

Alison Osborne-Newbold

From: Jennie Johnson - [REDACTED]
Sent: 16 October 2023 23:32
To: Planning Policy
Subject: Nuneaton Reg 19 consultation WWT response

Follow Up Flag: Follow up
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Dear Sir/ Madam,

Nuneaton and Bedworth Local plan review Reg 19

Warwickshire Wildlife Trust has the following comments to make on the Regulation 19, Preferred Options Nuneaton and Bedworth Local Plan.

In terms of the legal tests in particular the Sustainability appraisal and legal duty to fully assess the most appropriate sites for development with the least environmental impact. WWT has a number of serious concerns regarding a number of the housing allocations and their proximity to important local wildlife sites. It is hard to believe that these sites many of which adjoin and actually cover Designated Local Wildlife Sites housing protected species were the most appropriate sites of all those promoted, and that a justified and detailed housing site assessment was carried out considering ecological impacts in full.

Site allocations

SHA3

Serious concern regarding the important designated Whittleford park and bar pool valley and Red banks LWS. Was this considered fully in the Sustainability Appraisal and housing site assessment.

7.53 Land to west of part of designated Judkins quarry LWS. How did this site pass a sustainability appraisal and score the highest in terms of an appropriate site? The Plan even Acknowledges the site supports a numbers of legally protected species and newts.

1. surveys should have carried out before this site was selected as the most suitable site.
2. remove words retention and enhancement 'where possible and 'where necessary'.
Legal requirement under NERC and wildlife and countywide Act to enhance without the caveats and using stronger wording.
3. Concern regarding the impact of lighting on canal LWS how can this realistically be reduced.

SHA2

Arbury Park PLWS

Serious issue regarding proximity to Dagleys wood and new park wood.

1. Need to ensure any enhanced public access don't affect protected species, through increased dog walking, noise activity etc on the local wildlife site . Should also detail what mitigation measures are required.

The site shouldn't be allocated for housing as the best assessed site. It's hard to believe their weren't higher scoring sites as part of the SA process. How is the council fulfilling the soundness test of in line with National policy and its legal duty NERC to not harm protected species. This shouldn't be a key site to meet housing need with impacts on the very important LWS ensors pool.

1. These ecological important Surveys should have been carried out already, before this site was chosen as the most suitable site. How can council fulfil its legal NERC duty otherwise. 34 remove word 'significant' impact should be 'impact' on ancient woodland.

SHA1

Top farm

Access needs to be appropriately managed onto local wildlife site. To ensure increase noise, activity, Light, dog walking etc doesn't impact protected and important species and habitats.

1. surveys should have already been carried out before this was selected as more suitable site.

SEA4

Griff quarry PLWS

7.118 very concerned regarding this allocation directly on a PLWS. Mitigation should be a last resort, the SA should have assessed all submitted development sites surely this wasn't the most appropriate site. The council in line with its legal NERC duties and wildlife and countryside Act as well as its duty to reach 30 by 2030, shouldn't allocate land that is clearly affecting important wildlife sites.

Surveys should have also already have been carried out. Water voles are indeed known to use the area and we are extremely concerned regarding their impact.

SEA3

Serious concern regarding Prologue county park PLWS. Did the SA fully assess the ecological impacts when choosing this land allocation.

Known to house protected great crested newts amongst others.

7.110 land to the south/ south east houses great crested newts. How did this site pass a site assessment and SA. Mitigation should be a last resort. Existing off site county park monitoring is not enough, and it will be too late by that point to monitor impacts. Detailed surveys should have been carried out before to meet councils legal NERC duties.

7.112 mitigation is a last resort, how was this chosen as the most suitable site.

SEA 2 Wilson's lane

Concern regarding the Designated LWS Bassford bridge meadow. Was this site fully ecologically assessed as part of the SA and housing assessment.

1. Financial contribution isn't good enough when considering impact on the important LWS. Mitigation is a last resort. These sites shouldn't have been chosen as part of an appropriate SA if they are impacting local wildlife sites. Need to ensure any new access doesn't impact habitats and species in the LWS through increased noise, lighting disruption etc.

Again mitigation should be last resort, how did this site score highest in a site selection process.

SHA6

Concern regarding Designated Bayton rd lakes LWS.

1. houses facing areas of open space will increase impact on protected species known to use the site.
2. Wording not strong enough. Weak and vague. Mitigation is last resort surveys should have already been carried out at site selection stage. 21. Enhanced connectivity would need to consider the noise/ lighting/ disruption impact on the designated LWS. Not impact protected species in line with Council legal NERC duty and environment act requirements.

We are pleased to see the buffer areas included in the plan as these are crucial to protect important legally protected species and transition between new build development. Although we note that you haven't included the recommend 8m for wetland features including emergent vegetation, lakes and ponds.

In terms of compliance with National policy and the 30 by 2030 wildlife target. Whilst pleased to see reference to Wildbelts we are disappointed their isn't a separate policy on this as discussed. Also disappointed no separate nature recovery strategy policy outlining how this will be delivered through the planning process.

In terms of the legal test and line with the National policy, and the Governments commitment to 30% more land for nature recovery by 2030 and the Environment Act. We would have hoped to see higher than the standard 10% net gain. A number of other council such as Greater Cambridgeshire and Cornwall have now got plans through examination with 20% net gain as a more ambitious starting point to help with climate emergencies and achieve government 30 by 30 targets.

In terms of the legal soundness tests. We note that the plan sets out a huge 9,000 new homes and 87ha employment land. This is not considered to be justified and in proportion with the size of the district.

In terms of the legal tests and requirements under the duty to cooperate. We also have concern regarding the additional 100 homes over the county wide housing assessment and whether these figures are robust and in line with the duty to cooperate with neighbouring councils and their evidence base.

In line with the National policy test.

We are also very surprised their are no **Neighbourhood plans** in the area. When the council has a legal duty to support the community to put these important plans together and which

would help get the community more involved. The plan doesn't appear to include a proactive policy on neighbourhoods planning in the area.

In terms of the legal checks and evidence base the open space study doesn't go into enough detail on GI and the detailed GI study dates back to 2013.

In terms of the soundness test and compliance with National policy. 13.33 should remove negative and weak wording, such as 'small element' and 'coherent physically connected'.. and 'sites of higher ecological value' 'are now recognised as essential'. These should all have always been recognised as essential the council has a legal NERC duty to protect and the council should also enhance those that aren't coherent physically connected in line with the legal Nature recovery strategy requirement on councils.

The key should also refer to 2022 LWS data in the key, not outdated WT data.

We hope that these comments will be considered as part of the Examination. Any questions please do get in touch.

Yours Sincerely,

Jennie.

Jennie Johnson (she / her) – find out why I display my pronouns [here](#)

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