

# **Nuneaton and Bedworth Borough Council**

## **Borough Plan Review (2021 - 2039)**



Statement of Common Ground between  
Nuneaton and Bedworth Borough Council  
and Sport England

January 2024

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## Organisations

- Nuneaton and Bedworth Borough Council (NBBC).
- Sport England.

## Introduction

This Statement of Common Ground identifies areas of agreement and disagreement between NBBC and Sport England in relation to the Borough Plan Review (2021-2039) and supporting evidence base. This Statement has been prepared to assist the Examination of the Plan and covers the administrative area of NBBC.

The Borough is located between Coventry and Hinckley and benefits from good road links. Nuneaton and Bedworth are both easily accessible from the M6 which gives good access to the M1, M5, M42 and M69. The A5 runs along the northern boundary of the Borough and the A444, A4254 and the B4114 are the major routes within the Borough. The Borough is home to 134,200 people according to the Census 2021. A plan has been provided at Appendix A which outlines the administrative boundary of NBBC alongside the location of sub-regional and adjoining Local Planning Authorities.

NBBC has fully engaged with Sport England on the development of the Council's Local Plan from the outset. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Sport England has been formally consulted at every stage of consultation on the Borough Plan Review together with its accompanying Sustainability Appraisal and the Habitat Regulations Assessment. Sport England made representations to the Issues and Options, Preferred Options and Regulation 19 stages of consultation on the Borough Plan Review (representation number 11 in relation to the Regulation 19 consultation). The Duty to Cooperate Compliance Statement outlines in detail the engagement activities and outcomes undertaken during the Plan's preparation.

Sport England commented at Preferred Options and amendments were carried out as per their requirements. The proposed amendments were sent to Sport England in June 2023 to allow for comments, but no response was received.

## Strategic matters

### Areas of Agreement

- **That NBBC has worked collaboratively with Sport England to ensure that all strategic issues have been properly considered and where appropriate reflected in the Borough Plan Review and effective and on-going joint working has and will continue to be undertaken.**

### References made to supporting guidance

Sport England are supportive of our approach to referring to additional guidance within the Borough Plan Review policies. For example, in Strategic Policy SA1 (requirement

12), reference is made to Sport England's Active Design Guidance and within the Borough Plan Review, reference is also made to NBBC's Playing Pitch and Outdoor Sports Strategy (2023). Applicants will be required to submit a completed checklist to demonstrate compliance with the Active Design Guidance and assessments will be made against both documents, referred to within the Borough Plan Review.

#### Strategic Policy SHA1 – Financial contributions – Sporting provisions

Sport England has raised an issue regarding Strategic Policy SHA1 (principle 15) in terms of off site financial contributions for sporting provisions. They state that several of the sporting provision listed do not form part of the Playing Pitch and Outdoor Sports Strategy (PPOSS) with it instead relating to the findings from the Council's Indoor Sports Facility Needs Assessment and Strategy (ISFNS).

NBBC's response to this is that Policy HS6 requires new developments, including new strategic housing sites, to plan from the outset for the integrated planning of a healthy environment for its communities, including the provision and maintenance for sporting provisions. Paragraph 11.63 confirms the delivery of the policy will be through the Indoor Sports Facility Needs Assessment and Strategy.

NBBC advise that in order to address Sport England concerns, Minor Modifications will be recommended to the Planning Inspector to Add "Indoor Sports Facility Needs Assessment and Strategy" to SHA1 at end of principle 15.

#### Strategic Policy SHA2 – Financial contributions – Sporting provisions

Sport England welcomes principle 14 which relates to financial contributions towards sport and physical activity. However, several of the sporting provisions listed do not form part of the PPOSS with it instead relating to the finding from the Council's ISFNS.

NBBC advise that in order to address Sport England concerns, Minor Modifications will be recommended to the Planning Inspector to Add "Indoor Sports Facility Needs Assessment and Strategy" to SHA2 at end of principle 14.

#### Strategic Policy SHA4 – Financial contributions – Sporting provisions

Sport England welcomes principle 14 which relates to financial contributions towards sport and physical activity. However, several of the sporting provisions listed do not form part of the PPOSS with it instead relating to the finding from the Council's ISFNS.

Sport England notes that principle 5 also incorporates financial contributions towards upgrading a number of playing field sites which is a potential overlap with principle 14.

