

Anca Seaton

From: Darren Oakley [REDACTED]
Sent: 16 October 2023 14:49
To: Planning Policy
Subject: Publication (Reg 19) version of Nuneaton & Bedworth Borough Plan Review - response obo Taylor Wimpey Strategic Land
Attachments: 1.RPS on behalf of Taylor Wimpey NBLPReg19_para1.1DTC.docx_16.10.23.pdf; 2.RPS on behalf of Taylor Wimpey NBLPReg19_DS2_settlement hierarchy.docx_16.10.23.pdf; 3.RPS on behalf of Taylor Wimpey NBLPReg19_DS3_overall_development_needs_V2_16.10.23.pdf; 4. RPS on behalf of Taylor Wimpey NBLPReg19_ch4_Vision.docx_16.10.23.pdf; 5.RPS on behalf of Taylor Wimpey NBLPReg19_DS8_plan review.docx_16.10.23.pdf; 6.RPS on behalf of Taylor Wimpey NBLPReg19_para1.10_IDPv2_16.10.23.pdf; 7. RPS on behalf of Taylor Wimpey NBLPReg19_PolicyDS4_residential_allocations.docx_16.10.23.pdf +VD.pdf; 8. RPS on behalf of Taylor Wimpey NBLPReg19_DS6 Green Belt.docx_16.10.23.pdf; 9.RPS on behalf of Taylor Wimpey NBLPReg19_SA.docx_16.10.23.pdf; Representation_Form_A__Personal_details_NBLP_Reg19_Oct2023 obo TW .pdf

Categories: WIP

Good afternoon

Please find attached responses on behalf of Taylor Wimpey Strategic Land with respect to Land at Shilton Lane, Bulkington.

regards

Darren Oakley BA (Hons) MA MRTPI

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Birmingham B3 3NH, United Kingdom



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From: Jacqueline Padbury [REDACTED]
Sent: 26 September 2023 11:43
To: Sarah Matile [REDACTED]
Subject: REMINDER - Consultation notification - Publication version of Borough Plan Review and Main Modifications to Gypsy and Traveller Site Allocations DPD

CAUTION: This email originated from outside of RPS.

In reference to the email below, just to remind all consultees that we are now over halfway through the consultation period, and we really wish to hear from you. Please respond to us by **16th October 2023**. Please do not hesitate to contact this office if you have any queries.

From: Planning Policy

Sent: Monday, September 4, 2023 8:59 AM

To: Sarah Matile [REDACTED] Jacqueline Padbury

Subject: Consultation notification - Publication version of Borough Plan Review and Main Modifications to Gypsy and Traveller Site Allocations DPD

Dear Sir / Madam,

Nuneaton and Bedworth Borough Council will commence consultation today on the following planning policy documents:

Borough Plan Review Development Plan Document (DPD) – Publication version (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012)

The Borough Plan Review sets out the strategy for the Borough for the plan period up to 2039. This is the final opportunity to have your say before the Plan is submitted to a Government Planning Inspector for independent examination. This is different from previous stages as it no longer seeks views on alternative options. This Regulation 19 consultation will require submissions to specifically focus on the following issues:

- Legal Compliance – does the plan meet the legal requirements made under various statutes?
- Duty to Co-operate – has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?
- Soundness – has the plan been positively prepared, justified, effective, and consistent with national policy?

Gypsy and Traveller Site Allocations Development Plan Document (DPD) – Main Modifications

The Gypsy and Traveller DPD plans to provide sufficient sites to meet the Gypsy, Traveller and Travelling Show people needs up to 2037. As part of the Examination process, amendments to the DPD have been agreed with the Inspector. 'Main' modifications are those recommended by the Inspector to make the DPD sound and legally compliant, and '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.

Taking part

The documents above will be subject to a 6 week public consultation. The consultation documents, supporting documents and response forms can be found on the Council's website at www.nuneatonandbedworth.gov.uk/consult. Hard copies of the documents are also available for inspection at the following: Bedworth Library; Bulkington Community Library; Nuneaton Library and Nuneaton Town Hall, Coton Road, Nuneaton CV11 5AA.

To support the consultation, officers of the Council will be available to answer questions on the consultation at Nuneaton Town, Coton Road, Nuneaton, CV11 5AA on Monday to Friday between 10am and 2pm.

All responses should preferably be sent via email to planning.policy@nuneatonandbedworth.gov.uk or in writing to:

Planning Policy
Nuneaton and Bedworth Borough Council
Town Hall
Coton Road
Nuneaton
CV11 5AA

The consultation will run from the 4th September 2023 and all comments should be received by 11:59pm on **16th October 2023**.

If you require further information in relation to the consultation, please contact the Planning Policy team on 02476 37 6288.

Many thanks
Planning Policy Team



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 <p>Nuneaton & Bedworth United to Achieve</p>	<p>Borough Plan Review Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

Borough Plan Review Publication Stage

Please return to Nuneaton and Bedworth Borough Council by 16th October 2023 via:

Email: planning.policy@nuneatonandbedworth.gov.uk

Post: Planning Policy, Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, NUNEATON, CV11 5AA

This form has two parts –

Part A – Personal details.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

	1. Personal details* * If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.	2. Agent's details (if applicable)
Title		Mr
First name	Zoe	Paul
Last name	Curnow	Hill
Job title (where relevant)	Senior Strategic Land & Planning Manager	Senior Planning Director
Organisation (where relevant)	Taylor Wimpey Strategic Land	RPS
House no. and street		1 Newhall Street
Town		Birmingham
Postcode		B3 3NH
Telephone number		
Email address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	1.11
Policy	
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

The Duty

The duty to cooperate was introduced by the Localism Act 2011, and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage '*constructively, actively and on an ongoing basis*' to maximise the effectiveness of local plan (PPG ID: 61-029). It is therefore incumbent on the Council to demonstrate how it has complied with the legal Duty

during the preparation of the Plan on strategic matters that cross more than one planning area, rather than simply state it has.

Paragraph 24 of the National Planning Policy Framework (NPPF) states that councils including Nuneaton & Bedworth Borough Council are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

The Council's response to the Duty

With regards to the Duty, the Council provides a very brief commentary at paragraph 1.11 of the Regulation 19 Plan which states inter alia:

"Throughout the preparation of the Borough Plan Review, the Council has positively engaged with partner organisations, such as statutory consultees and other relevant local authorities, under the duty to cooperate..."

This is merely a statement and does not demonstrate how the Council has met the legal obligations under the duty. This is plainly accepted because the Council goes on to state:

"Collaboration between the Council and other local authorities and infrastructure providers, will be documented through Statements of Common Ground, demonstrating effective and on-going joint working and indicating cross boundary matters are being addressed and progressed. These documents also identify relevant strategic matters which will be addressed in the Borough Plan Review." (RPS emphasis)

No statements of common ground or other evidence has been presented in the Regulation 19 Plan or made available as part of the consultation material to demonstrate how the Council has discharged the duty obligations. This has a number of implications for the examination of the Plan.

Implications for legal compliance

The Localism Act makes clear that engagement must be active and ongoing in order to be legally compliant. However, the Plan does not provide any further explanation as to what collaborative work has been undertaken on the strategic matters, and presents no supporting evidence to demonstrate that this work constitutes engagement in accordance with the Duty to date. The lack

of evidence provided at this critical stage in the local plan process does not give any confidence that the Council has satisfactorily discharged its obligations under the Duty to this point.

As highlighted above, part of the evidence that is lacking relates to the preparation of Statement of Common Ground (SCGs). Paragraph 27 of the NPPF identifies SCGs as relevant documents that should be prepared in order to document the cross-boundary matters and progress made in cooperating to address these, in order to demonstrate effective and on-going joint working, and should be produced using the approach set out in the PPG, and be made publicly available throughout the plan-making process to provide transparency, in accordance with national policy¹. The PPG also highlights that SCGs form part of the evidence required to demonstrate that they have complied with the duty to cooperate (PPG ID: 61-010). Without any details regarding what progress has been made, the Plan is not providing sufficient transparency, which is not consistent with national policy².

The lack of evidence and lack of clarity regarding the Council's approach to discharging its obligations under the Duty raises other, more fundamental concerns regarding legal compliance. This is because as the duty to cooperate relates to the preparation of the plan, it cannot be rectified post-submission (PPG ID: 61-031). All the relevant documentation necessary to demonstrate compliance must be submitted for examination alongside the Plan, to allow the Inspector to determine if the Duty has been adequately discharged. Given their relevance and significance to the preparation of the Plan, this documentation would clearly fall into the category of "...such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan..." under the definition of 'proposed submission documents' under Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

All proposed submission documents, including any documents relating to the duty to cooperate, must be consulted on at the Publication (Regulation 19) stage before they can be submitted for examination, and not at some later date in the process. A number of relevant documents have not been made available that should have been issued as part of the Regulation 19 consultation (either by error or because they do not exist). As this relates to the process of public consultation,

¹ NPPF 2021, para 27

² NPPF 2021, para 27

this list is set out in a separate response regarding compliance with the Statement of Community Involvement, but is equally relevant in the context of the Duty.

The Council has not published any relevant documentation alongside the Plan that demonstrates it has discharged of its obligations under the Duty to Cooperate to date. As explained above, these documents must be consulted on prior to submission of the Plan, in order to meet the legal requirements for consultation on any proposed submission documents relevant to the preparation of the Plan. Consequently, the Council's approach to the Duty as presented in the Plan, regardless of what engagement has actually taken place to date, falls well short of the level necessary to demonstrate compliance to date. As highlighted above, such deficiencies cannot be remedied once the Plan has been submitted. RPS urges the Council to address these matters and reconsult prior to submission.

A number of Councils have failed the duty test in recent years when submitting their plans for examination. Notable examples include Sevenoaks, Wealden, St Albans and Tonbridge and Malling. For example, the Tonbridge and Malling Local Plan Inspectors opined in their final report, dated June 2021:

"33. The Council advise that once the actual SDC [Sevenoaks] unmet need is examined and established, they would potentially seek to deal with it through a future review of the Plan. However, such an approach is not in the spirit of the Act or of national policy. The identified need for housing exists now, and the likely existence of unmet need has been known about for some time and is therefore a strategic matter that should have been considered through the DfC in the current round of local plans, not delayed to some future date. Deferring the issue to subsequent plans does not amount to constructive, active engagement, especially when the plan making processes were, in reality, closely aligned."

In this case, which is the most recent of these, is in RPS's view of relevance to the emerging situation in Nuneaton and Bedworth, given the existing and emerging evidence on unmet housing need emanating from Coventry. In light of this, the Council should be engaging constructively, actively and on an ongoing nature with Coventry on the existing and emerging evidence pointing to a continuance of unmet need from the City up to and beyond 2031. There is a distinct lack of evidence to demonstrate any constructive discussions have been ongoing during the NBLP review process.

On this basis as matters stand, RPS does not consider the Plan to be legally compliant.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RPS recommends the Council to address the matters outlined in this response and reconult prior to submission. Specifically, the Council should:

- Pause progress on the Regulation 19 Plan
- Revisit their approach to addressing the legal duty under the duty to cooperate
- Undertake constructive discussions with Coventry and the other Warwickshire authorities to take co-ordinated actions to address the emerging housing evidence, in particular the likelihood that Coventry will continue to be unable to meet their own housing needs in full now and beyond 2031 and which remains a strategic matter for the C&W HMA as a whole.
- Work towards preparing Statements of Common Ground with neighbouring areas to address this strategic matter now and not later.
- If necessary, go back a stage to the Regulation 18 and issue a draft plan that addresses the legal obligations under the duty, including an appropriate policy response to this strategic matter.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No , I do not wish to participate at the oral examination	
Yes , I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	
Policy	D52 Settlement hierarchy and roles
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Policy D52 updates the Borough's settlement hierarchy where growth will be distributed over the plan period to 2039. The overall approach proposed is to focus 'most development' at Nuneaton as a 'primary town'. Alongside this, 'other development' will be directed to, or adjacent to, other settlements (including Bulkington) at a scale that 'reflects the role and function of the settlement and its order in the hierarchy, as well as the settlement's ability to accommodate change'. The draft wording remains virtually unchanged from the preferred options consultation version.

RPS agrees with the Council that Bulkington is amongst the ‘most sustainable locations for growth’ in the Borough. However, RPS raises soundness concerns regarding the development strategy for Bulkington, set out below.

Lack of regard to past delivery at Bulkington since 2011

Bulkington is the 3rd largest (and most sustainable) settlement in the hierarchy, behind the towns of Nuneaton and Bedworth. However, housing to meet the needs of Bulkington has been severely limited since the start of the current plan period (2011). Data taken for the Council's annual monitoring reports show that only 58 dwellings have been constructed in Bulkington over the ten years between 2011 and 2022, less than 5 new homes per annum, or just 1.1% of the total number of homes net new homes built the Borough since 2011. Table 1 below presents the annual delivery in Bulkington and the Borough between 2011 and 2022.

Table 1 Annual Dwelling Completions in Nuneaton & Bedworth, and Bulkington 2011-22

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	Totals
N&B completions (net)	239	279	153	402	412	400	497	641	619	601	809	5,052
Bulkington (net)	0	1	0	8	2	4	3	3	2	23	12	58
% each year	0.0%	0.4%	0.0%	2.0%	0.5%	1.0%	0.6%	0.5%	0.3%	3.8%	1.5%	1.1%

(Source: NBBC AMRs 2011/12 to 2021/22)

As can be seen, the level of new completions delivered at the Borough's third largest settlement remains anaemic (1.1% of all homes built in the Borough since 2011). This is the result of the tightly drawn Green Belt collar that currently surrounds the settlement as well as the lack of available non-Green Belt sites within the settlement boundary. This, taken together, the restrictive planning framework at Bulkington has stymied growth and offered limited opportunity for local people to access housing in the village. The past shortfall in delivery at Bulkington is an important consideration that has been ignored throughout the preparation of the NBLP.

Insufficient provision of housing land at Bulkington over the plan period

Against the backdrop of the persistent under-delivery at Bulkington, Regulation 19 Plan allocates two sites, totalling 377 dwellings; Strategic Allocation – West of Bulkington (SHA5) for 348

dwelling, and NSRA9 - Former New Inn Public House for 29 dwellings. According to the site-specific commentary in the Regulation 19 Plan, both these sites now benefit from planning permission and are now essentially part of the extant committed supply. The Council therefore has a limited control on the release of these sites. In any event, these two sites would comprise just 3% of the housing land provision (out of 12,085 dwellings in total) identified in the Regulation 19 Plan.

Appendix 2 of the Housing and Employment Land Availability Assessment (HELAA) 2023 predicts both these sites will come forward in years 1 to 5 of the plan period, which is assumed to be 2012-2026. If these sites do come forward as anticipated, then virtually all future planned delivery at Bulkington will effectively stop after 2026. As highlighted above, the Council no longer has any control over the trajectory for these sites, as they now benefit from planning permission which remain extant. This will result in a void in the planned delivery for the remainder of the plan period to 2039, which will restrict the ability of the NBLP to meet the needs of Bulkington (and the needs of other households from across the wider HMA) in the medium to longer term. Any additional planned land provision directed to Bulkington will need to come forward through future plan reviews if not identified at this stage.

The Council's strategy restricts the forward supply of land at Bulkington, which undermines the wider national policy objective of significantly boosting the supply of homes where it is needed and undermines the ability of the NBLP to meet the needs of specific groups (under paragraph 60 of the NPPF), notably those in need of affordable housing. It is not soundly based.

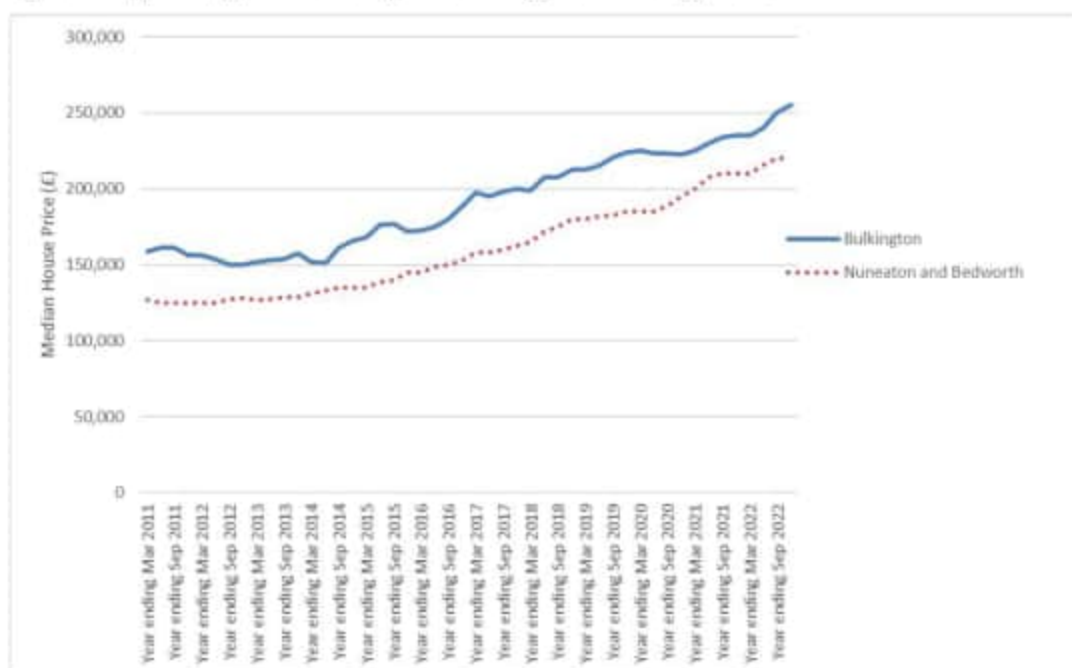
Lack of account taken of market signals in preparing the strategy, contrary to national policy

Paragraph 31 of the NPPF states that the preparation of all policies should be underpinned by relevant and up to date evidence, which should be adequate and proportionate, focused tightly on supporting and justifying the policies, and takes into account: relevant market signals.

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

This is in addition to the consideration of affordability addressed through the standard method calculation. A relevant market signal includes house price change over time. The graph below shows a comparison of house price change in Bulkington and the Borough since 2011, based on small area statistics published by Office for National Statistics (ONS).

Figure 1 Comparison of median house prices – Bulkington and Borough-wide



Source: HPSSA, Dataset 9 and 37 (all sales, all house types), Table 1a

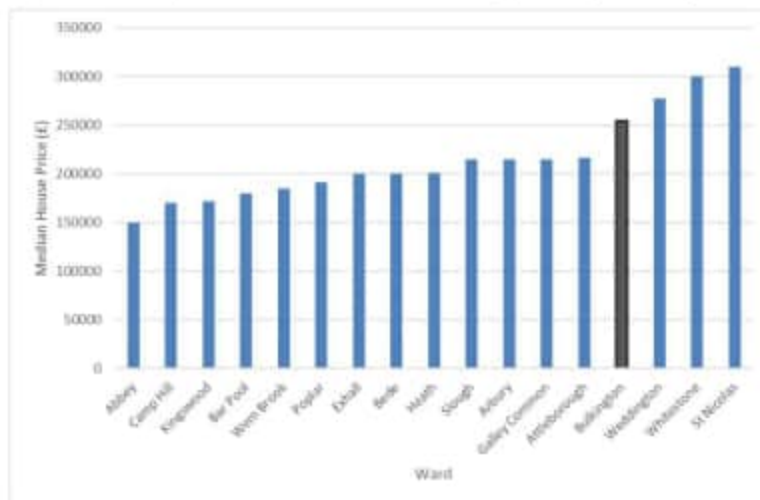
The data shows that house prices in Bulkington have been consistently higher than the Borough as a whole over the last decade at least. This would suggest there is to a certain degree an imbalance between the supply and demand for housing in the Bulkington area. As at March 2023, ONS data indicates that median prices in Bulkington were £257,000, compared to £227,000 for the borough. This shows that prices in Bulkington are 12.3% higher than the borough-wide median level.

To put this in context, the graph below shows prices in December 2022 across each ward in the Borough. This shows that housing in Bulkington¹ remains relatively expensive in comparison to the majority of other parts of the Borough. This is further evidence of a supply-demand imbalance at the settlement.

There is no evidence that the strategy through Policy DS2 for Bulkington has been devised taking any account of market signals (outside the standard method calculation) including house prices, which is of relevance in terms of defining an appropriate quantum of growth for the settlement. The approach is not adequate or proportionate and so is inconsistent with national policy and so not soundly based.

