer if notified by the Secretary of State. It is proposed to consult on the Directions from the 20th September 2023.
- 4.3 Section 108 of the Town and Country Planning Act and The Town and Country Planning (Compensation) (England) Regulations 2015 makes provision for compensation to be payable where an application for planning permission (that would formally have been permitted development) is refused or is granted subject to conditions different from those in the GDPO. If 12 months' notice is given before the Article

4 Direction takes effect, no compensation would be payable. As the Council will pursue an immediate Direction compensation could be payable. This does not apply to the extent that the development referred would, while permitted by a development order, have required conservation area consent under the Planning (Listed Buildings and Conservation Areas).

- 4.4 The grounds on which compensation can be claimed are likely to be abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 4.5 The new Directions do not propose any new restrictions but carry forward the restrictions that were imposed in the 2008 Directions. The new Directions will come into force on the 20th September 2023 which is one week from the Council meeting to allow opportunity to notify occupiers of the land. Within six months a consultation on the Directions is required to take place, therefore it is proposed to consult on the Directions immediately from the 20th September 2023.
- 4.6 It is important for the Council to ensure relevant and targeted Directions are in place to ensure the Borough's heritage is protected. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any buildings or other land in a conservation area, special attention is be paid to the desirability of preserving or enhancing the character or appearance of that area. The removal of certain permitted development rights is an important part of meeting the legislative requirements.
- 4.7 There is a legal obligation to register local land charges which include Article 4 Directions. Local Authorities currently maintain local land charges registers. The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from Local Authorities to Land Registry. Under these provisions, Land Registry will provide a single, digital local land charges register for England and Wales. The Council will need to confirm that the Article 4 Directions are extant with Land Registry with cost implications if the Directions are not recorded.

5. Conclusion

- 5.1 The conclusion is that the cancellation and reimplementation of the Direction will ensure that the Council can meet the obligations of Planning and Infrastructure legislation. Therefore it is requested that Immediate Directions are implemented and adopted at the Council meeting on the 13th September 2023.

6. Appendices

6.1 Appendix A – Article 4(1) Directions Abbey and Bulkington Conservation Areas (to follow).

7. Background Papers

Cabinet report of 6th September 2023 Agenda item 13 article 4 Directions – Abbey and Bulkington Conservation Areas.