NBBC assumes this refers to principle 15 and 5 (principle 14 refers to pylons in the site). Policy HS6 Sport and exercise requires new developments including strategic housing sites, to plan from the outset for the integrated planning of a healthy environment for its communities in line with the Playing Pitch and Outdoor Sports Strategy. This includes the provision and maintenance for sport. Para. 11.63 also confirms the delivery of the policy will be through the Indoor Sports Facility Needs Assessment and Strategy. Policy NE2 – Open space and playing fields - Requires new development to provide new playing fields in line with the Playing Pitch and Outdoor Sports Strategy. Policy already refers to “provision or contributions” towards sport and physical activity in the PPOSS so this includes playing pitches. For information, the above the Outline has been approved and contributions already approved via the S106 in line with the Policy provision.

Notwithstanding the above NBBC advise that in order to address Sport England concerns, Minor Modifications will be recommended to the Planning Inspector to combine principle 5 and 15 and ADD “Indoor Sports Facility Needs Assessment and Strategy” to SHA4 at the end of the combined principle.

#### Strategic allocation SHA5 – Financial contributions – Sporting provisions

Sport England welcomes principle 13 which relates to financial contributions toward sport and physical activity. However, several of the sporting provisions listed do not form part of the PPOSS with it instead relating to the findings from the Council's ISFNS.

NBBC's response to this is that Policy HS6 requires new developments, including new strategic housing sites, to plan from the outset for the integrated planning of a healthy environment for its communities, including the provision and maintenance for sporting provisions. Paragraph 11.63 confirms the delivery of the policy will be through the Indoor Sports Facility Needs Assessment and Strategy.

All the schemes for SHS5 have now been approved or approved subject to signing of a S106 agreement which will include the sport and play provision.

Notwithstanding the above NBBC advise that in order to address Sport England concerns, Minor Modifications will be recommended to the Planning Inspector to ADD within criteria 13 “Indoor Sports Facility Needs Assessment and Strategy” to SHA4.

#### Strategic allocation – CEM1

Sport England believes the policy is not consistent with national planning policy as it does not contain a principle relating to the loss of playing field land (and ancillary facilities) – This should only occur if NPPF paragraphs 99a and 99b are met. Instead this principle is outlined in the supporting text of the policy.

Furthermore, if the playing field to the north of the cemetery, on strategic allocation CEM1, is not demonstrated to be surplus to requirement, then it should be established that the playing field could be accommodated on the wider CEM1 site. This would ensure there is no double counting of replacement playing field land within the site.

NBBC considers that any application would have to meet the requirements of the NPPF, regarding the loss of playing field land. The NPPF states that Local Plans must not replicate national planning policy and therefore, this has not occurred within this policy or the Borough Plan Review as a whole. Moreover, any application on this strategic allocation site (CEM1) would require a detailed scheme to ensure that the playing fields, to be provided, would be to an acceptable quality and quantity.

NBBC advise that in order to address Sport England concerns, Minor Modifications will be recommended to the Planning Inspector to ADD as a minor modification to paragraph 7.132, in the Borough Plan Review, to allow the provision of an alternative on or off-site playing field provision (and ancillary provision),

#### Policy HS4

Sport England are not supportive of viability being a factor within the loss of open space, sports and recreational buildings and land, as this could lead to sites purposefully being left to ruin, resulting in the costs to reinstate the facilities being too expensive and providing the argument for non-viability and the loss of the site.

NBBC advise that in order to address Sport England concerns Minor Modifications will be recommended to the Planning Inspector to remove the word 'viable' from the policy text.

#### Policy HS6

Sport England considers the approach to the protection of open space, sports and recreational buildings and land, including playing fields, within the Borough Plan Review, to be confusing, with policy HS6 also setting out an approach for the loss of sporting provisions in relation to NPPF paragraph 99.

In NBBC's view, policies HS4, HS6 and certain strategic housing policies are informed by NPPF paragraph 99. It is not appropriate, in line with the NPPF's requirements, for the Borough Plan Review to replicate national policy or duplicate policies (NPPF paragraph 16(f)). However, NBBC advise that in order to address Sport England concerns Minor Modifications will be recommended to the Planning Inspector to in the form of copying paragraph 11.57 and 11.58, in the supporting text of policy HS6, into the supporting text of policy HS4 also.

## **Areas of Disagreement**

### Policy wording

#### Strategic Policy SHA1

Sport England welcomes Strategic Policy SHA1 (key development principle 6 – on site provision) but considers the wording to be ineffective and lacks certainty as to what is expected to be delivered. NBBC does not agree with this as the delivery of the policy will be informed by detailed assessment studies which are not available at the plan-making stage, whilst the amount of land available to deliver the policy will be determined as part of a reserved matters application on the site.