¹ ONS Ward Code E05007479 (Bulkington); LA Code E07000219 (NBBC)

Figure 2 – House prices in Nuneaton & Bedworth, by ward (Dec 2022)



Source: HPSSA Dataset 37 (all sales, all house types), December 2022, Table 1a

Taken together, the draft strategy is neither justified on the evidence nor consistent with national policy and so, on this basis, is not soundly based. NPPF paragraph 16 provides a series of gateway tests for Plan making. It is clear in the context of how Policy DS2 treats Bulkington specifically that it is failing the first two of these tests.

Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development¹¹; b) be prepared positively, in a way that is aspirational but deliverable;

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RPS recommends that additional land is directed to Bulkington in line with its role as foci for growth in the Borough, but also in response to the soundness concerns identified in this submission, a namely the persistent under-delivery of housing, the lack of housing land to meet needs in the latter part of the plan period, and the correlation to above-borough house prices seen at the settlement.

In numerical terms, the amount of housing to be directed to Bulkington should be at least 12.3% of the overall need (9,810 dwellings), this reflects the market signals highlighted above. This would equate to 1,206 dwellings, instead of 377 dwellings assigned to the two site allocations identified under the draft policy, representing an uplift of 830 dwellings. This modification relates to local housing need only and does not account for any additional uplift to account for unmet need from elsewhere in the C&W HMA.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

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7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	
Policy	DS3 Overall Development Needs (Housing)
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Policy DS3 sets out the levels of housing and employment development to be planned for and provided within Nuneaton and Bedworth Borough. RPS supports the expression of the housing requirement in Policy DS3 as a minimum figure. In addition, RPS welcomes in principle the intention to plan for housing (545 dpa) at a level above the standard method local housing need figure for the Borough (which is currently 442 dpa). This is entirely consistent with national policy and guidance and will help facilitate more homes to meet the needs of future households, as well

as increasing the ability of the Council to deliver more affordable housing for those people on lower incomes. It must be noted, nonetheless, that the 545 figure reflects the 'economic aspirations for the Borough' highlighted at paragraph 6.20 of the Regulation 19 Plan, and to 'support the Borough's economy and align planning for homes, jobs and infrastructure' stated at paragraph 6.22; such alignment is also highlighted at paragraph 6.6 of the 'Towards A Housing Requirement Topic Paper' in support of the Council's borough economic strategy. There is no suggestion put forward in the Regulation 19 Plan that this level of growth would account for any wider housing and employment need from elsewhere in the C&W HMA. If this was the case, then such an approach would need to be agreed with neighbouring areas and evidenced in statements of common ground or other memoranda of understanding; none of which have been published as part of this consultation process.

The overarching approach in the policy is therefore consistent with paragraph 60 of the NPPF to significantly boost the supply of homes to meet local need.

That said, RPS has four principal soundness concerns with other aspects of the growth strategy, as set out below.

1. The Approach to devising the strategy does not demonstrate effective cooperation on cross-boundary issues and so is contrary to national policy (paragraphs 21, 27, and 35c)

The first concern is one of timing and how this undermines the effective cooperation to address strategic matters facing the HMA as a whole.

Specifically, the Council took a conscious decision to initiate a review of its current local plan, adopted only four years ago (on 11 June 2019) but which has commenced almost immediately after its adoption¹.

It remains unclear why exactly the Council is pushing so quickly to replace its recently adopted Plan, as no explanation is provided in the Regulation 19 Plan. The implication of doing so would potentially mean that the Council could benefit from having a newly adopted Plan in place before

¹Regulation 22(1)(c) Statement of Consultation of Nuneaton & Bedworth Borough Council in support of the Borough Plan Review – Publication 2021-2039, September 2023 (2.0 Key Local Plan Stages Undertaken – Commencement / Scoping began during June 2019 to May 2021)

key strategic matters, including those relating to housing need across the HMA, have been considered by other local plan reviews as they progress after Nuneaton & Bedworth's Plan review.

Paragraphs 24-26 of the NPPF makes clear the importance of effective cooperation in plan-making. It states that local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries, and that strategic policy-making authorities (including Nuneaton & Bedworth Borough Council) should collaborate to identify the relevant strategic matters which they need to address in their plans. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, in particular whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. The Council's approach does not fairly and reasonably accord with the spirit and intention of effective joint-working.

There have been recent examples where plan reviews that do address unmet need have come forward within those areas in advance of plan reviews where the unmet need emanates from. In Leicestershire, which borders much of Warwickshire and Nuneaton & Bedworth in particular, two plan reviews have emerged that cooperated in order to address aspects of unmet need from Leicester City in advance of the new Plan for the city. The two reviews in question were in Melton borough (on housing need, which is now adopted) and Charnwood district (on employment land need, which is ongoing). In both cases, the Local Plan inspectors were satisfied with the approach taken to discharge the duty to cooperate and the approach to joint working.

In contrast, the Regulation 19 Plan for Nuneaton & Bedworth being consulted here says virtually nothing about the strategic matters on housing need that will undoubtedly form key aspects of all the next round local plan reviews in Warwickshire, notably relating to housing need. An existing arrangement between the CW constituent authorities is currently in place to address unmet need from Coventry up to 2031, titled *Memorandum of Understanding relating to the planned distribution of housing within the Coventry & Warwickshire Housing Market Area (HMA)* published in 2015 (2015 MoU). Under the current arrangements, Nuneaton and Bedworth agreed to accommodate 4,020 dwellings from Coventry as part of the overall development strategy under adopted Policy DS3. This represented 22.5% of the total unmet need from Coventry (17,800 dwellings) between 2011-2031. This would be delivered in the borough over the period 2018 to 2031 (or 13 years), equating to 309 dwellings per annum over the period to 2031. Using a base

date of 2021, this means that over the ten-year period to 2031 the Council is seeking to discount 3,090 dwellings that should be delivered by the borough as originally signed up to under the existing 2015 MoU.

The risk here is that, whilst beneficial to the Council, matters relating to the scale of the shortfall and how unmet need is to be tackled across the HMA will be left to other C&W authorities to address the wider needs of the HMA as those plans move forward. RPS considers the approach taken by the Council is not constructive or effective as required by national policy in terms of the role a strategic plan-making should play in addressing matters which cross administrative boundaries, and so is not soundly-based.

Consequently, an additional need of at least 3,090 (or 309 dpa over ten years) dwellings from Coventry should be accounted for in determining the appropriate housing requirement figure in the Regulation 19 Plan for the period up to 2031.

2. The strategy is predicated on a projection methodology that is not justified

The evidence base underpinning the starting point for assessing local housing need in Nuneaton & Bedworth is the Housing & Economic Needs Assessment (CW HEDNA) for Coventry & Warwickshire, prepared by Icenl and dated November 2022.

Paragraph 1.10 of the CW HEDNA explains that *'initial work on preparing the HEDNA was undertaken in 2021'* but that *'the project was however paused to reflect uncertainties associated with demographics, pending the release of data from the 2021 Census. The HEDNA report has then been finalised in Autumn 2022 with demographic analysis and modelling of housing need capturing initial Census data released on 28th June 2022.'*

In chapter 5 of the CW HEDNA, the report suggests that the use of the standard method as set out in national planning guidance is not an appropriate basis for the assessment of housing need for the Coventry and Warwickshire authorities, and that an alternative approach is justified. This is described as a 'trend-based projection'. The justification given (at paragraph 5.1 of the CW HEDNA) for a departure from the standard method is the recent publication of data from the Census 2021 issued during 2022, and criticisms made of Office of National Statistics (ONS) who it

is claimed is guilty of ‘...significantly over-estimating population growth in Coventry and this seems to be confirmed through Census data.’

The CW HEDNA points to potential issues with the population estimates solely for Coventry as being the driver behind the use of alternative projections. This is matter for the Coventry Local Plan review, which has only recently commenced with the Issues and Options consultation which finished in 29 September 2023. In any event, **no mention is made in the CW HEDNA regarding any problems with the official estimates for Nuneaton & Bedworth.** Table 5.33 of the CW HEDNA presents the outputs from the alternative trend-based approach. An extract is shown below.

	Coventry	North Warwicks	Nuneaton & Bedworth	Rugby	Stratford- on-Avon	Warwick	C & W
Households 2022	141,244	27,709	57,302	48,232	61,131	65,503	401,120
Households 2032	154,202	28,653	60,618	54,269	67,271	71,215	436,228
Change in households	12,958	944	3,316	6,037	6,140	5,712	35,108
Per annum change	1,296	94	332	604	614	571	3,511
Affordability ratio (2021)	5.96	8.23	7.73	7.47	10.62	10.73	
Uplift to household growth	12%	26%	23%	22%	41%	42%	
Initial need (per annum)	1,455	119	409	735	868	811	4,397
Capped	1,455	119	409	735	868	811	4,397
Urban uplift	35%	0%	0%	0%	0%	0%	
Total need (per annum)	1,964	119	409	735	868	811	4,906

Source: Derived from a range of ONS and AHCLG sources

The ‘alternative’ housing need for Nuneaton & Bedworth is 409 dwellings per annum. This is 33 dpa lower than the current standard method figure derived from the PPG methodology (442 dpa). The table below also compares the outputs from the standard method and the alternative projection. This is summarised below (Table 1). The standard method figure is taken from Table 2 of Regulation 19 Plan as the total need for each constituent authority.

Table 1 Assessment of housing need in C&W HMA – standard method vs CW HEDNA (dpa)

	Standard Method annual requirement	CW HEDNA ‘alternative trend-based’ projection	Difference
Nuneaton & Bedworth	442	409	-33
C&W HMA-wide need	5,602	4,906	-696

The alternative trend approach would result in a reduction in projected need across the HMA as a whole of nearly 700 fewer homes each year, and 33 dpa for Nuneaton & Bedworth specifically. This would equate to an HMA-wide under-provision of 12,528 dwellings over the period to 2039, consistent with the Regulation 19 Plan timeframe. RPS considers the reduction in the scale of

homes projected forward at both the local and sub-regional level to be **significant**. The impact on Nuneaton & Bedworth is that the alternative projection would also establish a **lower starting point** for consideration of any potential uplift when determining the housing requirement (which itself is a separate exercise to that of defining the need).

Paragraph 61 of the NPPF makes clear that:

*“61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless **exceptional circumstances** justify an alternative approach which also reflects current and future demographic trends and market signals...”*

The NPPF does not define the circumstances where an alternative approach to assessing housing need might be justified. It does, though, point to the standard method as being the preferred approach. This is confirmed in the PPG. The PPG (2a-003) states that whilst the use of the standard method is not mandatory it nonetheless says:

*“There is an **expectation** that the standard method will be used and that any other method will be used **only** in exceptional circumstances”*

It goes on to state (at 2a-015):

*“**Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.**”*

This again places a greater burden of proof on those authorities who try to justify need figures below the standard method. This is the case in point in the Regulation 19 Plan for Nuneaton & Bedworth.

Interestingly, the PPG does state that “... where data availability does not allow the standard method to be used...” which RPS infers as being the most likely circumstance where an alternative

method might be justified. This is likely to cover those cases where local authority administrative boundaries include National Park authority area, who are responsible for their own forward planning. This is **not** the case in Nuneaton & Bedworth or Coventry & Warwickshire, however.

Rather than pointing towards a lower housing need figure, evidence presented in the CW HEDNA points to a higher level of need than under the alternative trend projection is more likely for Nuneaton & Bedworth. Notably, Table 5.20 of the CW HEDNA compares population estimates in the official mid-year estimates issued by Office for National Statistics (ONS), the alternative projections, and outputs from the Census 2021 for each constituent authority, at 2021. The figures for Nuneaton & Bedworth are summarised in the table below (Table 2). RPS notes that the Census 2021 provides a higher count than the other assumptions in Nuneaton & Bedworth.

Table 2 Comparing population estimates and projections for 2021 – Nuneaton & Bedworth

	SNPP (2021)	CW HEDNA 2021	Census 2021	Census difference to SNPP	Census difference to CW HEDNA
N&B	130,600	133,100	134,200	3,600	1,100

Source: CW HEDNA, Table 5.20

RPS has also compared the census figure to the 2014-based projections used in the standard method. This is shown in the table below (Table 3).

Table 3 Comparing 2014-projections v census 2021 – Nuneaton & Bedworth

	2014-SNPP	2018-SNPP	Census 2021
N&B	129,958	131,186	134,200

Source: ONS; DCLG

As can be seen in the two tables above, it is consistently the case that the Census 2021 count is higher compared to all other assumptions. This, nonetheless, simply points to there being differences between the official estimates, projections for 2021 and the actual count of population in that same year, but that the census figure is higher, not lower than those in the standard method population. It is unclear why any alternative method that incorporates the census population, where that figure is higher than previous estimates (by over 4,000 people), should then result in a projection of need that is lower than the standard method. The implication for the Regulation 19 Plan is that a higher population is more likely to result in a greater demand for housing in the future, not less. The outcome of the alternative projection in the CW HEDNA is

simply not realistic. RPS considers that the alternative trend-based figure is not based on realistic assumptions of demographic growth and so does not provide a credible need figure for Nuneaton & Bedworth in the Regulation 19 Plan.

Based on the foregoing analysis, **RPS considers that the housing need figure of 409 dpa is not justified and so is not soundly-based.** RPS contends that if any adjustment is to be considered then this should be applied as a 'second stage' process in order to derive the housing requirement, using the standard method figure (442 dpa) as the starting point. This would result in a higher housing requirement than the one put forward in the Regulation 19 Plan (of 545 dpa). **Applying the same uplift (136 dpa) to the starting figure defined in the Towards a Housing Requirement Paper, would result in a requirement of 578 dpa.**

The Council had also previously carried out its own assessment at the preferred options stage: this was the Nuneaton & Bedworth HEDNA, dated May 2022. This produced a local need figure of 646 dpa. The Council provides no clear justification as to why this figure has been discounted.

The figure of 442 dpa (or 7,956 dwellings to 2039) based on the standard method should be used as a minimum starting point for the housing requirement in Nuneaton and Bedworth, in accordance with national policy and guidance. Not to do so is inconsistent with national policy and so is not soundly-based. This figure should also form the basis for consideration of an additional uplift; to account for wider unmet need from elsewhere in the C&W HMA. This is discussed under point 3 below.

3. The strategy ignores emerging evidence on unmet need from the wider HMA and so is not effective or positively prepared

RPS has already highlighted significant concerns under point 1, regarding the Council's intention to resile from delivering 4,020 dwellings accommodated from Coventry (between 2018-2031) or 3,090 dwellings between 2021-2031 agreed under the existing 2015 MoU.

Currently undergoing consultation is the first stage in the review of the Coventry Local Plan (CLP); titled Coventry Local Plan Regulation 18: Issues and Options July 2023. The CLP identifies three growth options and seeks view on which one should be taken forward to the next stage. As

explained below, all the options would result in an unmet need for housing up to 2041 (the emerging plan period). This period covers the entirety of the NBLP, which runs to 2039.

Summarised below (Table 4) are the three options and the latest housing land supply to meet it.

Table 4 Growth options and land supply – Coventry (IO July 2023)

Dpa	Standard Method-based need	CW HEDNA (using 2021 census data)	HEDNA (excluding 35% uplift)
Dwellings per annum (averaged over the 20 year plan period)	3,188	1,964	1,455
Total need over the 20 year plan period 2021 - 2041	63,760	39,280	29,100
Projected Supply*	25,188	25,188	25,188
Total emerging shortfall in Coventry	38,572	14,092	3,912

Source: CLP, IO July 2023, Table 6; *CLP IO Housing Topic Paper 2023

Depending on the option, the emerging unmet need in Coventry ranges from 3,912 to 38,572 dwellings (subject to confirmation in an updated statement of common ground). RPS would suggest that if effective and constructive engagement between Coventry and Nuneaton & Bedworth was occurring then the Council would have been aware of this as each Plan was in preparation and ongoing joint working on the CW HEDNA evidence base. However, no mention is made to this issue in the Regulation 19 Plan, which is clearly an issue that affects more than one area and so would continue to fall under the definition of a cross-boundary strategic matter. Neither the Regulation 19 Plan nor the housing requirement topic paper makes any reference to this matter. The failure to consider how the Regulation 19 Plan could address this emerging unmet need from Coventry raises serious soundness concerns with the overall housing growth strategy under Policy DS3.

RPS would suggest that a similar proportional distribution of the unmet need similar to the approach taken in the previous round of plan-making across Coventry and Warwickshire and which resulted in the Memorandum of Understanding being adopted by all authorities as recently as 2015. The current proportions used for redistribution of Coventry's established unmet need

across the other CC&W authorities, including Nuneaton and Bedworth, is summarised below (Table 5).

Table 5 Summary of redistribution of unmet housing need from Coventry – 2015 MoU

		Redistribution*	%
Coventry OAN	47,400		
Coventry housing requirement	24,600		
Coventry unmet need	17,800		
North Warwickshire		850	4.8%
Nuneaton and Bedworth		5,490	30.8%
Rugby		2,800	15.7%
Stratford-on-Avon		2,020	11.3%
Warwick		6,640	37.3%
		17,800	

* Figures taken from Cabinet Report, Coventry City Council, 12 January 2016, Table 2 for ease of reference.

As can be seen, using the Government's advocated approach as reflected in Standard Method this results in a shortfall of 38,572 dwellings for the period 2021-2041. This represents a significant increase from the existing unmet need from Coventry (17,800) currently agreed amongst the C&W constituent authorities. Pro-rata over the 18-year plan period in the Regulation 19 Plan (2021-39) this equates to 34,718 dwellings. If the proportion of housing re-distribution is based on the current MoU shown above (30.8%) this would see an additional 592 dwellings per annum (and 10,693 dwellings in the plan period) re-directed to Nuneaton and Bedworth for this plan to deal with. As the 594 dpa is higher than the 309 dpa figure directed to Nuneaton and Bedworth under the current 2015 MoU, and is in any event derived from a different methodology, there is no further uplift necessary to address the unmet need from Coventry. The calculations are summarised below (Table 6).

Table 6 Redistribution of unmet need from Coventry based on emerging evidence

	Unmet need 2021-39	Redistribution*	%
Coventry	34,718		
North Warwickshire		1,666	4.8%
Nuneaton and Bedworth		10,693	30.8%

Rugby	5,451	15.7%
Stratford-on-Avon	3,923	11.3%
Warwick	12,950	37.3%

Based on the foregoing, RPS contends that an additional uplift of 594 dpa should be added to the housing requirement for Nuneaton and Bedworth to ensure it is soundly-based. Based on the standard method starting point (442dpa) the housing requirement should be increased to 1,036 dpa over the plan period.

4. The strategy does not adequately address affordable housing need in the Borough

The adopted Local Plan identifies a stepped trajectory and which results in a housing requirement of 812 dpa for the period up to 2031. The Regulation 19 Plan now proposes an annual average requirement of 545 dpa. Consequently, setting the housing requirement at a level below the current adopted figure would actually deliver fewer affordable homes. This would clearly undermine efforts to increase the delivery of affordable housing in the face of a significant need for affordable housing which, on the Council's own evidence, is currently 407 affordable dwellings (see paragraph 5.4 of the Housing Requirement Paper), or 7,326 affordable homes over the plan period. This equates to virtually 100% of the 'alternative' total housing need in the Borough (409 dpa), and 75% of the uplifted proposed housing requirement figure (for economic growth).

Similarly, when affordable housing delivery is considered in the context of the percentage standards to be applied to future qualifying developments, the problem becomes even more stark. The local plan expects 25% of the total number of units on such sites to be affordable. Should the Council seek to take a more positive approach to the delivery and seeks to address affordable housing need in full based on a 25% on-site provision equates to a housing requirement of 1,628 dpa (paragraph 5.16 of the housing requirement paper). Whilst this is likely to be considered challenging, it does highlight the fundamental inadequacy of the proposed requirement as a mechanism for addressing affordable housing need in the Borough. This is further evident given that a requirement of 545 dpa at 25% equates to just 136 affordable units per annum, or just 33% (one third) of the affordable need annually.

Table 3 of the Regulation 19 Plan proposes an over-supply of housing land (12,085) versus the plan requirement of 9,810 dwellings (545 dwellings each year for 18 years). This equates to an

18% exceedance. However, even if the Council delivered all this supply and achieved a 25% proportion as affordable, this would still only equate to 3,021 affordable delivery, or 41% of the total affordable need. The Council's own evidence highlights, "...an increasingly urgent need for affordable housing delivery..." (paragraph 5.15 of the housing requirement paper).

