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Cc: [Redacted]
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Dear Planning Policy Team,

Please find attached the joint response from Stratford-Upon-Avon and Warwick District Council to the Regulation 19 consultation of the Borough Plan.

Should you have any queries please feel free to contact me.

Kind regards

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Nuneaton & Bedworth Borough Council

Borough Plan Review Publication Draft Plan-Regulation 19 Consultation

October 2023

Joint Comments from Warwick and Stratford-on-Avon District Councils

N: B: Stratford Council have indicated that as it is a key decision it may be subject to call in until 20th October. We will advise you of any changes should the response be called in.

Background

Nuneaton & Bedworth Borough Council (NBBC) adopted its Borough (Local) Plan on 11th June 2019 and committed itself to an early review. Issues and Options consultation was undertaken in June/July 2021. That document identified key issues facing the Borough alongside a range of Options to address these issues.

The authority then undertook a “Preferred Options” consultation between 13th June-22nd July (Regulation 18 consultation). This document set out the preferred growth strategy and policies for the Borough.

This is a Regulation 19 consultation. This represents the last stage of public engagement before submitting the plan to the Planning Inspectorate to appoint an independent Inspector to undertake Examination in Public (EiP). The purpose of this stage of the Plan and subsequent examination is to consider whether the Plan complies with the legal requirements, the Duty to Co-operate and whether the Plan is legally compliant and meets the tests of ‘soundness’ set out in the NPPF paragraph 35. Plans are ‘sound’ if they are:

- a) **Positively prepared-** providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified-** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective-** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;
- d) **Consistent with national policy-** enabling the delivery of sustainable development in accordance with the policies in this Framework.

In addition to these four tests, the Plan needs to fulfil the following legal obligations:

- a) **Legal Compliance-** meeting the legal requirements made under various planning laws
- b) **Duty to Cooperate (DtC)-** meeting the legal duty to cooperate with neighbouring authorities on key strategic issues

Comments- Housing and DtC

Policy DS3-Overall development needs states delivery of the following in the Plan period:

- 9,810 homes based on 545 dwellings per annum;
- 66.45ha of employment land for industrial and distribution/warehousing development (including 5.35ha for replacement provision)
- 2 ha of employment land for office use
- 19.4 ha of employment land for strategic B8 warehousing and distribution development (indicative).

The Plan notes that the 'standard method' figure for the Borough is 442 dwellings per annum. The trend-based projections in the sub regional Housing and Economic Development Needs Assessment (HEDNA) calculated a figure of 409 dwellings per annum.

The Council commissioned Icení to undertake a bespoke report "towards our Housing Requirement" to consider the objectively assessed housing need set out in the HEDNA and other considerations which may affect the Borough's housing and employment requirement. That report modelled a planned economic growth scenario and suggested figure of 545 dwellings per annum. It can be considered that the Plan does meet the needs of its area based on most up to date information, and indeed proposes to deliver a greater number of dwellings than the sub-regional HEDNA.

There is currently no "known unmet need" from the neighbouring authorities making it difficult for the Plan makers to consider the accurate number that needs to be included in the Plan. Both Stratford and Warwick Councils have worked collaboratively with other Coventry and Warwickshire authorities including NBBC in preparing the HEDNA and continue to meet regularly as a part of Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO) group. The CSWAPO group meets to discuss key strategic and cross boundary issues including the DtC requirements.

Therefore, we note that the Council is willing to work with the neighbouring authorities on strategic matters and identify any cross-boundary issues. This approach is welcomed, and we hope that the authority is able to produce a Statement of Common Ground before the Plan is submitted to the Inspector. This commitment is noted in Paragraph 1.11 of the Plan which highlights the Council's commitment to Duty to Cooperate matters with relevant neighbouring authorities and willingness to prepare and agree Statement of Common Ground on key strategic issues.

Comments- Employment and DtC

In terms of Employment needs the sub-regional HEDNA provides employment land needs for different types of employment land and sets out a figure for each local authority in the sub-region. It is pleasing to note that the Council seeks to meet the employment needs for both office and general industrial uses through the Plan Review.

However, the sub-regional HEDNA also indicates a requirement for 606 ha of strategic B8 employment land 2021-2041, and paragraph 2.17 of the Executive Summary states: "Chapter 11 within the HEDNA report provides guidance on identifying suitable locations for strategic B8 development, and key corridors within which Icení consider development is likely to be focused. Icení recommend that assessment of supply is coordinated at a sub-regional level to integrate relevant considerations including landscape harm, power capacity, access to labour and to seek to limit harm to Green Belt purposes. It would not be appropriate in our view to simply replicate past development patterns in respect of the spatial distribution of development by local authority."

The Towards a Housing Requirement for Nuneaton & Bedworth report has sought to identify an indicative figure for B8 uses of 19.4 hectares with paragraph 4.16 of that document stating that this strategic B8 provision is included “in line with past development trends in the Borough”. Whilst it is acknowledged and welcomed that NBBC are seeking to provide a proportion of the identified sub-regional strategic B8 need, the current approach appears contradictory to the advice in the sub-regional HEDNA that strategic B8 distribution should be coordinated at a sub-regional level and indeed that it would not be appropriate to replicate past development patterns.

Paragraph 6.40 of the Plan states that the indicative figure of 19.4 hectares will act in lieu of growth figure to be established in the West Midlands Strategic Employment Sites Study (WMSESS). It is the intention that once the WMSESS is published, the outcomes and final figure included in that study will be considered by NBBC either in the submission document or at the examination depending on the timing of the publication of the Study. This will ensure that an appropriate locational distribution of strategic B8 sites is achieved across the West Midlands Region.

Paragraph 2.17 and 2.27 of the bespoke report have concluded that the Council will need to confirm what proportion of identified need for strategic warehousing it might accommodate, working with other authorities through the Duty to Cooperate. This strengthens the need for the Council to engage with other authorities and agree a position before the Plan examination starts.

Conclusion

Based on the above observations both Councils consider that the Plan can be considered to meet the tests of soundness and legal compliance given the Council is in active discussion with both Councils and is leading on the preparation of Memorandum of Understanding (MOU) which is currently being considered by both Stratford and Warwick Councils. Both Councils welcome NBBC’s desire to progress the Plan that meets the needs of its area. However, it may be considered that the submission can be considered somewhat premature given the distribution of B8 has not been resolved and any potential unmet housing need across the region is unknown.