NBBC advise that the delivery of the policy will be informed by detailed assessment studies which are not available at the plan making stage. The amount of land available to deliver the policy will be determined as part of the reserved matters application. Indeed, the principal for the site and S106 has now been approved under Outline reference 035279. The Reserved Matters for the school and facilities has also been approved including sports hall, MUGA, outdoor sports, recreations areas and parking under reference number 039578. Therefore, the requirements have now been demonstrated and agreed. The provision of the Reserved Matters provides security of the provision.

#### Strategic Policy SHA2 – Financial contributions – Sporting provisions

Sport England also welcomes the production of the PPOSS and ISFNS in line with National Planning Policy Framework (NPPF) paragraph 98, though it is unclear if the projects identified within principle 14 are specific to the site as informed by the evidence base documents. It should be noted that the site is located within a different PPOSS sub area than SHA1, but the projects identified are the same even though the findings/recommendation in PPOSS differ for the two sub areas.

NBBC's response to this is that Policy HS6 requires new developments, including new strategic housing sites, to plan from the outset for the integrated planning of a healthy environment for its communities, including the provision and maintenance for sporting provisions. Paragraph 11.63 confirms the delivery of the policy will be through the Indoor Sports Facility Needs Assessment and Strategy.

NBBC also advise that PPOSS requirements are identified for each separate strategic site. There would be no point in SHA2 stating that the site is located within a different PPOSS sub area than SHA1. This would cause confusion rather than provide clarity.

#### Strategic Policy SHA4 – Financial contributions – Sporting provisions

Sport England also welcomes the production of the PPOSS and ISFNS in line with National Planning Policy Framework (NPPF) paragraph 98, though it is unclear if the projects identified within principle 14 are specific to the site as informed by the

evidence base documents. It should be noted that the site is located within a different PPOSS sub area than SHA1, but the projects identified are the same even though the findings/recommendation in PPOSS differ for the two sub areas.

NBBC advises that PPOSS requirements are identified for each separate strategic site. There would be no point in SHA4 stating that the site is located within a different PPOSS sub area than SHA1. This would cause confusion rather than provide clarity.

#### Strategic allocation SHA5 – Financial contributions – Sporting provisions

Sport England welcomes the production of the PPOSS and ISFNS in line with NPPF paragraph 98, though it is unclear if the projects identified within principle 14 are specific to the site as informed by the evidence base documents. For example, the site is located within a different PPOSS sub area than SHA1 but the projects identified are the same even though the findings/recommendation in the PPOSS differ from the two sub areas.

NBBC assumes all the above refers to principle 13 (principle 14 refers to contributions at Bulkington Village Centre.) NBBC advises that PPOSS requirements are identified for each separate strategic site. There would be no point in SHA5 stating that the site is located within a different PPOSS sub area than SHA1. This would cause confusion rather than provide clarity.

For information, all the schemes for SHS5 have now been approved or approved subject to signing of a S106 agreement which will include the sport and play provision.

#### Policy HS4

Sport England objects to the policy as it is not consistent with NPPF paragraph 99 and with it not being an effective policy to assess proposals against. For example, the policy does not require replacement provisions to be equivalent or better in terms of quantity and/or quality, in a suitable location. Sport England believe it is also unclear if an assessment of need is required, to demonstrate that the open space, sports and recreational buildings and land, including playing fields, are surplus to requirement, justifying the first two bullet point exemptions in policy HS4.

NBBC's response to this is that policy HS4 elaborates on the requirements of the NPPF, as Local Policy should not repeat National Policy. Policy HS4 requires better replacement facilities are proposed nearby. It is considered that the term 'better' means quantity and quality of provision and that 'nearby' refers to a suitable location.



## Non-Strategic housing allocations – NSRA1, NSRA2 and NSRA10

Sport England considers that even though planning permission has been granted on NSRA1 and NSRA2 a requirement for development for any future proposals, on these sites, to comply with NPPF paragraph 99, should be included. This is in case the current planning permissions are not implemented and in turn, future applications are submitted.

Sport England considers that the supporting text for NSRA10 could be worded more consistently with NPPF paragraphs 99 and 187. Furthermore, the proposal should not specifically need to be in accordance with Sport England requirements but any replacement car parking provision should not have a prejudicial effect on the operation of the adjacent playing field site and its ancillary facilities.

NBBC considers that any application would have to meet the requirements of the NPPF, regarding the loss of playing field land. The NPPF states that Local Plans must not replicate national planning policy and therefore, this has not occurred within the Borough Plan Review.

### **Further joint working**

This Statement of Common Ground will be kept up to date through continuous engagement and cooperation between NBBC and Sport England.

### **Monitoring**

This Statement will be maintained by NBBC and updated as necessary with Sport England.