The analysis above shows that the housing requirement currently proposed in the Plan will facilitate only a fraction of the total number of affordable homes needed, resulting in a significant proportion of those households in most need being unable to access suitable housing in the Borough. This will result in people either continuing to live in unsuitable housing, relocate out of the Borough, or not have any access to their own accommodation in any form. This runs counter to national policy², which requires plans to make 'sufficient for housing, including affordable housing'.

RPS contends that the proposed strategy for the delivery of affordable fails to accord with national policy and does not adequately respond to the local evidence, and so is not soundly-based. The Inspector is invited to give proper consideration to establishing a housing requirement as close to 1,627 dpa as is reasonably possible to ensure that every effort is made to deliver the affordable housing needed within the plan period. This would represent a figure that would meet the affordable housing need in full.

{Continue on a separate sheet / expand box if necessary}

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

² NPPF 2021, paragraph 20

RPS does not object as a matter of principle on soundness grounds to measures that would uplift the housing need starting figure to account for future economic growth and to ensure an appropriate balance between home and jobs is planned for in the area.

Nonetheless, based on the foregoing analysis in box 5, RPS contends:

- The strategy under Policy DS3 is predicated on a projection methodology that is not justified

The starting point for the housing requirement should be 442 dpa, and not 409 dpa. The housing requirement to address local needs only should range between at least 545 and 646 dpa which includes an uplift for the Council's economic growth aspirations.

- The approach to devising the strategy does not demonstrate effective cooperation on cross-boundary issues and so is contrary to national policy (paragraphs 21, 27, and 35c)

See third bullet point below as these issues overlap to a large extent.

- The strategy ignores emerging evidence on unmet need from the wider HMA and so is not effective or positively prepared

An additional uplift to the local needs-based housing requirement is appropriate, and the uplift should be 594 dpa over the plan period, based on current emerging evidence.

- The strategy does not adequately address affordable housing need in the Borough

A housing requirement as close to 1,627 dpa as is considered reasonable and would be an effective response to the scale of affordable housing need in the borough based on the Council's own evidence.

A summary of the housing requirement range is set out below:

Table 7 Summary of housing requirement range underpinning the development strategy (Policy DS3)

Regulation 19 Plan	SM starting point	Locally based housing requirement	Adjustment for unmet need from C&WHMA	Housing Requirement inc. IIMA uplift	Requirement to meet affordable housing in full	Total range 2021-2039
Per annum	442	545 - 646	594	1,139 – 1,740	1,627	1,139 – 1,677
Total (18 years)	7,956	9,810 – 11,628	10,693	20,502 – 22,320	29,286	20,502 – 29,286

On this basis, the total housing requirement would be between 20,502 and 29,286 dwellings over the plan period. The additional uplift is between 594 to 1,082 dwellings per annum compared to the Regulation 19 Plan figure in Policy DS3.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No , I do not wish to participate at the oral examination	
Yes , I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	4.0 Vision and strategic objectives
Policy	
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Vision and Strategic Objectives

Strategic objective 4 (Housing) seeks:

"To provide a steady and adequate level of suitable housing which meets the needs of existing and new residents."

Whilst RPS does not object to this as an over-arching objective in principle, it nonetheless ignores the emerging evidence pointing to a continued unmet need for housing elsewhere in the sub-region, notably Coventry (RPS discusses this matter in more detail under separate representations). In addition, paragraph 3.3 (3rd bullet) of the Regulation 19 Plan acknowledges the functional relationship between the borough and Coventry in terms of commuting patterns as one of the key issues for the Plan and which is long-standing in the area. Nuneaton and Bedworth is therefore required to continue to make contributions towards addressing these wider needs outside the borough. The advice is clear in paragraph 61 of the NPPF as follows:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.” (RPS emphasis)

Unfortunately, these relevant considerations are not adequately reflected in the vision and objectives of the Plan, but which should form the basis for the strategic policies for the area, in accordance with paragraph 21 of the NPPF as follows.

“Strategic policies should look ahead over a minimum 15 year period from adoption¹⁵, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”

The lack of any recognition of these wider needs is not justified on the evidence and means the Plan is not positively prepared.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or

sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RPS recommends that the strategic housing objective for the Plan are amended to properly reflect the emerging evidence on wider housing need across the C&W HMA as well as local characteristics.

Accordingly, the draft objective 4 should be amended as follows:

"To provide a steady and adequate level of suitable housing which meets the needs of existing and new residents, including housing to assist in meeting needs of households from elsewhere in the wider housing market area."

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	x


8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to be properly expressed and to enable responses to issues raised through the discussion at any relevant hearing session.

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Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	
Policy Policies Map	DS8 Plan Review

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Policy DS8 seeks to establish the circumstances under which an early review of the NBLP might be required.

The policy wording identifies two circumstances, however the first bullet point is a jumble of different (if not related) issues which renders the criteria ill-defined and poorly drafted; whilst the second point relates to 'any other reason that would render the plan, or part of it, significantly out

of date' which is also considered to be vague and imprecise. This is not consistent paragraph 16 of the NPPF which requires policies to be '*clearly written and unambiguous*' and on this basis alone is not soundly-based.

Furthermore, whilst the various circumstances may be of relevance to the matter of a plan review, the policy contains no criteria that relates to the possibility (or, in our view, the probability) that there will continue to exist an unmet need for housing, and also employment, emanating from Coventry City once the extent of that unmet need is determined through the Coventry City Local Plan review process. Given the existing evidence from the MoU which the Council has recently reneged on and emerging evidence from Coventry's Issues and Options consultation on the likelihood of unmet needs from Coventry City highlighted in separate submissions to Regulation 19 Plan, the lack of any criteria addressing this matters is not justified, and so is not soundly-based.

Similarly, whilst some review criteria are proposed the policy provides very little detail as to the specific events that would trigger an early review. This goes to heart of the lack of precision and clarity in the policy and ultimately its lack of soundness. For example, at what point would the overall development strategy be deemed as 'significantly out of date' and how would this be established? RPS would argue that the quantification of the unmet need from elsewhere in the C&W HMA, notably Coventry, would constitute such a trigger for a review of the NBLP. The policy should at the very least include a mechanism to trigger a review in such circumstances.

In addition, the policy should include the timescales for undertaking any, and all, of the actions triggered by the policy. This should include a timeframe in which those actions required to address unmet need from Coventry would be given effect. For example, a time limit for the publication of a Regulation 18 consultation on proposals to address that unmet need, including proposed site allocations, will be issued within one year and submission of a plan review within three years would make the policy effective.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or

sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Based on the foregoing analysis, RPS would recommend the following modifications:

1. Make reference in the policy to the potential need for a plan review in response to evidence regarding wider development needs from elsewhere in the C&W HMA as a trigger for a plan review. RPS suggest the first bullet point is modified to read as follows:
"If there is clear evidence that the Borough's local housing need or employment need or needs from elsewhere in the wider market area has changed significantly since the adoption of the plan."
2. Include appropriate timescales or time limits for the publication of consultation documents in response to the triggers engaged for a review. An additional bullet point should be added, the suggested wording as follows:
"publication of a Regulation 18 consultation on proposals, including proposed site allocations, will be issued within one year and submission of a plan review within three years"

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	X

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
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Date:	16 October 2023
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Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	Paragraph 1.10 Infrastructure Delivery Plan
Policy	
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Paragraph 1.10 of the Regulation 19 Plan explains that an Infrastructure Delivery Plan (IDP) has been prepared, which provides information about the infrastructure needs to be delivered to support the policies and growth targets in the Borough Plan Review, outlining the sources of funding for projects and those responsible for its delivery.

The IDP is supported by an Infrastructure Delivery Schedule (IDS), which provides more details on the specific schemes, timescales, costs, funding, and the means by which the fundings will be secured (usually linked to delivery of specific site allocations).

RPS has a number of soundness concerns with the approach on infrastructure provision in the Regulation 19 Plan.

Lack of clarity on infrastructure provision following removal of site HSG7

Paragraph 11a of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development; for plan-making this means that all plans should promote a pattern of development that seeks to align growth with infrastructure. In addition, paragraph 20 makes clear that strategic policies should make sufficient provision for Infrastructure. For plans to be positively prepared, they should be aspirational but deliverable (paragraph 16).

The IDS includes a number of schemes linked to financial contributions secured from development on site HSG7 (East of Bulkington), which was allocated in the adopted NBLP. Many of the schemes are solely reliant bringing forward this site. This site has now been de-allocated in the Regulation 19 Plan. It is understood this relates to access constraints. In any event, as those schemes have been identified to support the implementation of the wider strategy and policies of the Regulation 19 Plan, and support the provision of infrastructure at Bulkington. The removal of site HSG7 creates funding gap in terms of how these infrastructure items will be delivered, and which undermines the deliverability and thus the effectiveness of the IDP. In relation to certain schemes, for example contributions towards the Strategic Transport Assessment (NBBC/41), the IDS shows that the sums required are considerable (c. £1.5m).

However, the dwellings that would be built in order to release the funding, suggested in the IDS as s106 and s278 agreements, have not been replaced by an alternative allocation. It is unclear how these infrastructure items will be delivered in the absence of these dwellings and the associated funding contribution generated by them. Neither the IDP nor the IDS provides clarity on this.

Similarly, there are other implications for infrastructure relating to in-combination provision supported by contributions from HSG7 and SHA5 (West of Bulkington), including the delivery of expanded community facilities in Bulkington village centre. Neither the IDP nor Policy SHA5 provides any clarity on how these improvements will be secured given the reduction in the

quantum of growth now directed to Bulkington. This further undermines the effectiveness of the IDP and thus the deliverability of the Regulation 19 Plan.

Based on the foregoing analysis, the IDP and policy approach dealing with infrastructure is not effective in regards to the issues highlighted above, and therefore the Regulation 19 Plan is not soundly-based.

As explained in separate submission to this consultation, the allocation of Land at Shilton Lane, Bulkington can remedy the issues highlighted above through the delivery of a mix of uses and community facilities including a new neighbourhood centre on site. This would support wider objectives to achieve healthy, inclusive and safe places, in accordance with paragraph 92 of the NPPF.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Allocate additional land to replaces sites removed at Bulkington, to ensure that the provision of infrastructure identified in the IDP and IDS and which is necessary to support the delivery of the Plan is delivered. Additional land should be allocated at Shilton Lane Bulkington (BUL-10) to ensure the Plan is soundly-based in this regard.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

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7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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9.

Signature:
(Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)

Date: 16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the **Borough Plan** does this representation relate?

Paragraph	
Policy	DS4 Residential Allocations
Policies	
Map	

4. Do you consider the **Borough Plan** is:

4.(1) Legally compliant?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the **Duty to Cooperate**?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the **Borough Plan** is not legally compliant, is unsound or fails to comply with the **Duty to Cooperate**. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the **Borough Plan**, or its compliance with the **Duty to Cooperate**, please also use this box to set out your comments.

Policy DS4 of the Regulation 19 Plan proposes a number of strategic and non-strategic allocations to meet the housing requirement to 2039.

Paragraph 6.58 of the Regulation 19 Plan states that the evidence based used to inform the proposed allocations includes, inter alia, the Nuneaton and Bedworth Borough Council (2023) Housing and Employment Land Availability Assessment (HELAA).

RPS has **three specific soundness concerns** regarding the assessment of sites drawn as a basis for the allocations, including Land Shilton Lane, Bulkington (site ref. BUL-10).

1. The site assessment process inconsistent with national policy and guidance

Firstly, paragraph 68 of the NPPF makes clear that strategic policy-making authorities, in this case the Council, should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their **availability, suitability and likely economic viability**.

Planning Practice Guidance (PPG) also clarifies that, when identifying sites (and broad locations) for development, identified sites which have particular constraints (**such as Green Belt**) **need to be included in the assessment for the sake of comprehensiveness**, but these constraints need to be set out clearly, including where they severely restrict development. An important part of the desktop review, however, is to identify sites and their constraints, rather than simply to rule out sites outright which are known to have constraints (PPG 3-010).

The Council's assessment of individual sites with potential for residential development is set out in Appendix 2 of the HELAA. This includes an assessment of site BUL-10, alongside other sites identified at Bulkington.

Whilst the HELAA does include BUL-10, it has not been assessed on the same basis alongside other non-Green Belt sites. This is because **the assessment of BUL-10 does not provide any commentary on the Council's reasoning on regarding matters relating to the availability or achievability of development on the site**, which would inform the overall deliverability of the site, only its 'suitability'. The **Council's approach is contrary to national policy and the PPG**, which assumes all sites are assessed on a fair and consistent basis in order that the process is 'transparent' (PPG 3-12).

2. The assessment process is biased towards existing allocated sites

Secondly, RPS notes that the HELAA also concludes that only those sites either part of, or associated with, existing site allocation HSG8 (now site SHA5 – West of Bulkington) at Bulkington

are 'deliverable'. Conversely, all other sites (including BUL-10) at Bulkington are 'omitted' and therefore are not taken forward any further. This raises further concerns regarding the overall transparency in the assessment, and the presence of bias in the approach taken by the Council with respect to how sites at Bulkington have been considered in the assessment.

3. The assessment of BUL-10 is not based on proportionate evidence, and scores the site unfairly on that basis

And thirdly, the Council's assessment of BUL-10 (HELAA Appendix 2) only assesses the site on suitability grounds, but nonetheless concludes:

"The site is located in the Green Belt, the Green Belt Study (2015) identified the parcel as BU2 with a score of 11/20. There are a number of constraints identified on the site including access, relationship with the highway network and integration with the existing settlement."

On the matter of constraints, specific technical evidence has been prepared summarised in a Vision Document in support of the site and was submitted at the Regulation 18 stage as part of the call for sites exercise. The vision document (as up-dated) is appended to this submission (Appendix 1). The document addresses a range of issues relating to delivery on the site, including access and transport, as well connectivity to the rest of Bulkington settlement.

Access and Connectivity is addressed in section 6 of the document. As part of the strategy, the primary access to the site is proposed from Shilton Lane, with a secondary access for buses, cyclists, and pedestrians proposed from Villa Close. There is the potential for a further access to Coventry Road to the west of the site. In addition, a new or diverted bus route through the site would address the current distance from the site to existing bus stops and benefit both the proposed development and surrounding residential areas. Further evidence provides more detailed analysis of the potential access arrangements to and from the site and which shows the overall accessibility of the site to wider facilities in Bulkington, which is also appended to this submission (Appendix 2). RPS is in ongoing discussions with the Local Highways Authority (LHA) and they have identified no fundamental constraints on highway and access grounds that would preclude development coming forward on the site for residential use if allocated.

The analysis in the document underpins an emerging masterplan for the overall delivery of the site which tackles these issues (Figure 1B). The masterplan shows how the site can ensure suitable integration with the existing settlement is achievable.

Whilst the Vision document identifies some constraints, including access and highways, the evidence submitted in the vision document demonstrates how this can be suitably resolved for the benefit of all travel modes, and shows there are no insurmountable constraints that preclude sustainable development from coming forward on the site. RPS contends that the Council's conclusions on the factors above has ignored and indeed even fails to acknowledge its existence on the subject.

Other matters of relevance here relating to landscape. The Council's Landscape Character Assessment (2023) identifies the site as part of the Bulkington Rolling Villages local character area. The LCA defines this area as having 'moderate' quality and character. Under 'Capacity to Accommodate Change', the LCA highlights the sensitive nature of development to the west of Bulkington (contiguous with site allocation SHA5) and the need to maintain separation with Bedworth and Coventry in this part of the area. This issue does not impact on Taylor Wimpeys Shilton Lane site as it is located to the south of the settlement. Similarly, the LCA highlights the importance of maintain and enhance views towards St James' Parish Church (located to the north of the site). The emerging masterplan for the site recognises this as being important, and such views have been considered and accounted for in the overall design layout. However, these considerations presented in the Council's own evidence, as well as evidence submitted by the site promoter of BUL-10, again have been ignored by the Council.

On Green Belt matters, a separate assessment was made by RPS in response to the Council's Green Belt Study 2015, and this was also submitted to the previous consultation stage, and is appended in full to this submission (Appendix 3). The assessment concluded:

- the parcel assessed as part of the GB Study (BU2) forms a substantial area of land which far exceeds the size of the site, and which includes a large area of land to the east of Shilton Lane that lies outside the site boundary, as well as extending further south to include land outside the southern boundary.

- the site makes **only** a limited contribution to openness and to the five purposes of the Green Belt overall, reflective of that assessed in the 2015 Green Belt Study for the wider parcel (BU2).
- there are clear features on the ground in relation to the site against which revised Green Belt boundaries can be drawn to prevent sprawl and countryside encroachment and these can be further reinforced through new green infrastructure planting.
- removal of the site from the Green Belt would **not** undermine the overall purposes and integrity of the wider Green Belt.

The RPS assessment also concluded that the more appropriate score would be 9/20, and not 11/20. RPS also notes that the site scores relatively well when compared to other Green Belt sites at Bulkington.

Taken together, the overall approach to the assessment of potential site allocations, in particular site BUL-10 (Land at Shilton Lane, Bulkington) is flawed, it ignores relevant and proportionate evidence, and is biased towards existing site allocations at Bulkington. The site assessment process used to inform the selection of sites allocations for the Reg 19 Plan is not soundly-based. RPS contend that site BUL-10 is a suitable and viable site for residential development and can help address the wider unmet needs of the Coventry & Warwickshire IMA.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Council should revisit the assessment process overall to ensure it is fair and consistent for all sites, no matter what their current policy designation is, to ensure it accords with national policy and guidance.

1. Revisit the assessment of site BUL-10 to properly reflect and take into account the evidence submitted on behalf of the site promoter, Taylor Wimpey, as highlighted in this submission.

2. The Council should allocate the site in the new NBLP as a suitable location to help address unmet housing need from elsewhere in the IMA, which RPS has highlighted as substantial in separate submissions (to Policy D53) as part of this consultation.

(Continue on a separate sheet / expand box if necessary)

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No, I do not wish to participate at the oral examination	
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- 9.

Signature:
(Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)

Date:

16 October 2023

**Taylor
Wimpey**

Shilton Lane, South of Bulkington

Vision Document

October 2023





**Taylor
Wimpey**

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Executive Summary

This document sets out the vision for the development of the site known as Shilton Lane, which is located south of Bulkington the third largest settlement within Nuneaton and Bedworth Borough. The site is under the sole control of Taylor Wimpey.

Taylor Wimpey's vision is to create a sustainable and attractive place where people will enjoy living, through a characterful new development within easy reach of the services and facilities of Bulkington.

Context

The site covers 59 hectares and is bound to the north and west by the southern boundary of Bulkington. The railway line that runs between Nuneaton and Rugby makes up the southern boundary of the site and Shilton Lane makes up the eastern boundary. It consists of a mosaic of agricultural fields bisected by hedgerows, farm tracks and ditches.

The site is located within the administrative area of Nuneaton and Bedworth Borough Council who are undertaking a review of the adopted Borough Plan 2011 – 2031. The site is being promoted by Taylor Wimpey for residential development for circa 820 new homes through this review.





Site Boundary

Constraints and Opportunities

As set out in this document an assessment of constraints and opportunities has been undertaken to inform proposals for the site. Key constraints and opportunities include:

- The site is currently located within the Green Belt, however a site specific assessment indicates that the site performs no better than sites released for development as part of the adopted Borough Plan.
- The site is considered to have a medium landscape sensitivity due it being Green Belt land but also having the elevated railway line forming its western boundary.
- The site is assessed as having a medium visual sensitivity as it is visible from close range from a relatively small number of properties to the north and north-west and from public footpaths that cross the site.
- Various opportunities to enhance the boundaries of the site through landscape buffer planting and landscaping have been identified, as well as the opportunity to provide open amenity space within the site towards to the west.
- Primary access to the site is proposed from Shilton Lane, with a secondary access for buses, cyclists, and pedestrians proposed from Villa Close. There is the potential for a further access to Coventry Road to the west of the site.
- There is the potential to reduce the speed limit along Shilton Lane from 50 mph to 30mph in the form of a gateway feature to cover the frontage of the site.
- A new or diverted bus route through the site would address the current distance from the site to existing bus stops and benefit both the proposed development and surrounding residential areas.
- The site is well located being just 700m from the centre of Bulkington providing access to a range of services and facilities. Further facilities, including Bedworth Rail Station which provides access to Nuneaton, Leamington Spa and Coventry, are available in Bedworth which is a 12 minutes cycle ride or 9 minute bus journey from the site.
- There are no statutory ecological designations within the site and the development of the site would offer opportunities to strengthen habitat corridors and enhance the aquatic habitat as well as achieve Biodiversity Net Gain.
- The site does not contain any designated heritage assets and the development of the site would have at most negligible impacts on designated heritages assets outside of the site boundary.
- The land being promoted for development lies within Flood Zone 1. Land within the south west of the site is identified as being at risk of surface water flooding, however the mapping is thought to be overrepresented. A modelling exercise will be undertaken to determine a more accurate representation of the surface water flood risk within the site.