NBBC will continue to work with Sport England beyond the adoption of the Borough Plan Review for the monitoring and implementation of the Plan.

### **Signatories**

Signature: 	Signature: 
Maria Bailey, Assistant Director for Planning, NBBC	Rajvir Bahey, Planning Manager, Sport England
Date:02/02/2024	Date: 02/02/2024

# Appendix A

North  
Warwickshire  
Borough

Hinckley and  
Bosworth Borough

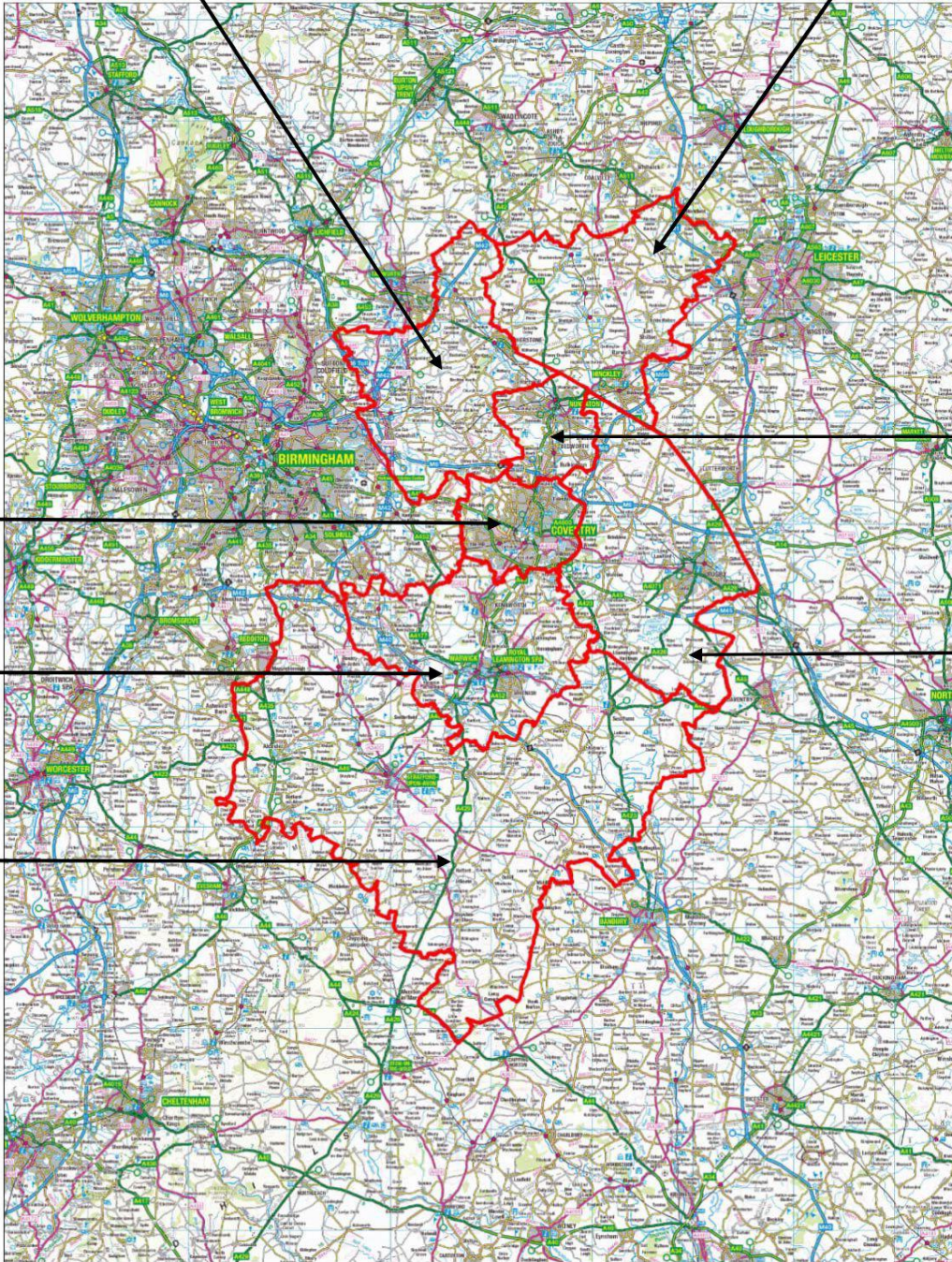
Coventry  
City

Nuneaton  
and  
Bedworth  
Borough

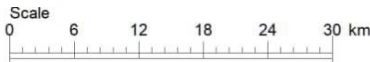
Warwick  
District

Rugby  
Borough

Stratford-  
on-Avon  
District



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