Constraints and Opportunities Plan

- An appropriate Surface Water Management Strategy will be implemented on the site to attenuate the increase in surface water runoff caused by development. SuDS features are proposed which will enhance the aesthetic amenity of the development and provide valuable habitats for the local wildlife.
- Existing utilities networks are well established offering opportunities for connection. Utility capacity can be provided by the existing infrastructure or through further network reinforcement. It is not anticipated that any of the utilities identified are in any way a barrier to the development site.
- Air quality at the development site is good, with background concentrations of nitrogen dioxide and PM10 both below the relevant UK Air Quality objectives across the entire site. The development is not expected to adversely impact upon the good air quality in and around Bulkington.
- The site is subject to some noise constraints which have been addressed within the masterplan design and can be further mitigated during detailed design of the development. Overall, the site is not subject to any insurmountable noise constraints.
- A number of trees within the site are in a fairly poor physiological and or structural condition. Replacement tree planting will provide an overall improvement to the site in terms of increased species diversity, improved age structure and to replace the inevitable tree losses due to age and condition.

Emerging Proposal

The overarching vision for the development of the site is to provide a highly sustainable, new residential extension to the southern side of Bulkington which responds positively to the site constraints creating a high quality new neighbourhood that maximises the opportunities of the site.

The Concept Masterplan provides a strategy demonstrating how the site could be developed as a new sustainable neighbourhood extension to Bulkington providing 820 new homes, a 2 Form Entry primary school and sports pitches and a new local centre all located within a mature landscape setting.



Concept Masterplan

Deliverability

As the site is within the control of Taylor Wimpey, a market leading housebuilder, it is clear that the site is available for development. Although the site is currently located within the Green Belt its release for development would not have a detrimental impact on land beyond the site that has been designated for this purpose. It is located on the edge of the adjacent settlement boundary and so would form a logical extension to the existing settlement. As such the site is suitable for development. There are no known fundamental constraints and so development of the site is expected to be viable. Accordingly, development of the site is achievable, and therefore the site is deliverable.

Benefits

The development of the site would deliver a range of benefits to the local community and area including:

Social

Provision of up to **820 new homes, including 205 affordable homes**, helping local people to be able to afford to stay in the area.



Proposed 2 Form Entry Primary School and provision of new community facilities.

Potential for **circa 1.3 hectares of new sports pitches.**



Increase open space, community sport, leisure spending by **£243,843.**



Economic¹

Support the employment of 2,265 people

(direct, indirect and induced jobs), including 27 apprentices, graduates, or trainees.



Generate £9,883,460 in tax revenue,

including £926,157 in council tax revenue to Nuneaton and Bedworth Borough Council.

When complete the future occupiers will generate **£21.6m** of expenditure in local shops and services and a **further £4.3m** spent to make these houses "feel like home".



Generate **£661,084** towards education spending which could provide up to **310 classroom spaces**.

1. Based on the findings of the Economic Footprint of House Building in England and Wales report, commissioned by the House Builders Federation. The report identifies some of the key benefits building new homes can generate for the national and regional economy as well as for a local community's wellbeing and sustainability.

Environmental

The proposals retain the majority of existing important trees and hedgerows.



The proposals create significant publicly accessible green space.



The layout protects and improves existing wildlife habitats, while creating new features to enhance local biodiversity.





1.0 Sustainability



Figure 1: Taylor Wimpey Sustainability Priorities, Objectives and Targets

Our priorities	Strategic objectives	Supporting targets	
<p>Climate change Protect our planet and our future by playing our part in the global fight to stop climate change.</p>	<p>Achieve our science-based carbon reduction target:</p> <ul style="list-style-type: none"> - Reduce operational carbon emissions intensity by 36% by 2025 from a 2019 baseline - Reduce carbon emissions intensity from our supply chain and customer homes by 24% by 2030 from a 2019 baseline 	<ul style="list-style-type: none"> - Reduce operational energy intensity by 32% for UK building sites by 2025 - Purchase 100% REGO-backed (Renewable Energy Guarantees of Origin) green electricity for all new sites - Reduce emissions from customer homes in use by 75% by 2030 - Reduce embodied carbon per home by 21% by 2030 - Reduce car and grey fleet emissions by 50% by 2025 	<ul style="list-style-type: none"> - Update our policies and processes to reflect the risks and opportunities from a changing climate by 2022 - Make it easier for close to 40,000 customers to work from home and enable more sustainable transport choices through 36,000 EV charging points and 3,000 additional bike stands by the mid 2020s
<p>Nature Improve access to and enable enjoyment of nature for customers and communities by regenerating the natural environment on our developments.</p>	<p>Increase natural habitats by 10% on new sites from 2023 and include our priority wildlife enhancements from 2021.</p>	<p>Include our wildlife enhancements on all suitable new sites:</p> <ul style="list-style-type: none"> - Hedgehog highways from 2021 - Bug hotels (at least 20% of homes) from 2021 - Bat boxes (at least 5% of homes) from 2022 - Bird boxes (at least 80% of homes) from 2023 - Wildlife ponds from 2024 	<ul style="list-style-type: none"> - Reptile and amphibian hibernation sites from 2025 - All new sites have planting that provides food for local species throughout the seasons - Help customers engage with nature and create 20,000 more nature-friendly gardens by 2025 - 200 beehives on our sites by 2025
<p>Resources and waste Protect the environment and improve efficiency for our business and our customers by using fewer and more sustainable resources.</p>	<p>Cut our waste intensity by 15% by 2025 and use more recycled materials. By 2022, publish a 'towards zero waste' strategy for our sites.</p>	<ul style="list-style-type: none"> - Engage with suppliers to meaningfully reduce plastic packaging on our sites by 2025 - Help 20,000 customers to increase recycling at home by 2025 - Reduce operational mains water intensity by 10% from a 2019 baseline by 2025 - Make it easier for 20,000 customer households in water stressed regions to install a water butt by 2025 	<ul style="list-style-type: none"> - Measure the environmental footprint of the key materials in our homes and set a reduction target - Measure air quality in our homes and on our sites by 2021 - Give customers the information they need to maintain good air quality in their homes by the end of 2021

1.0 Sustainability

Taylor Wimpey's vision is to create a sustainable and attractive place where people will enjoy living, through a characterful new development within easy reach of the services and facilities of Bulkington which is located to the north of the site.

Taylor Wimpey oversee the entire process from start to finish and work with local people, community groups and local authorities to create the most mutually beneficial schemes. They seek to apply this approach to the scheme at Shilton Lane which has the potential to provide approximately 820 dwellings within a 59 hectares site.

Located immediately south of Bulkington, the site is a sustainable location for development and Taylor Wimpey therefore hope to bring forward the site through the local plan process to respond to the future housing need of Nuneaton and Bedworth District.

This document brings together the technical and environmental studies of the site which have been undertaken by the Taylor Wimpey consultant team and demonstrates that the site is a sustainable site for future development.



Taylor Wimpey Approach

Taylor Wimpey UK Limited has a strong track record in delivering high quality sustainable development in the West Midlands. As part of the planning process, they take seriously the need for meaningful engagement with local communities in order to shape the delivery of an appropriate development which responds to the specific needs of residents and is attractive to customers. Their projects are located throughout the country ranging from large urban extensions to smaller residential schemes.

As a responsible business, Taylor Wimpey want to play their part in creating a sustainable future for everyone. Their purpose is to build great homes and create thriving communities. Taylor Wimpey's commitment to sustainability helps them to achieve their purpose by ensuring they design and build flourishing, inclusive places for their customers; operate responsibly; create a great place to work for their employees; and play their part in protecting the environment for future generations. Already the first and only UK developer to achieve the Carbon Trust Standard for Carbon, the company released its new environment strategy, Building a Better World in March 2021, committing to create a greener, healthier future for its customers, colleagues and communities. To achieve this Taylor Wimpey have set ambitious quantitative targets to help drive progress in each of their priority areas, up to 2030.

In an industry-first partnership, Taylor Wimpey is working with national insect charity Buglife. Through support of the charity's B-Lines project, which is creating 'insect pathways' of pollinator-friendly habitats throughout the UK, the homebuilder will improve habitat for pollinating insects on its new housing schemes.

A new partnership with Hedgehog Street is seeing the developer integrate hedgehog highways across its new developments, with highways already in place on several sites.

Through these partnerships, and by providing free resources and information, Taylor Wimpey will also help its customers to create 20,000 nature friendly gardens by 2025. Wildlife enhancements such as bug hotels, bird and bat boxes and wildlife ponds will be added to all suitable new sites from this year.



2.0 The Site



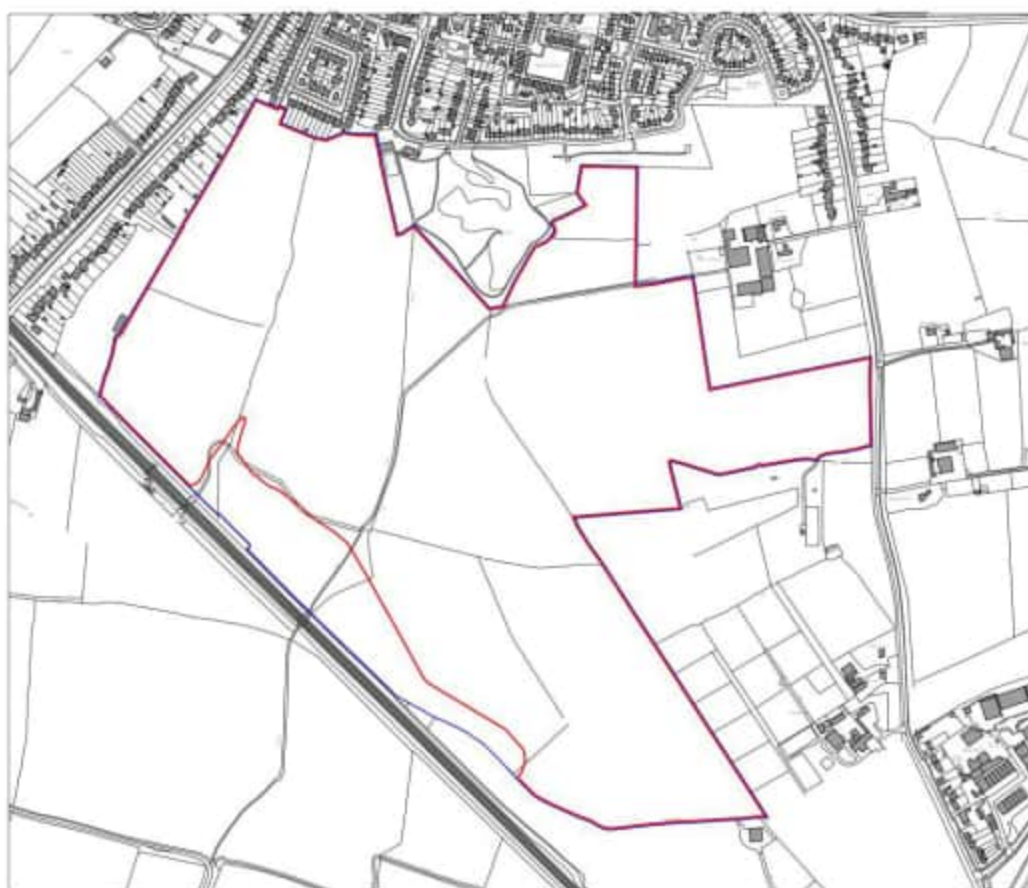
Figure 2: Strategic Context Plan



2.0 The Site

The site is located to the south of Bulkington, the third largest settlement within Nuneaton and Bedworth Borough. It is well located in relation to the urban boundary of the settlement.

Figure 3: Land Control Plan



Key:

- Site Boundary (59ha)
- Land Within Control (63.6ha)

The site covers 59 hectares, with a proposal for approximately 23.4 hectares of residential land, equating to circa 820 homes.

The site is bound to the north and west by the southern boundary of Bulkington. The railway line that runs between Nuneaton and Rugby makes up the southern boundary of the site and Shilton Lane makes up the eastern boundary.

The Site is made up of a mosaic of agricultural fields bisected by hedgerows, farm tracks and ditches. The northern edge of the site comprises the southern edge of Bulkington village including a Site of Importance for Nature Conservation (SINC) and an allotment site both of which are on Barnacle Lane. The village of Bulkington is elevated above the site with the northern edge at approximately 110m AOD whereas the southern edge of the site sits at approximately 100m AOD.

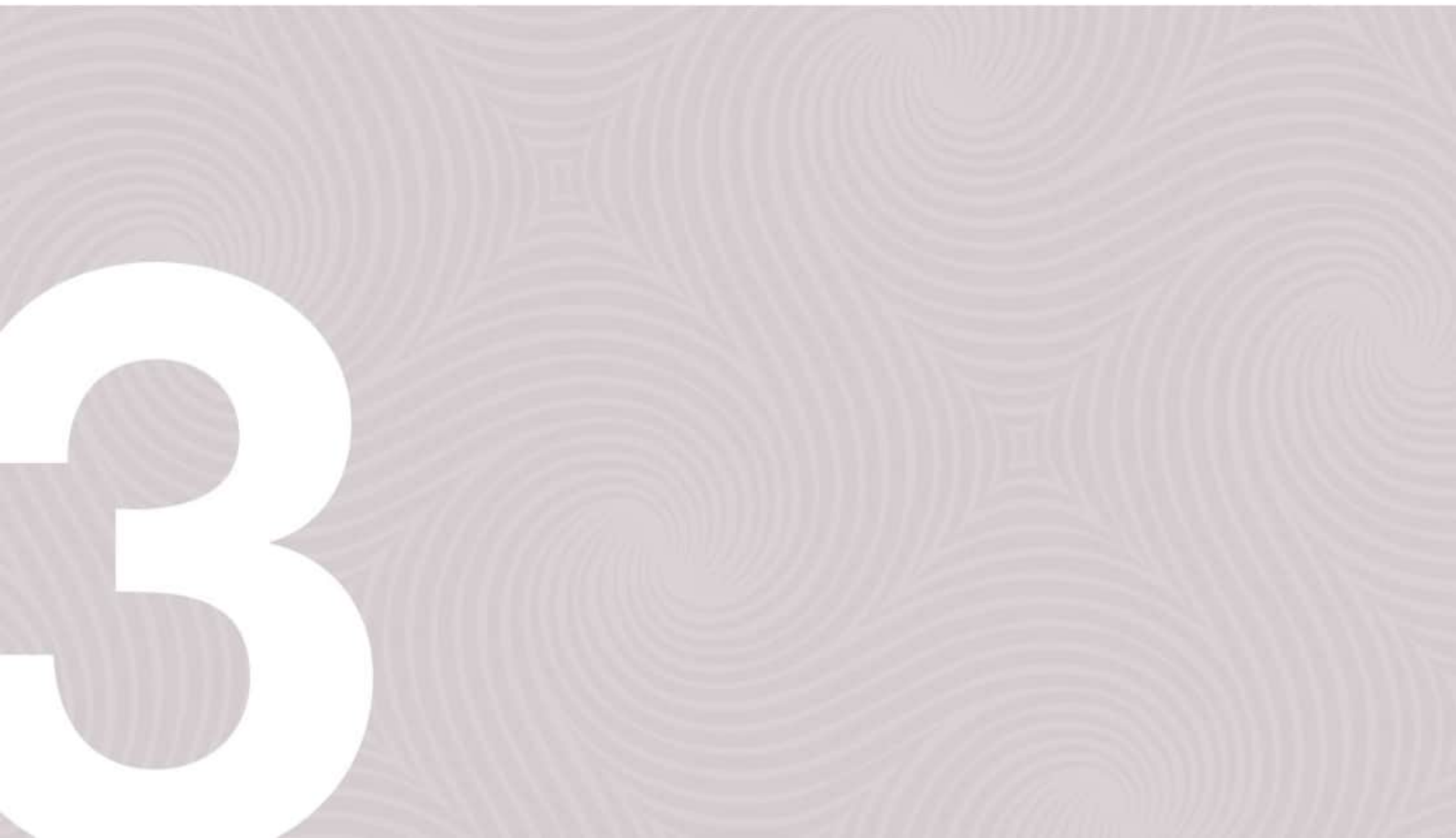
The north western edge of the site comprises a hedgerow adjacent to a line of rear gardens to houses fronting onto the B4109 Coventry Road and an open field. The south-western edge of the site is bordered by a busy railway line with trains passing by on an elevated wooded embankment. The eastern edge of the Site is bordered by farmland associated with two farms; Well Green Farm and The Furlongs Farm and a relatively small section of the eastern boundary abuts the B4029 Shilton Lane.

The southern edge is defined by the Wern Brook and a hedgerow beyond which are agricultural fields. The M69 Motorway passes by to the south-east of the site and it's closest point to the southern tip of the Site is 400m away.

The site does not have any other landscape designations but is crossed by two public footpaths which access the site from the southern edge of Bulkington, split at the boundary of the Site with the western footpath passing under the railway line and leading towards the village of Barnacle and the eastern footpath passing along the rear of The Furlongs Farm and eventually under the M69 motorway and connecting to village of Shilton to the south east.

Several of the hedgerows within the site appear to be well managed and there are notable individual mature native trees within the fields and the hedgerows.

The site is under the control of Taylor Wimpey, as shown edged red on Figure 3. Additional land edged blue is also under the control of Taylor Wimpey, however as this land is within flood zones 2 and 3 it is not being promoted for development.



3.0 Planning Context



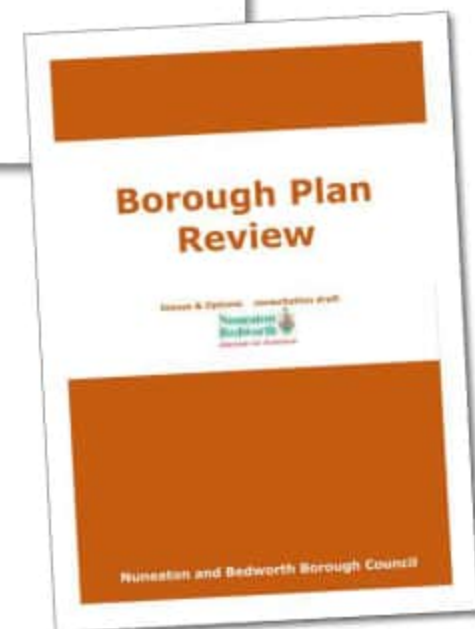
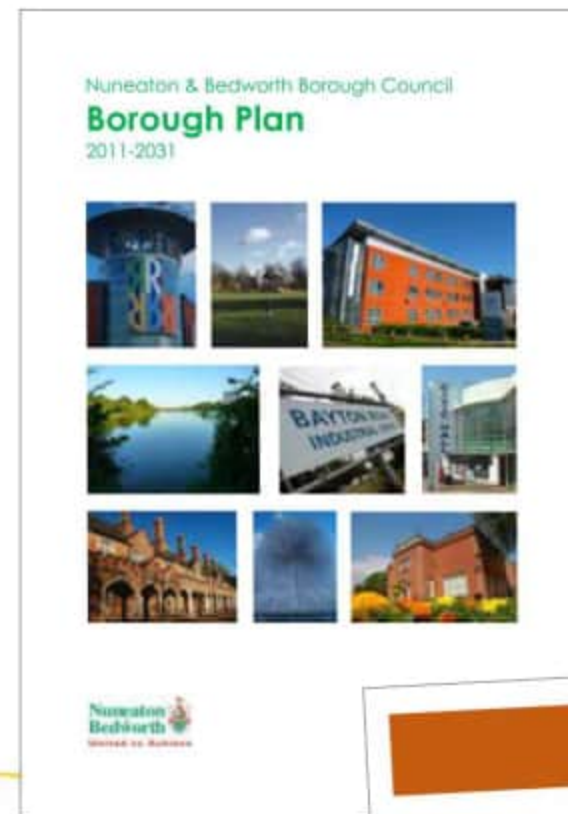
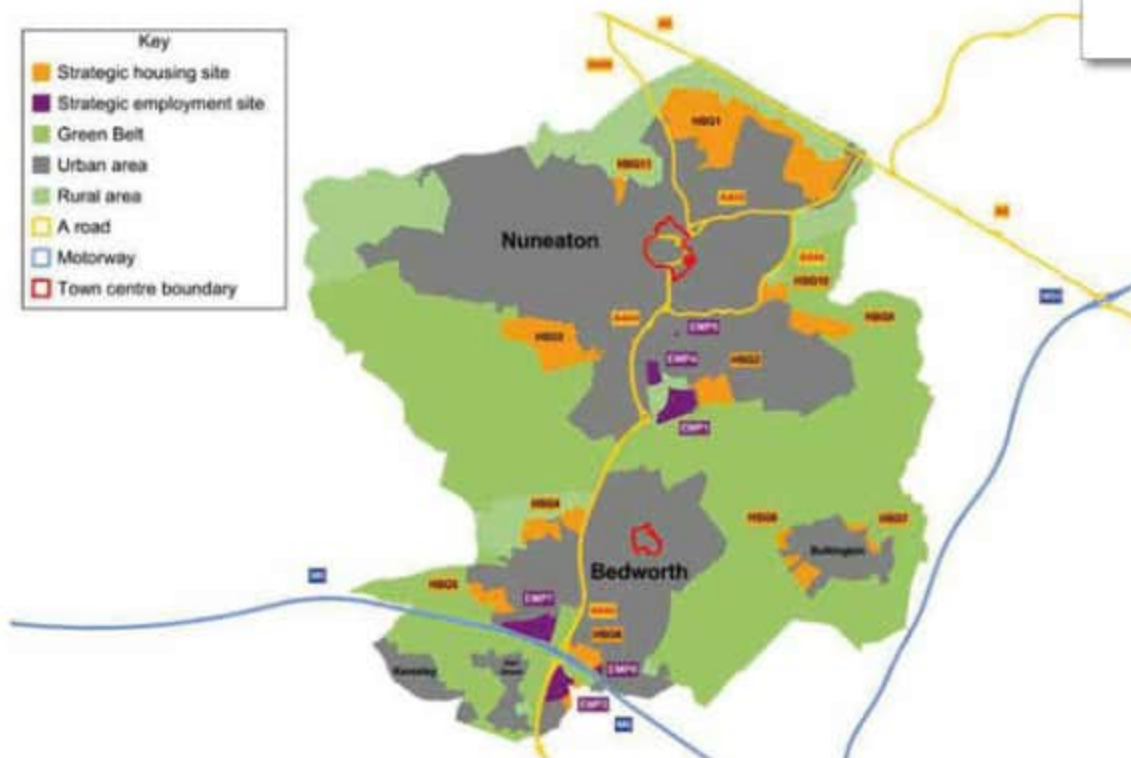
3.0 Planning Context

Borough Plan 2011-2031

The site falls with Nuneaton and Bedworth Borough where the adopted development plan consists of the Borough Plan 2011-2031 (BP) which was adopted 11 June 2019. It includes a housing requirement of 14,060 consisting of an objectively assessed need for the Borough of 10,040 homes plus an additional requirement of 4,020 homes to meet unmet housing needs arising from elsewhere in the Coventry and Warwickshire Housing Market Area.

15 sites were released from the Green Belt by the BP for residential and employment development, as well as 3 sites from the rural area outside of the Green Belt. This shows that exceptional circumstances are present in the Borough to justify Green Belt release.

Figure 4: Borough Plan Strategic Allocations, Urban Areas and Green Belt





Borough Plan Review

The BP review has moved forward with consultation on the Publication Draft Plan – Regulation 19 (Pre-submission) held during September and October 2023. A revised vision is proposed that, inter alia:

“By 2039, Nuneaton and Bedworth Borough will be a place of sustainable economic growth with diverse job prospects, offering quality housing to meet all our residents needs and supported by an integrated infrastructure network. People in the Borough will live in healthy, safe and inclusive communities which provide opportunities for people to be active and healthy.”

An 18-year plan period is now proposed between 2021 and 2039 on the basis that new settlements are not considered to be required. The strategic direction of the BP continues to focus on existing committed sites, alongside a number of urban extensions sites defined as ‘strategic allocations’. The BP now proposes only two site allocations at Bulkington settlement; Strategic Allocation (SHA5) West of Bulkington) for 348 dwellings; and a non-strategic allocation for 29 dwellings located within the built-up area. Both these sites benefit from planning consent and are expected to come forward in the short-term. This means there will be very limited supply of housing to meet local needs towards the end of the plan period.

Despite this, and other issues highlighted below, the potential for Green Belt release is not being taken forward through the BP review.

A housing requirement is now proposed in the Publication Draft Plan. The Council seeks to adopt a target of 545 dwellings per annum (dpa), equating to 9,810 dwellings over the plan period to 2039. This figure is higher than the standard method need (442 dpa). It is also higher than the ‘trend-based’ figure (409 dpa) devised in the Housing and Economic Development Needs Assessment dated November 2022, which has been applied across the Coventry & Warwickshire HMA.

With regards to the proposed housing requirement, the Publication Draft Plan confirms the requirement relates to local (borough-wide) need only. The PDP makes very little reference to housing need arising from elsewhere across the wider HMA. This effectively means the Council is seeking to withdraw from the current memorandum of understanding signed up to in 2015 between members of the Coventry and Warwickshire HMA. The PDP does not provide any clear reasons for this, but it is likely to include concerns raised by the Office for Statistics Regulation on how the Office for National Statistics assesses population estimates and projections, which has suggested that there may be a potential historic over-estimation of Coventry’s population growth. As a result, the Council suggests the 2014-based projections, which inform the household growth projections used for the standard method calculation, are not an appropriate basis for assessing future housing needs for the HMA. However, caution must be applied here because the Planning Practice Guidance is clear that utilising an alternative approach that results in a lower housing need figure than the standard method will need to not only be supported by robust evidence, but also that there are ‘exceptional local circumstances’ that justify deviating from the standard method.

Evidence published as part of Coventry City’s emerging local plan review, issued in August this year (a matter of weeks before the Nuneaton and Bedworth Publication Draft Plan) indicates that Coventry will be unable to meet its housing need in full within its own boundaries. This is despite Coventry City Council’s attempt to discount the 35% urban centres uplift from the calculation of their local housing need figure as part of their consultation. Meeting its own housing need remains a pressing problem for Coventry, and is a cross-boundary matter that is relevant to the next round of plan making for the HMA authorities more widely, including Nuneaton and Bedworth.

4

4.0 Green Belt



4.0 Green Belt

The site falls wholly within the wider West Midlands Green Belt which covers almost 1500 square miles surrounding the Black Country, Coventry, Birmingham and Solihull.

The contribution of the site to the purposes of the Green Belt was assessed as part of the Coventry and Warwickshire Joint Green Belt Study (June 2015), which informed the development of the adopted Borough Plan. The site was assessed as part of a wider area known as BU2.

The study area covered by BU2 is considerably greater than the site covering a significant proportion of land wrapping around the south, east and south west of Bulkington village. An overall score of 11 out of 20 was awarded meaning that it was considered to perform moderately well against the purposes of the Green Belt. Higher scores indicated a greater contribution to the purposes of the Green Belt.

A Site Specific Green Belt Assessment has been undertaken for the site following the methodology of the Coventry and Warwickshire Joint Green Belt Study. The site was scored as follows against the five purposes of the Green Belt:

- **Green Belt Purpose 1** – To check the unrestricted sprawl of large built-up areas: 2 out of 4
- **Green Belt Purpose 2** – To prevent neighbouring towns merging into one another: 1 out of 4
- **Green Belt Purpose 3** – To assist in safeguarding the countryside from encroachment: 2 out of 4
- **Green Belt Purpose 4** – To preserve the setting and special character of historic towns: 0 out of 4
- **Green Belt Purpose 5** – To assist in urban regeneration, by encouraging the recycling of derelict and other urban land: 4 out of 4 (all sites in the Green Belt are considered to contribute equally to this purpose)

This gives a total score of 9 of 20. While a reappraisal of other sites was beyond the scope of the site specific assessment it is notable that the sites released from the Green Belt for development by the adopted BP were scored by the Coventry and Warwickshire Joint Green Belt Study as follows:

- Part of BU1 – Overall score of 12
- All of BU3 – Overall score of 9
- Part of BU4 – Overall score of 13

A Housing Topic Paper (2017) was submitted during the examination of the BP which provides further clarity on the Council's approach. It states:

"As there is not enough low performing parcels for all the required development, it has also been necessary to utilise sites within low-medium performing parcels, as long as the wider Green Belt parcel was not unduly comprised."

As all of BU3 was released from the Green Belt, which scored the same as the site, this suggests that the release of the site from the Green Belt would be acceptable. Particularly as lower performing sites have already been released through the adopted BP and there was insufficient supply to meet housing needs at that time.

The Council has chosen not to review the Green Belt in the Borough as part of the BP review process. However, it is unlikely that Coventry will be able to meet its own housing needs in full within its own boundaries beyond 2031. If future needs of the HMA are to be met, including affordable housing, then it is inevitable that Green Belt release will be a credible option in tackling it.

Figure 5: Green Belt Parcels

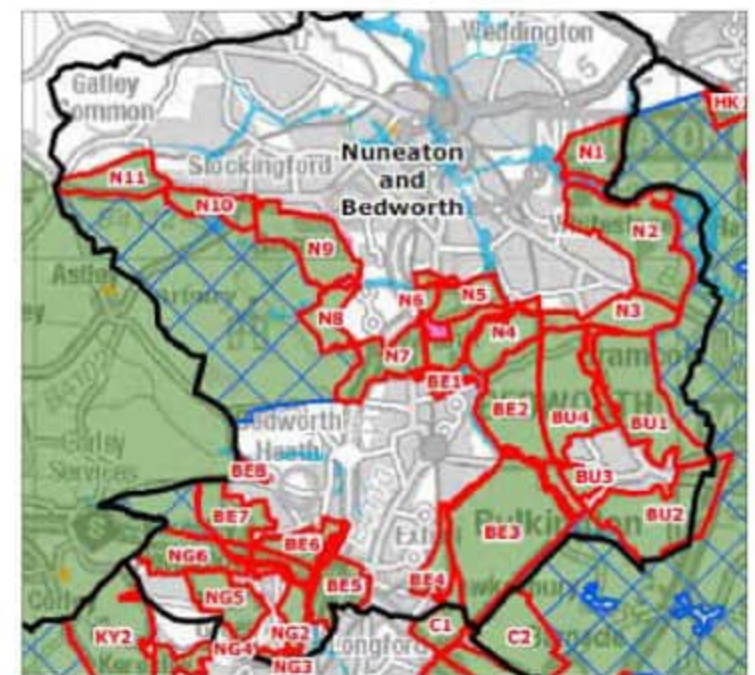
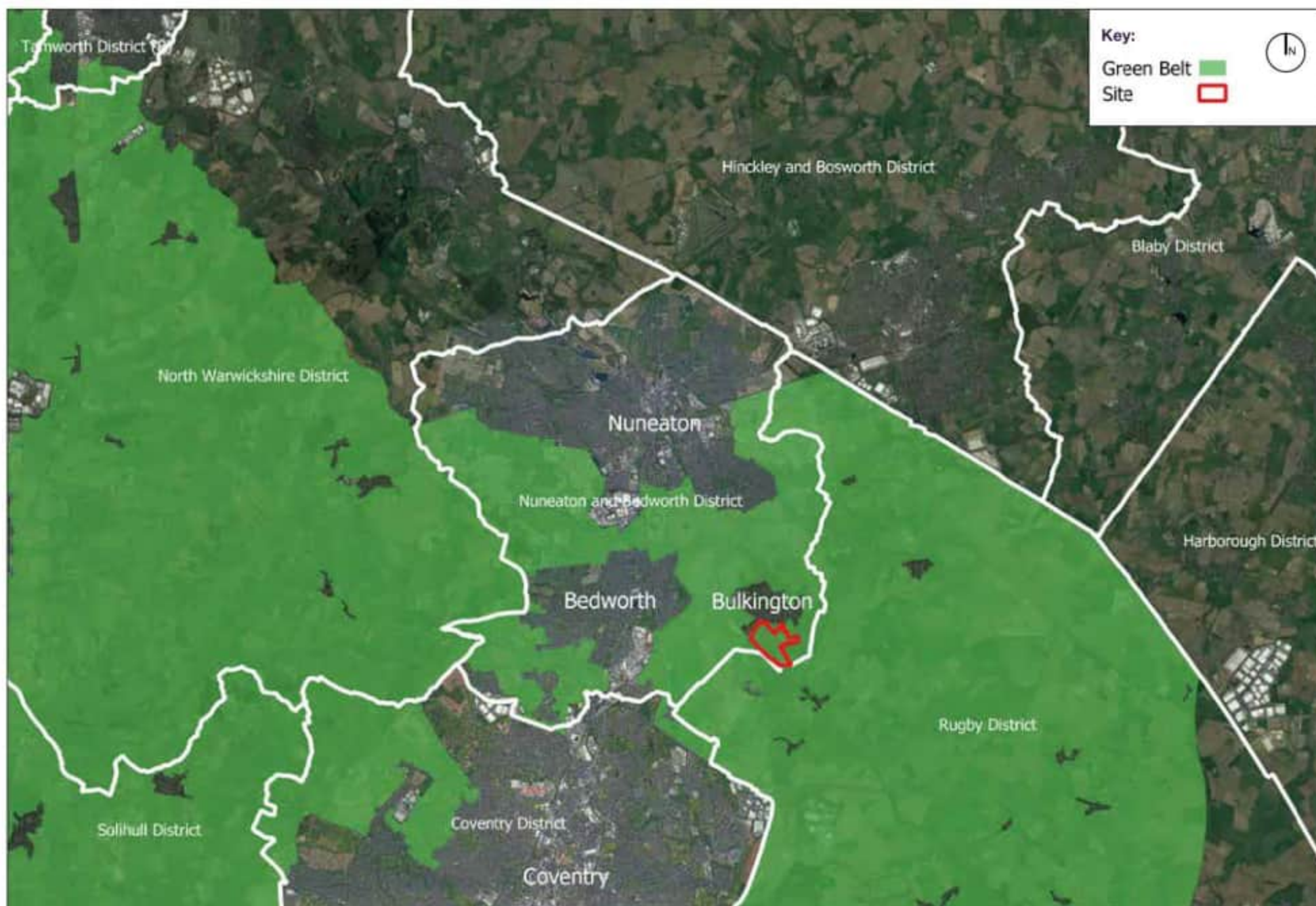


Figure 6: Parcel BU2





Figure 7: Green Belt Context Plan





5

5.0 Landscape



Figure 8: Landscape Character Areas

5.0 Landscape

The site falls wholly within the wider West Midlands Green Belt. It is not subject to any other landscape designations.

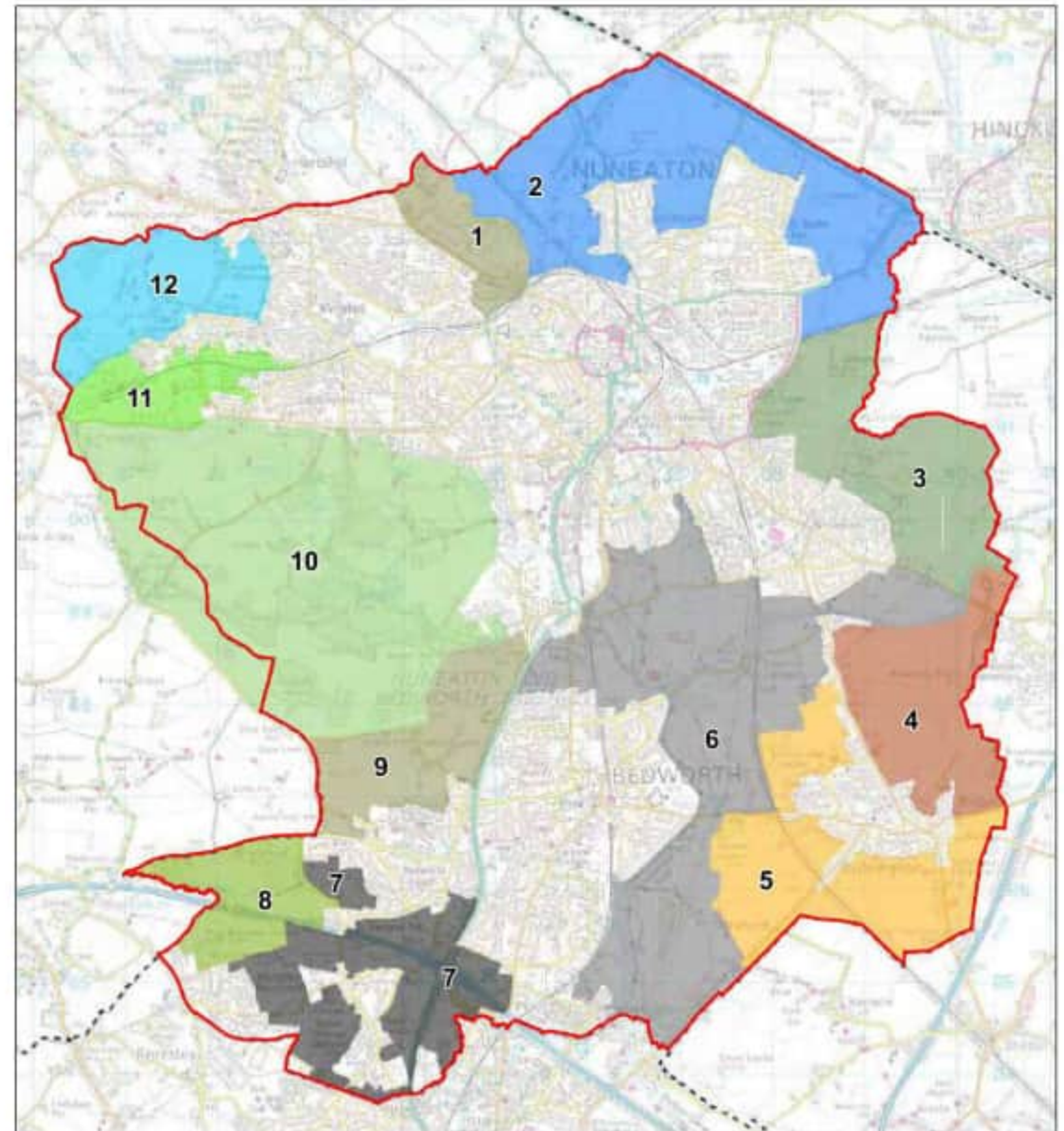
The site is crossed by two public footpaths which access the site from the southern edge of Bulkington, split at the boundary of the site with the western footpath passing under the railway line and leading towards the village of Barnacle and the eastern footpath passing along the rear of The Furlongs Farm and eventually under the M69 motorway and connecting to the village of Shilton to the south east.

Several of the hedgerows within the site appear to be well managed and there are notable individual mature native trees within the fields and the hedgerows.

Within the Nuneaton and Bedworth Landscape Character Assessment (August 2012) the site falls within LCA5: Bulkington Village Farmlands. The landscape character is described as being

'a semi-rural village fringe landscape comprising a mix of arable and pasture farming with views towards a rising village edge. The church spire is prominent on the highest ground. Frequent trees and linear woodlands help to provide enclosure although longer views towards urban edges of Bedworth and Nuneaton are possible from higher ground'.

The landscape strength is described as being 'Moderate' with features typical of village fringes. The views of Bulkington church are described as distinctive but other features as relatively commonplace. The landscape condition is considered to be 'Moderate' with landscape features becoming fragmented with gaps appearing in mature hedges and scrub establishing in field margins. Key landscape features to be enhanced include hedgerows and hedgerow trees, linear woodland along the railway and streams and trees and scrub along settlement fringes.



Key:

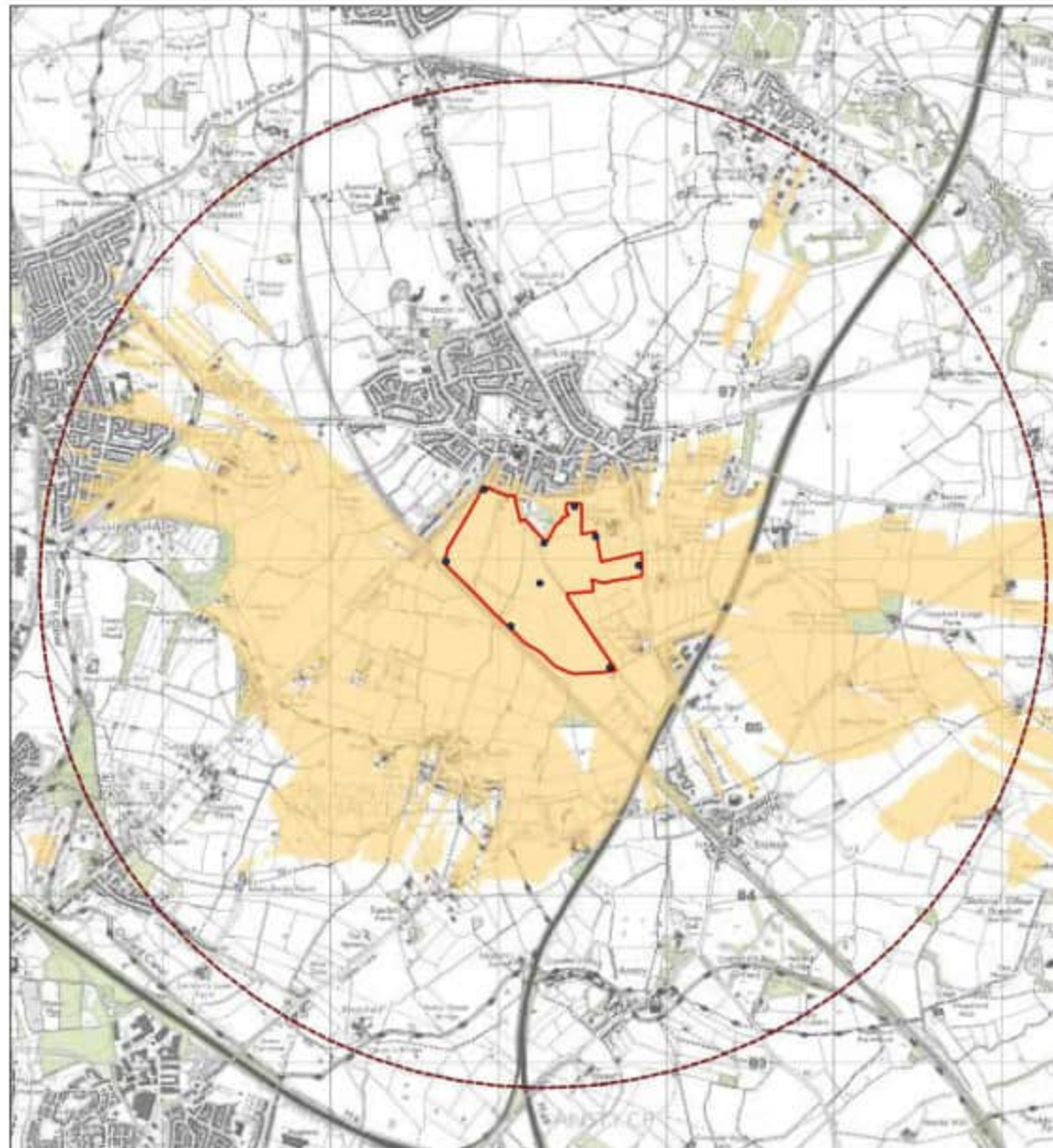
- Nuneaton and Bedworth Borough Boundary
- Other Local Authority Boundary



Landscape Character Areas

- | | |
|--|--|
| <ul style="list-style-type: none"> 1 Hartshill Uplands 2 Anker Valley Estate Farmlands 3 Nuneaton Estate Parklands 4 Bulkington Rolling Farmlands 5 Bulkington Village farmlands 6 Nuneaton and Bedworth Urban Fringes | <ul style="list-style-type: none"> 7 Keresley Urban Fringes 8 Keresley Newlands Ancient Arden 9 Bedworth Woodlands Rural Fringe 10 Arbury Parklands 11 Galley Common Hill and Robinson's End Valley 12 Galley Common Hills and Valleys |
|--|--|

Figure 9: Zone of Theoretical Visibility



The site is contained due to the combination of the site's low lying position, the ridgeline which Bulkington village sits on, the elevated railway line and the M69 motorway. The close proximity of the railway line and the M69 motorway reduces the tranquillity and rural character of the site. The landscape sensitivity is considered to be medium due to the separation the site contributes towards between the villages of Bulkington and Barnacle and also because of its Green Belt designation.

A preliminary Zone of Theoretical Visibility (ZTV) study was carried out illustrating that views towards the site are potentially constrained to the north by the rising topography and the village of Bulkington. To the south, views potentially only extended to the village of Barnacle. To the west, views potentially extended to the development edge of Bedworth. To the south-east the village of Shilton is potentially screened by the embankments associated with the M69 Motorway and to the east views potentially extended beyond 3km.

There are close range views of the site from the upper rear windows of a relatively small number of properties to the north-west along the B4109 Coventry Road and from Villa Crescent. There are internal wide-ranging views across the site from the public footpaths but these are perceived in association with the trainline on the raised embankment forming the western boundary of the site. There are wider context views from the public footpath which runs underneath the railway embankment and extends towards the village of Barnacle. This demonstrates the elevated character of Bulkington village sitting on the ridgeline and the site being read in the context of the elevated train line and the southern edge of Bulkington.

The site is considered to have a medium landscape sensitivity due it being Green Belt land and the elevated railway line forming its western boundary.

The site is assessed as having a medium visual sensitivity as it is visible from close range from a relatively small number of properties to the north and north-west and from public footpaths that cross the site. Wider context views from the surrounding landscape are limited because of the site sitting down in the landscape, surrounding vegetation and embankments to the railway line and the M69 motorway. Longer distance views of the site from the south are also read in the context of the village of Bulkington sitting on the ridgeline behind the site and the elevated train line and associated rail infrastructure.

Figure 10: Landscape and Visual Constraints and Opportunities Plan





Figure 10 illustrates the Landscape and Visual Constraints and Opportunities. The landscape constraints are the fact that the land is designated Green Belt and that there are public footpaths crossing the site. There is also the elevated train line adjacent to the south-western boundary of the site. The visual constraints are that there are close range views of the site from the south-edge of Bulkington, notably from the upper level rear windows of properties within Villa Crescent and along the Coventry Road.

There are opportunities to;

- enhance the southern and south-western boundaries with additional landscape buffer planting to strengthen defensible Green Belt edges and to soften the acoustic and visual effects of the railway line;
- enhance the boundary with the built edge of Bulkington with additional landscaping although potential conflicts with shading out of the Barnacle Lane allotments will be avoided;
- extend and enhance existing hedgerows within the site by infilling gaps, extending hedgerows and planting additional native trees; and
- provide open amenity space within the site towards the west in combination with appropriately positioned structural buffer planting for screening.



66

6.0

Access and Connectivity



6.0 Access and Connectivity

Access into the proposed development will primarily be from Shilton Lane (B4029), with a secondary access for buses, cyclists, and pedestrians proposed from Villa Close. There is the potential for a further access to Coventry Road to the west of the site. It is proposed to also extend the existing footways on Shilton Lane into the site. Discussions are currently ongoing between TW and Warwickshire County Council Highways Authority regarding access and transport matters associated with the site.

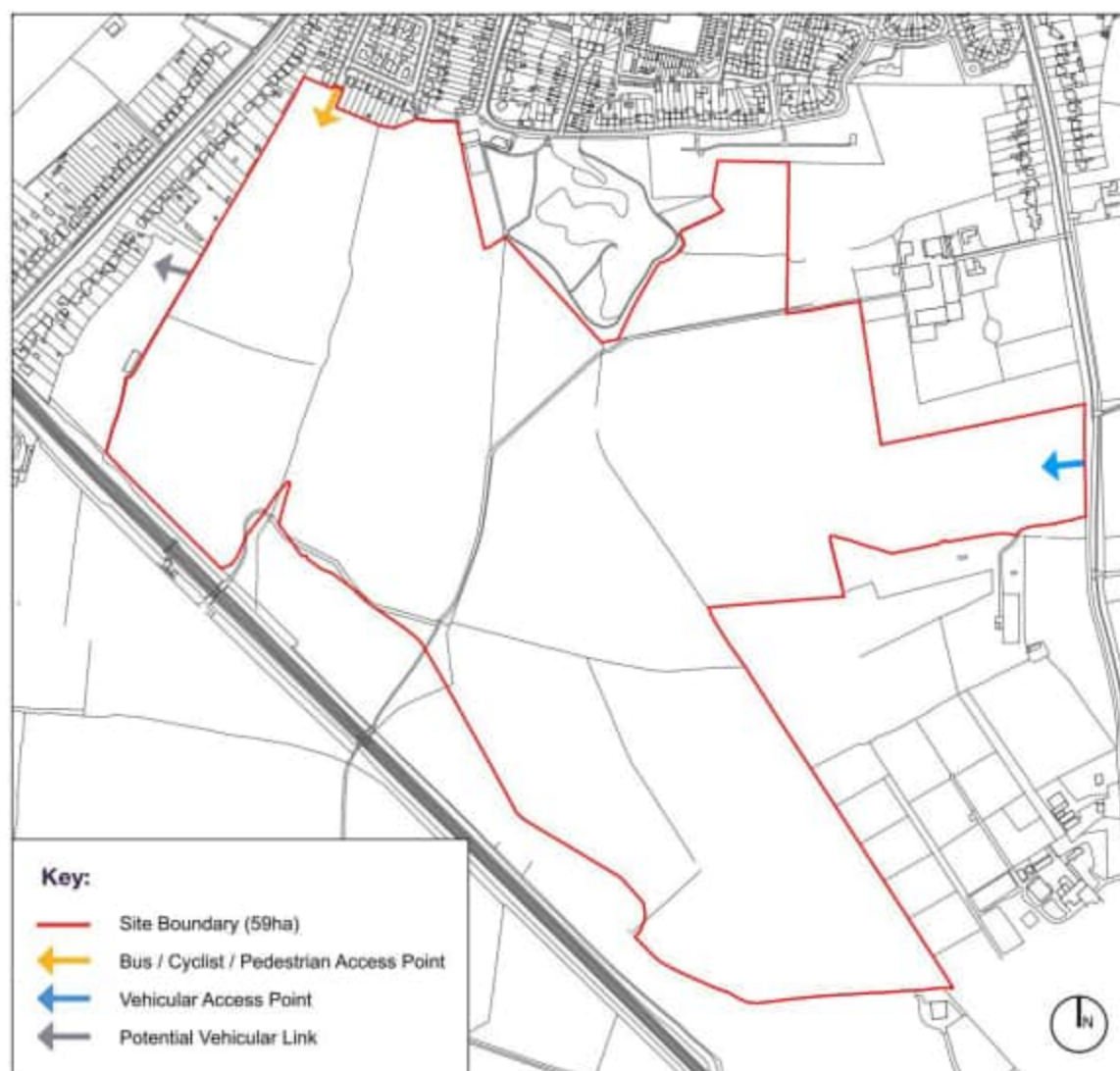
Figure 11: Access Plan

RPS Highways Team is currently in discussions with Warwickshire County Highways Authority regarding the various access and other transport-related issues that will need to be addressed to support the delivery of the site. An initial response from WCC HA received in December 2022 identified some areas of investigation required to support development on the site, but nonetheless did not identify any fundamental access or highway concerns at this stage.

Due to the scale of the development and the distance to the existing bus stops (over 400 metres) it is deemed necessary to develop a sustainable transport strategy; this is proposed in the form of either a new or diverted bus route through the site. This would benefit both the proposed development and surrounding residential areas. It is recognised that pedestrian connectivity is the main priority. Suitable connectivity with amenities and schools will be expected.

High quality pedestrian and cycle connections would be provided throughout the site linking with the surrounding pedestrian infrastructure and improving it where possible. This will ensure that safe and suitable access is achievable for all users. There is potential for using Villa Close or Barnacle Lane as emergency accesses.

The proposals will align with current and emerging policy by creating a sustainable development that does not adversely impact the local highway network. Electric Vehicle charging provision will be provided in line with the standards set out in the Air Quality SPD. Car, cycle and motorcycling parking provision will be provided in accordance with the emerging Parking Standards SPD.



The centre of Bulkington is located circa 700 metres to the north of the development site, which has a number of day-to-day facilities including two convenience stores, two doctor's surgeries, pharmacy, restaurants and community centre as shown at Figure 12. The Shapes Day Nursery School and The Woodlands Pre-School are a short distance from the site. St James Secondary School is located circa 800 metres north of School Road.

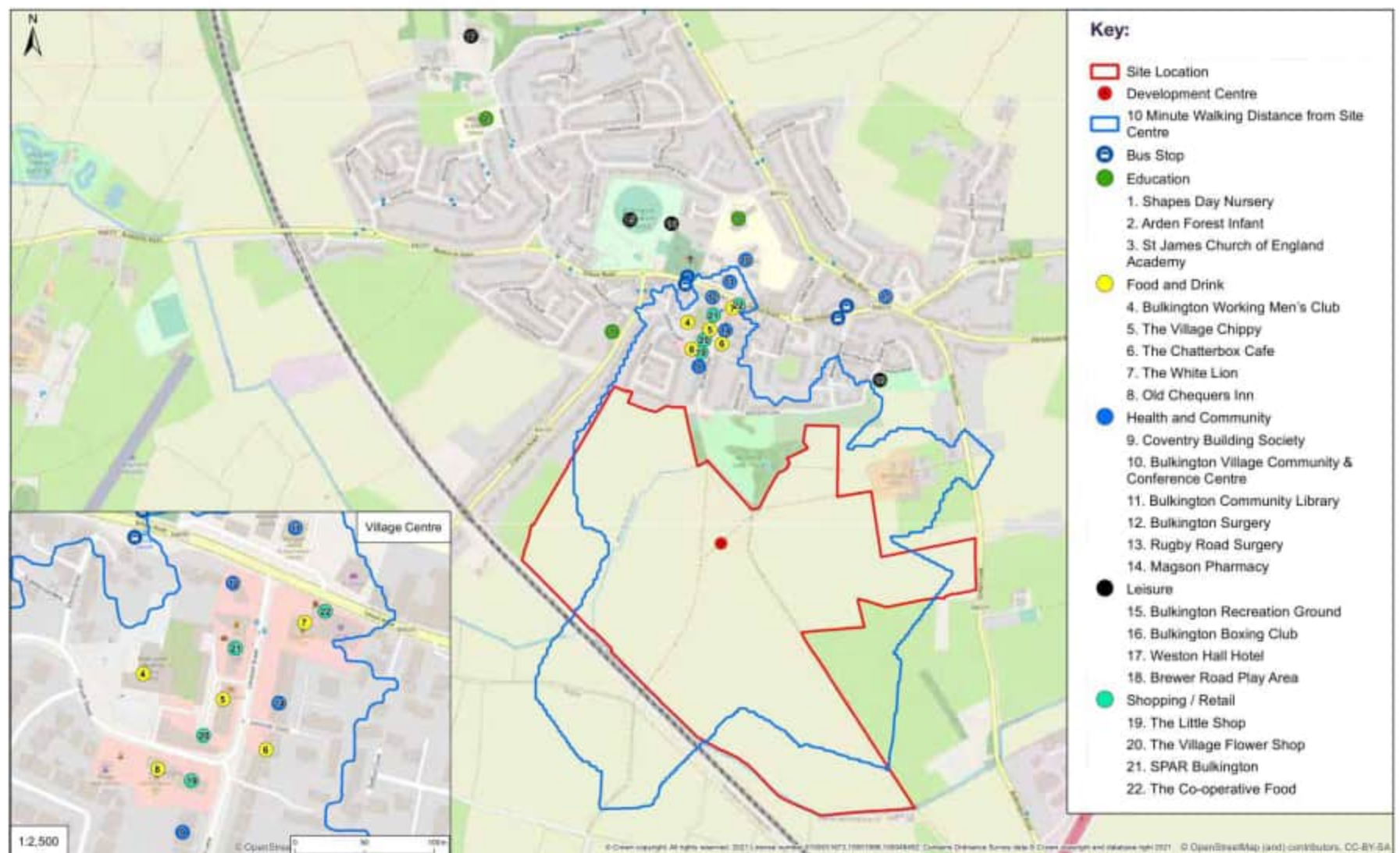
Bedworth is approximately 4 kilometres to the west of the development site where additional various facilities and amenities are accessible including railway station, retail, employment, education and healthcare.

Bedworth Rail Station is circa 3.7 kilometres (12 minutes cycle) northwest of the site. The station is managed by West Midlands Trains and provides access to Nuneaton, Leamington Spa and Coventry. Bus service 56 provides direct access to the rail station with a journey time of approximately 9 minutes.

Although there are no dedicated cycle routes in the immediate vicinity of the development site, the local roads are lightly trafficked and therefore suitable for cycling. National Cycle Network route 52 is accessible in Bedworth adjacent to the Rail Station linking to Nuneaton to the north. It is also accessible from Hawkesbury approximately 2.8 kilometres south west of the site providing a direct route into Coventry City Centre. Suitable connectivity between the site and the village will need to be provided.

The nearest bus stops to the development site are located approximately 850 metres (10 minutes' walk) north on School Road. The stops are serviced by routes 56, 74, 74A, 74B and 74S. These bus services provide access to several destinations such as Wolvey, Ansty, Coventry, Nuneaton and Bedworth.

Figure 12: Amenities and Bus Stops





7.0 Ecology



7.0 Ecology

A Phase 1 Habitat Survey walkover of the site was undertaken by an experienced ecologist, together with obtaining records of protected species and habitats with Warwickshire Biological Records Centre (WBRC). The aim was to identify potential ecological constraints to the layout and opportunities to maximize ecological gain.

One internationally designated site for nature conservation is recorded within 10km of the site; Ensors Pool Special Area of Conservation (SAC) located over 5km from the site and designated for populations of white-clawed crayfish. Fourteen notified non-statutorily designated sites were identified within 2km of the site. The closest site identified is Barnacle Lane, Bulkington Local Wildlife Site (LWS), which is located immediately beyond the northern boundary of the site. It is designated for grassland and the stream surrounding the designated site supported water voles in 2014. The concept masterplan has responded to this LWS enhancing habitat connectivity and planting.

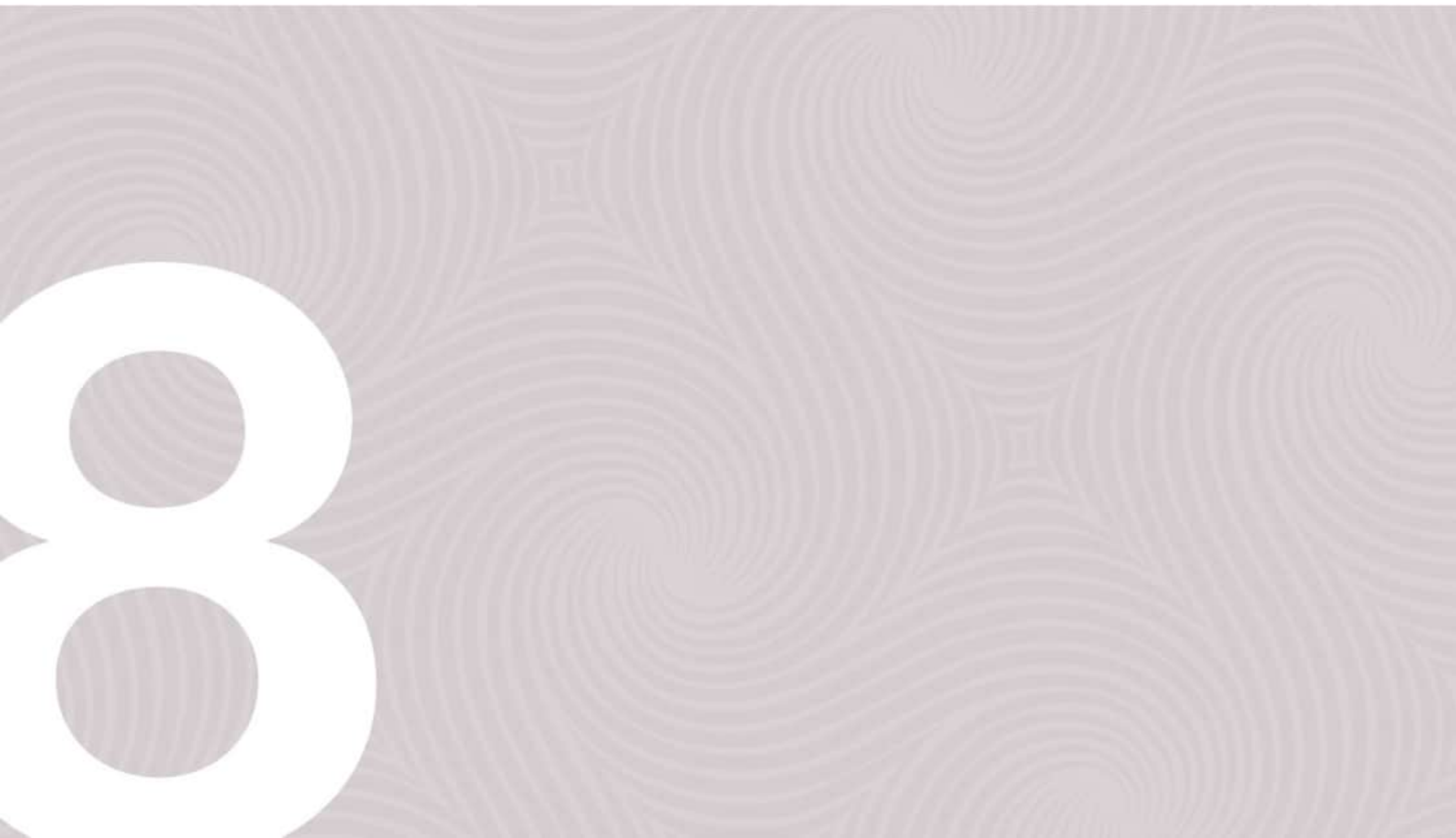
The site is dominated by arable fields with hedgerows with scattered mature trees. Several ponds are within the local landscape. Wern Brook flows along the southern boundary and together with the railway line provides habitat corridors for a range of species. Whilst further detailed surveys would be needed to refine ecological mitigation and enhancement, particularly in relation to bats, amphibians, reptiles and birds, otters and water voles, the size of the site means that ecological value can be retained and enhanced through careful and considered design.

The Concept Masterplan has been designed in consultation with ecologists to work with the ecological value of the site including strengthening habitat corridors and enhancing the aquatic habitat through creation of new ponds and supporting habitat connectivity provided by the watercourses and railway corridor. The Public Open Space has been designed to support habitat connectivity and the adjacent Local Wildlife Site. Planting would include a wide range of native habitats including additional species rich hedgerow planting, native species rich grassland and nectar and pollen rich wildflower planting. The Concept Masterplan has been designed to achieve Biodiversity Net Gain and create a diverse and ecologically led space to live.



Figure 13: Green Infrastructure Plan





8.0

Archaeology and Heritage



8.0 Archaeology and Heritage

An initial review of potential heritage constraints and opportunities has been undertaken in relation to archaeology, built heritage and historic landscape.

No designated heritage assets are located within or immediately adjacent to the site. Designated heritage assets in the wider area include Bulkington Conservation Area and associated listed buildings, including the Grade II* listed Church of St James (NHLE ref. 1365054). The conservation area is c. 185m north of the site, beyond intervening later built form. There are views to the Grade II* Church of St James from parts of the site. These include filtered views from the footpath which runs south-east/north-west through the site. Views to the church tower from the north/south footpath are generally screened, but are possible from adjacent areas with the tower located beyond intervening built form. Given the limited nature of the views and the presence of intervening built form it can be anticipated that any impact would be negligible at most.

Designated heritage assets in the wider area include listed buildings beyond the M69 to the east, and beyond the railway to the south. These are not considered to be sensitive to adverse impacts as a result of residential development of the site.

The find of a single Neolithic flint blade is recorded from Bulkington (HER ref. MWA21419) and an Iron Age coin is recorded c. 750m south-east of the site (MWA21682). An area of Iron Age/Roman and Early Medieval activity is recorded c. 800m north-west of the Site (MWA32022/32024). Bulkington may have been a minster in the Early Medieval period (MWA13231). Medieval settlement at Bulkington was located to the north of the site and the site was most likely in agricultural use from at least the medieval period. One HER record is located within the site, the find of a post-medieval artefact (HER ref. MWA21366, type not specified).

Some prehistoric, Roman and Early medieval activity is recorded in the wider area but there is no evidence to suggest remains of this date are likely to be present which would preclude development. The site was most likely part of the agricultural hinterland to settlement at Bulkington from at least the medieval period.

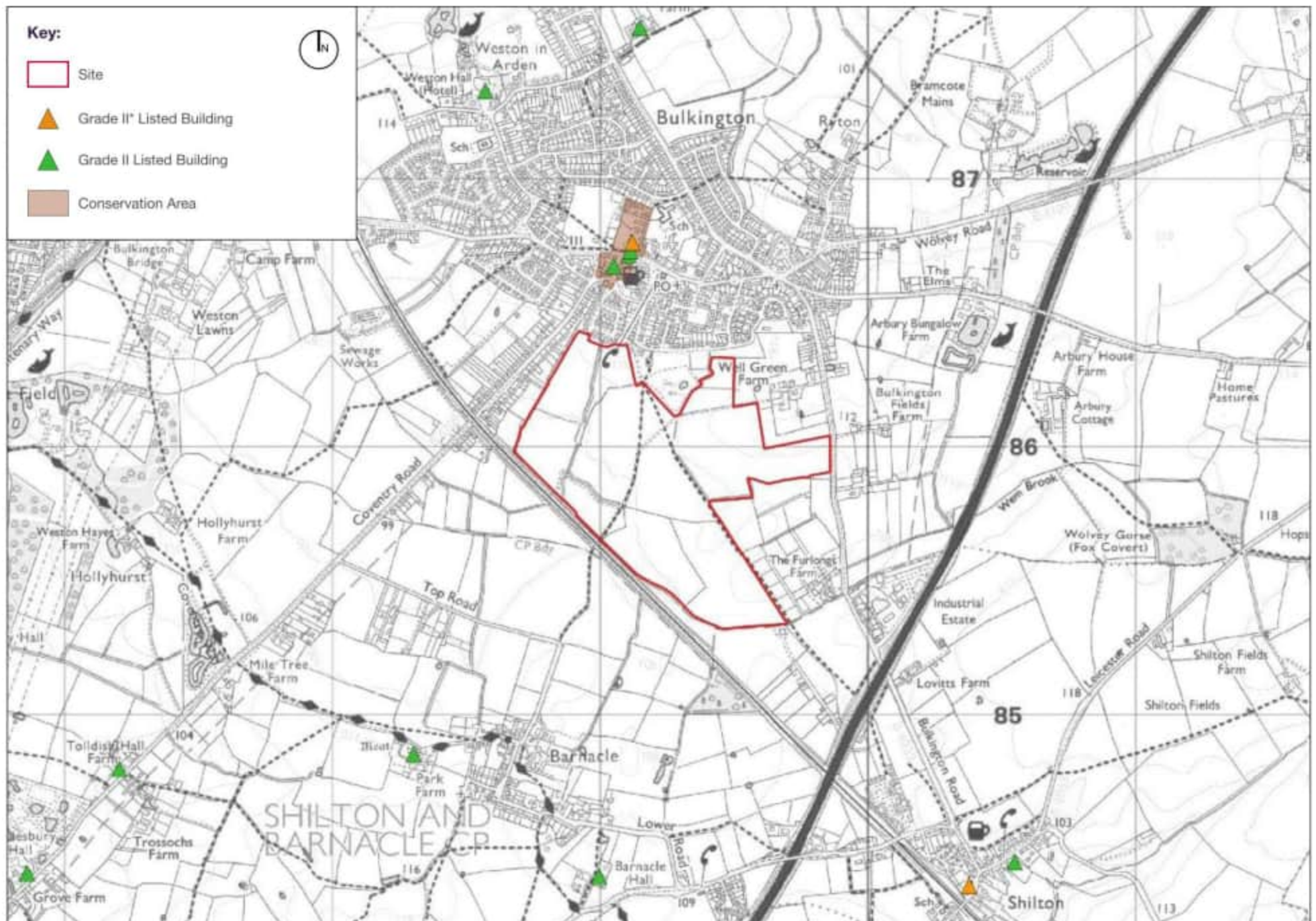


View to the Church of St James from the public footpath in the eastern area of the Site, view to north-west



View to the Church of St James from the western area of the Site, view to north

Figure 14: Designated Heritage Assets





9.0

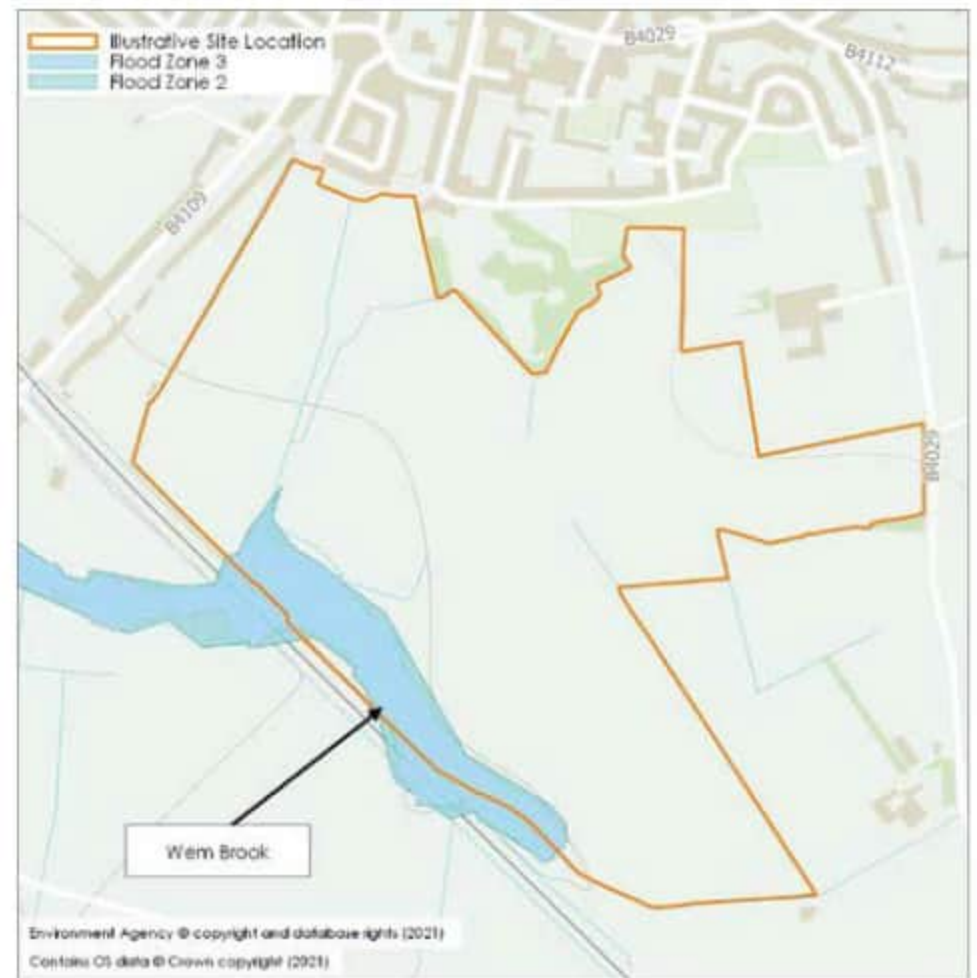
Flood Risk and Surface Water Drainage



9.0 Flood Risk and Surface Water Drainage

According to the Environment Agency Flood Map for Planning, the application site is located almost entirely within Flood Zone 1 (Low Probability), which is land defined as having less than a 1 in 1000 annual probability of river or sea flooding. Land within the control of Taylor Wimpey, but not being promoted for development to the south west of the site is shown to be located within Flood Zone 2 (Medium Probability) and Flood Zone 3 (High Probability), as shown in Figure 15.

Figure 15: Environment Agency Flood Map for Planning



The Flood Zone extents are associated with the Wem Brook which flows along the southern site boundary in a north westerly direction. The Wem Brook becomes a designated EA Main River approximately 3.6km north west of the site.

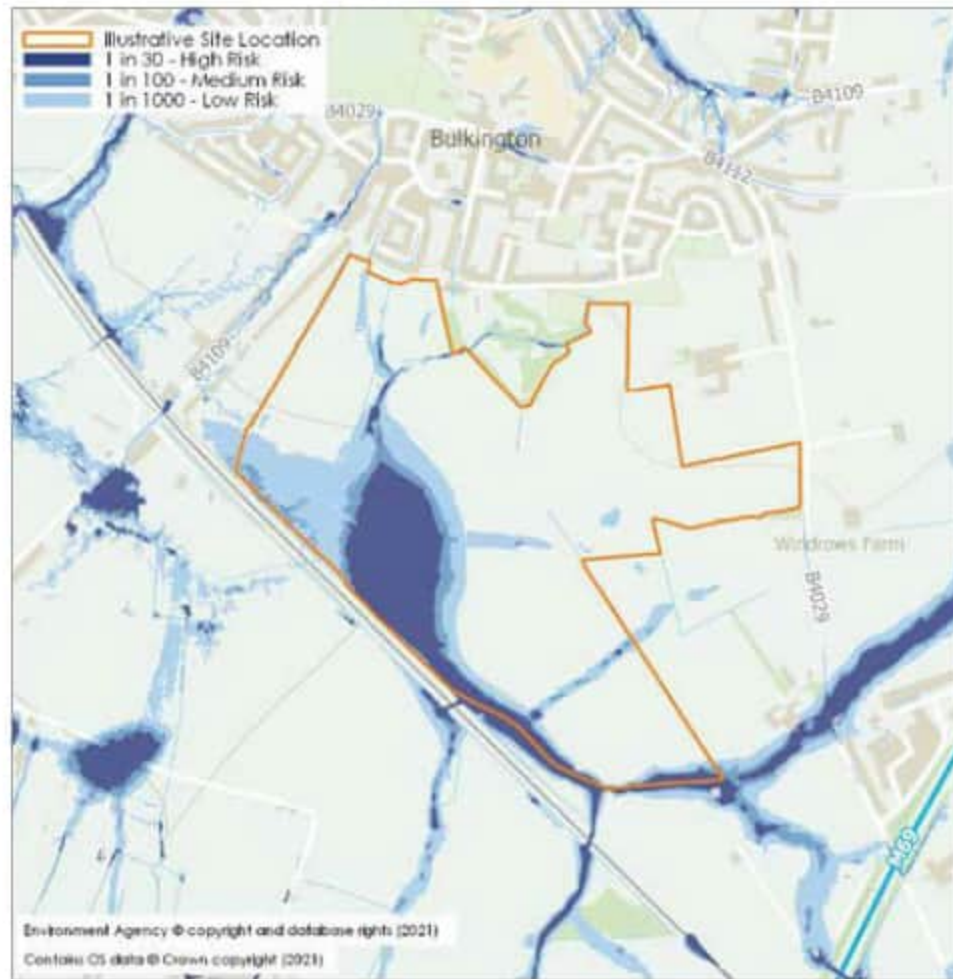
A series of ordinary watercourses and ditches run through the site. The majority of the watercourses outfall to the Wem Brook. Further investigation will be undertaken to understand the floodplain extent of the Wem Brook and other watercourses and ditches on site and to establish the connectivity and flow path of watercourses on site, to better define the level of risk posed to the development.

Pluvial flood risk to the south west of the site is shown to be extensive, as shown in Figure 16. The surface water mapping is thought to be overrepresented as the existing watercourses within the site and several culverts underneath the railway are not represented. A modelling exercise will be undertaken to determine a more accurate representation of the surface water flood risk present within the site.



Example Detention Basin

Figure 16: Environment Agency Surface Water Flood Risk Mapping



The proposed development has also been assessed against a further range of potential flood risk sources including canals, groundwater, reservoirs and sewers. None of these flood sources have been found to represent a potential barrier to development.

An appropriate Surface Water Management Strategy which complies with the latest local and national advice will be implemented on the site to attenuate the increase in surface water runoff caused by development. As a first option, infiltration will be considered for the disposal of surface water, however infiltration is not expected to be viable for the entirety of the site. In the event that infiltration is not viable, the rate at which the runoff is discharged into the watercourses on site will be restricted to the equivalent greenfield runoff rate, preventing an increase in flows leaving the site and thus ensuring that the development does not have a detrimental impact upon flood risk elsewhere.

Through the application of Sustainable Drainage Systems (SuDS), the additional surface water will be stored within the site and subjected to multiple stages of treatment to guarantee that the water quality in the wider drainage network is protected. Wherever possible SuDS features will be above ground to enhance the aesthetic amenity of the development and provide valuable habitats for the local wildlife. The attenuation provided will be appropriately sized to include an allowance for climate change. Example SuDS features that will be incorporated into the development wherever possible include attenuation basins, permeable paving and swales.



Example Swale



10

10.0

Technical Considerations



10.0 Technical Considerations

Services

This section details the condition of the site with regards to the future utilities' strategy for the site. It has been developed after a review of the existing utility infrastructure to consider potential points of supply, whilst taking into account future utility company infrastructure plans in the vicinity of the site for wider long-term opportunities and constraints.

Electricity Infrastructure

The proposed development lies within an area operated by Western Power Distribution (WPD), there is a network of High Voltage (HV) and Low Voltage (LV) assets adjacent to the proposed development site, servicing the surrounding residential area. An Overhead (OH) 11kV HV line is shown to be present within the site boundary, towards the west, which changes to underground heading towards the B4029 then travelling north towards Shilton Lane.

The existing WPD electricity network is reasonably established with a number of HV and LV assets in the vicinity of the site, with potential to provide suitable points of supply. It is anticipated that diversion of the existing 11kV HV overhead shown crossing the site boundary may be holistically addressed as part of a future development supply strategy to serve the proposed development, as well as diversion or undergrounding of supplies to any existing properties that may be currently supplied by these assets.

Gas Infrastructure

The proposed development lies within an area operated by Cadent Gas (CG), adjacent to the development site there is an established network of Low Pressure (LP) gas mains which are shown to supply the residential properties beyond the north east of the site boundary (off Coventry Road) and beyond the north of the site (off Villa Crescent and Barnacle Lane), as well as the wider site area. Further LP gas mains are shown within the industrial area to the south east of the site boundary, situated between Bulkington Road and the M69. A 90mm Medium Pressure (MP) gas main is located south of the industrial area, within Bulkington Road.

It is anticipated, based on the proximity of the existing established networks, that there will be potential to provide a suitable point of supply from the MP gas main to the south west of the site boundary. A strategy will be agreed with Cadent Gas to understand their current network capacity and whether there are any necessary reinforcement requirements.

Water (Clean) Infrastructure

The proposed development lies within an area operated by Severn Trent Water (STW), there are no assets shown within the development. STW has an established network of clean water mains to the north of the proposed development site, supplying the local residential properties off Villa Crescent and Barnacle Lane and to the north west of the site, supplying residential properties off Coventry Road.

Based on the current available information it is anticipated that a potential Point of Connection could be made to an adjacent 4" Cast Iron clean water main to the north of the proposed site area, within Barnacle Lane.



Foul and Surface Water Drainage Infrastructure

The proposed development lies within an area operated by Severn Trent Water (STW) for wastewater, there is an existing 375mm public surface water sewer potentially crossing the north of the site boundary, off Barnacle Lane. A 225mm public surface water sewer is also located adjacent to the site boundary in the north east, off Villa Close.

There is an established network of foul and surface water sewers to the north of the proposed development, servicing the residential properties off Villa Crescent and Barnacle Lane and to the north west of the site, servicing the residential properties off Coventry Road.

The nearest foul asset shown on the current record plans is a 300mm public foul sewer, running parallel to the north of the site boundary, along Barnacle Lane. Consultation with STW has confirmed this foul sewer to be the most suitable point of connection, at Manhole SP38869401. These foul sewers join a larger 525mm combined network with a critical Sewer overflow, eventually discharging to Bulkington sewerage treatment works. STW advise that sewer modelling will be required, once the proposed development has outline planning.

Telecommunications Infrastructure

The proposed development lies within an area operated by Openreach (BT) and Virgin Media (VM). There are no telecommunications infrastructure located within the development site boundary.

There is existing BT and VM network of underground cables adjacent to the proposed development area supplying the local residential properties to the north east (within Coventry Road), to the north (within Villa Crescent and Barnacle Lane) and to the west (within Shilton Lane).

It is recommended that early engagement with telecommunications providers is made as there is plenty of potential, from all telecommunications companies mentioned, to serve the proposed development. Further enquires to alternative telecommunications companies is also recommended to understand the telephone and broadband service offerings available to the future on site customers.

Conclusions

The information that has been received demonstrates that the existing networks appear to be reasonably well established and the indication is that utility capacity can be provided by the existing infrastructure or through further network reinforcement. Consideration will need to be given to continue supply to the existing customers, while facilitating the delivery of the new development.

Following a review of the surrounding assets in conjunction with the current site masterplan, it is anticipated that protection works may be required to accommodate site accesses. It is not anticipated that any of the utilities identified are in any way a barrier to the development site, there is no reason for the development to not be allocated from a utility's perspective.



Air Quality

Air quality at the development site is good, with background concentrations of nitrogen dioxide and PM10 both below the relevant UK Air Quality objectives across the entire site. The site is not located near to any major sources of road traffic emissions, and the adjacent railway line does not carry significant amounts of diesel locomotives.

Measured annual mean nitrogen dioxide concentrations in Nuneaton were below the air quality objective in 2019 at all but two monitoring locations; these locations are located approximately 7 km northeast of the development site and both located within one of the two Air Quality Management Areas (AQMA) in Nuneaton. The exceedances are thus not representative of air quality conditions in the vicinity of the development site.

The proposed development will increase traffic on the local road network, which may affect air quality at existing properties. However, the development is very unlikely to significantly increase traffic through the AQMA or to adversely impact upon the good air quality in and around Bulkington.

There are no nearby sensitive ecological sites which will be affected by the proposed development.

Based on current concentrations being below the air quality objectives, and the anticipated continued reduction in future concentrations as a result of improvements in vehicle emissions, it is anticipated that the overall impacts of the scheme on local air quality will be 'not significant'.

Nuneaton and Bedworth Borough Council adopted an Air Quality Supplementary Planning Document (SPD) in July 2020 which set out the measures to improve the consideration of air quality and health impacts in the planning process, and outlines the required approach for air quality assessments for new developments. An air quality assessment will be produced to support the planning application for this development in accordance with the requirements of the SPD. The assessment will include a calculation of the air quality damage costs and a description of the mitigation to be provided by the scheme.

On the basis of the information provided above, there should be no constraints to residential development at the proposed site in terms of air quality.

Noise

The proposed development is in a rural area, on the outskirts of Bulkington. The noise climate in the area is expected to be characterised by distant road traffic from the M69 over 500 metres to the east as well as trains on the West Coast Main Line (WCML) 200 metres to the southwest.

The masterplan has sought to locate residential properties towards the north of the site to benefit from distance attenuation from the railway line.

Any mitigation required would be based on the principles of 'good acoustic design', as advocated in Planning Practice Guidance – Noise and Professional Practice Guidance on Planning and Noise for New Residential Development (ProPG). Such mitigation measures may include:

- the use of noise barriers;
- using the massing of properties to provide barrier attenuation;
- orientating properties and internal layouts to ensure that sensitive spaces are not exposed; and
- the use of building envelope sound insulation measures;

Overall, the site is not subject to any insurmountable noise constraints.



Arboriculture

A preliminary Arboricultural Assessment has been undertaken of the site. The trees surveyed composed predominantly of early-mature and mature native tree species situated within the field boundary, and native hedges, within and surrounding the site. A number of trees were found to be in a fairly poor physiological and or structural condition. The general presence of deadwood, dieback and structural collapse in some of the trees was noted, most of which appeared to be age related and the presence of wood decay fungus or due to their rural setting.

Very limited past management is evident throughout the tree stock, however several of the hedges have been subject to annual flail trimming. The trees are considered unlikely to support bats, but they may be used sporadically by single common bat species as transient roosts.

The majority of individual trees on site are Ash, situated within the field boundary hedges, with several Oak also present. The field boundaries are bounded by hedgerows of predominantly Hawthorn and Blackthorn, which have been subject to annual flail maintenance.

Of the Ash trees present, 16no. are of poor quality with significant structural weaknesses, evidence of past limb/stem failure and wood decay fungus present. They would be unsuitable for retention in a developed setting.

Future development would seek to retain as many of the existing trees and hedges as possible.

In terms of trees to be retained sufficient development offsets would be sought to ensure the protection of the retained trees from inappropriate working methods or a scheme which risks the failure or removal of the tree stock. The safeguarding of these trees will help to assimilate any new proposals into the existing context and enhance the general maturity of planting across the new scheme whilst limiting the alteration of the visual context or experience of the landscape.

The site boundaries are made up of the hedgerows which provide visual amenity and wildlife habitat. Retention of boundary trees and hedges will ensure that development has limited impact on the surrounding landscape and public views.

The introduction of new tree planting within a developed setting would improve species diversity and thereby limit the potential impact of disease on the tree stock. Replacement tree planting will provide an overall improvement to the site in terms of increased species diversity, improved age structure and to replace the inevitable tree losses due to age and condition.





11.0

Emerging Proposals



11.0 Emerging Proposals



The overarching vision for the development of the site is to provide a highly sustainable, new residential extension to the southern side of Bulkington which responds positively to the site constraints creating a high quality new neighbourhood that maximises the opportunities of the site.

The primary objective is to create a legible and well-designed development that incorporates appropriate green infrastructure, formal and informal open space and a network of footpath and cycle links to encourage and promote healthy living. The new development should be a vibrant and attractive place for people to live and work where the quality of the surrounding natural environment can be celebrated. The proposals should also offer opportunities to support and enhance local amenities and the local economy for the benefit of all.



Key:









-  Site Boundary (59ha)
-  Existing Trees
-  Existing Hedgerows
-  Existing Water Bodies
-  Public Footpath
-  Access Track
-  Main Road
-  Flood Zone 2
-  Flood Zone 3
-  Surface Water Flooding Medium Risk
-  Surface Water Flooding High Risk
-  Overlooking Properties
-  Local Views
-  Noise from Railway Line
-  Local Wildlife Site / Community Park
-  Existing Allotments
-  Conservation Area
-  Local Park
-  Green Belt



Figure 17: Constraints & Opportunities



Figure 18: Concept Masterplan



The concept masterplan as shown in Figure 18 concentrates new development to the northern half of the site with the southern section containing a range of green uses. A number of residential development parcels are proposed which are set around the existing landscape and drainage site features linked together by a network of both existing and proposed pedestrian and cycle links. The residential parcels identified show 23.4ha of developable area which equates to approximately 820 dwellings with an average density of 35dph.

Key:

-  Site Boundary (59ha)
-  Residential Development (23.4ha)
-  Potential 2FE Primary School Location
-  Potential Local Centre Location
-  Potential Sport Pitches Location
-  Potential Woodland Features / Community Orchard
-  Potential Childrens Play Area
-  Green Space
-  Existing Trees
-  Proposed Trees
-  Existing Hedgerows
-  SuDS Basin / Swale
-  Proposed Pedestrian / Cycle Link
-  Existing Public Footway
-  Primary Vehicular Route
-  Secondary Vehicular Route
-  Bus / Cyclist / Pedestrian Access Point
-  Vehicular Access Point
-  Potential Vehicular Link



A 2FE Primary School is located towards the western part of the site including an area of outdoor sports pitches. A new Local Centre is also proposed at the centre of the residential area located along the existing north / south public footway and will also front onto the new primary road network that runs east / west across the site.

The primary site access point will be taken directly from the B4029 to the east with a secondary access point provided at the northwest corner of the site onto Villa Close. A central primary spine road is proposed across the site connecting the two access points with a number of secondary estate roads serving the various residential development parcels.

The existing public footways crossing the site would be retained with additional routes provided to create a comprehensive pedestrian and cycle network within the site that connects into the wider area. A number of children's play areas are provided throughout this network as well additional sport pitches and woodland walks / community orchards with trails within the southern part of the site. These green uses also provide a noise buffer to the railway line that runs adjacent to the south western boundary.

The quantum of proposed Green Infrastructure significantly exceeds the requirements of the recently adopted Open Space and Green Infrastructure SPD.

Within the proposed green infrastructure there are opportunities to provide a SuDS network of basins and swales to address the surface water flood issues within the central and southern parts of the site. These features will be located within the proposed green spaces between the various development parcels.

There is an area of land adjacent to the western boundary of the site, located behind the existing properties on Coventry Road, which has been identified on the plan as a 'Potential Vehicular Link' which could provide an additional access to the site if required

Full consideration has been given to the existing nature of the site and the surrounding area, the constraints identified and the opportunities to deliver a sustainable development that makes a positive contribution to the character and the vitality of Bulkington. The Concept Masterplan provides a strategy demonstrating how the site could be developed as a new sustainable neighbourhood extension to Bulkington providing 820 new homes, a 2FE primary school and sport pitches and a new local centre all located within a mature landscape setting.



12

12.0 Conclusion



12.0 Conclusion



Paragraph 68 of the NPPF advises that Local Planning Authorities should have a clear understanding of housing needs in their area and that they should establish realistic assumptions about the availability, suitability and likely economic viability of housing sites. In relation to the site, these three components are addressed opposite.

Availability

- For the purposes of demonstrating the availability of a site, the Council must be confident that there are no legal ownership problems and that it is controlled by a housing developer that has expressed an intention to develop, or the landowner has expressed an intention to sell.
- As the site is within the control of Taylor Wimpey, a market leading housebuilder, it is clear that the site is available for development.





Suitability

- NPPG advice on assessing the availability of housing land provides clarity on demonstrating suitability with respect to policy restrictions, physical problems or limitations, potential impacts and environmental conditions.
- In respect of policy restrictions, the site is located adjacent (but outside) the boundary of Bulkington and is currently located within the Green Belt.
- Sites outside of existing settlement boundaries will need to be identified for development to meet the housing requirements of the district, as was the case for the previous plan.
- The exceptional circumstances required to remove land from the Green Belt for development exist within Nuneaton and Bedworth Borough and that doing so would not undermine the integrity and overall purposes of the Green Belt.
- Development of the area would bring opportunities for improvements such as improving the habitat and wildlife value of the site, linking areas of vegetation, creating green corridors, connecting existing movement routes and providing much needed housing and providing areas of public open space.



Likely Economic Viability

- The site is not affected by any known significant constraints that might affect its viability, such as ground stability or significant contamination.
- Based on Taylor Wimpey's significant experience of delivering similar sites within both Nuneaton and Bedworth Borough and the wider West Midlands it is therefore considered that the development of the site is economically viable.



Achievability

- To be considered achievable the Council can be confident that there is reasonable prospect that housing will be delivered. The site does not present any barriers to development as proposed, nor are any issues expected that will delay the overall implementation of development on the site. It is therefore achievable.



Taylor
Wimpey

Shilton Lane, South of Bulkington

Vision Document

October 2023

Published by Taylor Wimpey UK Limited

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the **Borough Plan** does this representation relate?

Paragraph	
Policy	D56 Green Belt
Policies	
Map	

4. Do you consider the **Borough Plan** is:

4.(1) Legally compliant?

Yes	x
No	

4.(2) Sound?

Yes	
No	x

4.(3) Complies with the **Duty to Cooperate**?

Yes	
No	

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the **Borough Plan** is not legally compliant, is unsound or fails to comply with the **Duty to Cooperate**. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the **Borough Plan**, or its compliance with the **Duty to Cooperate**, please also use this box to set out your comments.

Policy D56 sets out revised criteria for determining planning applications in the Green Belt. This (nor any other) policy does not identify any land to be released from the Green Belt for any form of development.

This is a major shift in approach to that taken forward under **Policy D57** of the adopted **Local Plan**, which did identify land for release from the **Green Belt** to assist in meeting local and wider-HMA development needs up to 2031. This is explained in some more detail in paragraph 6.69 of the **Regulation 19 Plan**.

A new Green Belt Technical Report (2023) has been prepared in support of the Regulation 19 Plan. RPS has reviewed this report, it only looks at the basis for identifying new Green Belt, and not its release. On this basis, RPS does not wish to comment any further on this report specifically. RPS, nonetheless, does not agree with the Council's decision not to review the existing Green Belt given the wider development issues that are likely to impact on the next round of plan-making across the CWHMA authorities.

The consideration of exceptional circumstances is not soundly based.

Paragraph 141 of the NPPF provides the basis for alterations and amendments to the Green Belt to accommodate development through the plan-making process, which must be justified on the basis of 'exceptional circumstances'. As highlighted at paragraph 6.70 and 6.71 of the Regulation 19 Plan, the Council consider that exceptional circumstances do not exist to justify further Green Belt release, nor the designation of new Green Belt.

The Council's approach to the Green Belt follows broadly the position presented at the preferred options stage. With regards to the release of Green Belt, RPS does not consider this decision to be a soundly based approach given the circumstances that do exist and have a direct implication for the Regulation 19 Plan for Nuneaton & Bedworth.

RPS contends there are three clear exceptional circumstances to justify the release of Green Belt through the Regulation 19 Plan, these are:

- Addressing unmet needs from the wider-HMA up to 2039, which is discussed as part of separate representations to Policy DS3.
- Addressing under-supply of housing at Bulkington since 2011 (discussed under representations to Policy DS2)
- Releasing Land at Shilton Lane ('omission site') would not undermine wider Green Belt purposes (as discussed under representations to Policy DS4)

This approach would align entirely with the current adopted approach of assisting in meeting unmet housing needs within the wider-HMA. The Council, on the other hand, is seeking to renege on the approach previously agreed through the adopted Local Plan and Memoranda of Understanding (MoU) signed up to by the Council in 2015, where the Council agreed (and endorsed by all Local Plan Inspector's in the sub-region) to accommodate 4,020 dwellings toward as the unmet need from Coventry between 2018 and 2031.

Separate representations set out under Policy DS3 contend that the total housing requirement would be between 20,502 and 29,286 dwellings over the plan period. In this context, the Council is ignoring the potential contribution that Green Belt release could make to addressing wider unmet need given the emerging evidence issued by Coventry through its issue and options consultation in 2023. The Regulation 19 Plan is not positively prepared and so is not soundly based.

The appropriateness of releasing Land at Shilton Lane ('omission site')

RPS has carried out its own specific Green Belt assessment of the omission site (which is included at Appendix 1 of this submission).

RPS maintains the view that the omission site does not make a significant contribution towards the Green Belt purpose in this part of the Borough and so its release from the Green Belt would not undermine the wider objectives of the Green Belt. As a result, RPS contends that the lack of

impact on the wider Green Belt purposes from developing the Land at Shilton Lane, Bulkington constitutes local exceptional circumstances that justifies its release from the Green Belt.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

RPS contend that Policy DS5 should be modified to acknowledge the following matters as highlighted in this representation, notably:

1. That exceptional circumstances do exist to justify consideration for releasing Green Belt land, which relate to a need to address wider unmet need from elsewhere in the C&W HMA, and to plan positively for the persistent under-supply of housing at Bulkington since 2011.
2. Take forward through the modifications process proposals to release Land at Shilton Lane, Bulkington (BUL-10) from the Green Belt and allocate it for housing .

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly be expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023

Part B – Please use a separate sheet for each representation.

Name or Organisation: RPS on behalf of Taylor Wimpey

3. To which part of the Borough Plan does this representation relate?

Paragraph	Paragraph 1.9
Policy	Sustainability Appraisal
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Preparation of Sustainability Appraisal (Regulation 19 Plan, paragraph 1.9)

Section 19 (5) of the Planning and Compulsory Purchase Act, 2004 (the Act) requires a local planning authority to carry out Sustainability Appraisal (SA) of each of the proposals in a plan during its preparation. This is reflected in the National Planning Policy Framework (NPPF 2021, paragraph 32) which identifies the need for local plans to be informed throughout their preparation by SA that meets the relevant legal requirements. Advice on preparing SA to support local plans, and which incorporates the requirements for SEA, is provided in separate Planning Practice Guidance on the subject (ref. ID: 11-001 to 11-047). This follows now very well

established tried and tested case law on the subject including *Cogent Land*¹, *Save Historic Newmarket*² and others³.

Having reviewed the Council's overall approach to conducting the sustainability appraisal, RPS has a **two specific legal compliance and soundness concerns** with the sustainability appraisal, which are set out below.

RPS notes that the result of these two specific legal compliance concerns is that Land at Shilton Lane, Bulkington (site ref BUL-10) has not been appraised at any stage in the SA process that has informed the Regulation 19 Plan due to its designation as Green Belt. It is therefore not possible to interrogate or test the soundness of any findings that might have been presented for the site as there are none. Nonetheless, as an omission site, RPS contend that Land at Shilton Lane can deliver sustainable development in this part of the Borough, including a mix of uses as well as much needed affordable housing.

1. Methodological changes to the SA framework undermine the credibility of the appraisal process and is not consistent with national policy.

Section 3 of the Pre-Submission SA provides details on the scope of the SA.

Section 3.3 concerns the SA Framework, which defines the objectives and supporting criteria that inform the appraisal of reasonable alternatives. The SA Framework comprises 11 SA Topics and 20 SA Objectives, listed in Table 3.1 of the SA. These objectives have been applied to the options for the SA carried out for the preferred options (in 2022) and re-submission stages (in 2023) respectively.

In a previous iteration of SA, Table 3 of the Issues and Options SA provides details of the SA Framework applied at that stage (in 2021) which preceded the subsequent stages of appraisal. The earlier SA Framework defined 19 SA Objectives applied in the appraisal of the initial set of options, the outcomes of which would then inform subsequent options testing.

It is therefore evident that the SA Framework has changed during the options appraisal process used to inform the local plan review, an increase from 19 to 20. An additional SA Objective (and associated criteria and monitoring indicators) has been inserted into the SA Framework between the Issues and Options and Preferred Options stage ('Reduce overall energy use through increased energy efficiency'). There does not appear to be any explanation in the Pre-submission SA for this change, but clarification would be welcome on this.

In addition, some definitions of certain objectives have also been changed between iterations of the SA report, adding further detail to their description. Again, no explanation is provided for these changes. The inference from this is that the original set of objectives applied at the issues and options stage, when taken together, were deemed insufficient or inadequate and therefore in need of modification. However, the options tested at the issues and options consultation were not appraised against the revised SA Framework (only the options tested at preferred options and pre-submission stage). Whilst such changes may seem relatively minor, they do represent changes

¹ *Cogent Land LLP v Rochford District Council* [2017] EWHC 2547

² *Save historic newmarket ltd v forest heath district council* [2011] EWHC 606 (Admin)

³ *No Adastral New Town Ltd v Suffolk Coastal DC* [2014] EWHC 223 (Admin), *Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government* [2014] EWHC 406 (Admin) (21 February 2014); *Hoard v Broadland DC* [2012] EWHC 344 (Admin) (24 February 2012)

to the basis for the appraisal of the Plan and reasonable alternatives take forward mid-way through the process.

Paragraph 32 of the NPPF requires that Local Plans should be informed throughout their preparation by a sustainability appraisal 'that meets the relevant legal requirements'. In this context, the SA process used to inform the local plan in Nuneaton & Bedworth has not applied a consistent set of SA Objectives throughout the various stages of the appraisal. The use of different SA Objectives to test different options at different stages undermines the fair and transparent comparison of the Plan alongside reasonable alternatives, which is a key requirement under the SEA regulations highlighted above.

2. The consideration of reasonable alternatives is flawed

Footnote 19 to paragraph 32 of the NPPF establishes that the relevant legal requirement in undertaking SA refers to the need for Strategic Environmental Assessment ('SEA'). SEA is a requirement of the Environmental Assessment of Plans and Programmes Regulations 2004. A key output from the SEA process is the preparation of an 'environment report' under Regulation 12 of the regulations, and forms an integral part of the wider SA process.

Notably, the environment report must identify, describe and evaluate the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives (Regulation 12 (2)), taking into account the objectives and geographical scope of the plan, as well as record the wider assessment of social and economic effects (PPG ID: 11-019). It is critical that in order to ensure the SA process is open and transparent reasonable alternatives are identified and appraised on a fair and consistent basis. This covers the appraisal that informs the strategy as well as potential site allocations.

The Regulation 19 Plan for Nuneaton & Bedworth is based on the simple consideration of local needs, but does not cater for wider than local issues evident across the wider market area. Specifically, **the SA process carried out up to the pre-submission stage has not considered any reasonable alternatives relating to the ongoing accommodation of any unmet need from other areas within the Coventry & Warwickshire HMA; notably Coventry.** As addressed in RPS representations to Policy DS3 this ignores the fact that Nuneaton & Bedworth remains an accepted constituent member of the C&W HMA under existing memorandum of understanding signed up to by all Warwickshire authorities, including Nuneaton & Bedworth Borough Council, in 2015⁴.

Existing evidence in the form of the 2015 MoU which the Council has recently reneged on and the emerging evidence presented as part of the Issues and Options consultation carried out by Coventry City Council strongly indicates that unmet housing need still exists and is a strategic cross-boundary matter that should be considered as part of the effective cooperation between authorities that make up the C&W HMA. This matter was a principle issue considered as part of the Nuneaton & Bedworth Local Plan adopted as recently as 2019 (along with all other HMA Plans), which found that local and HMA-wide need could not be met on non-GB sites alone in the Borough and that exceptional circumstances existed (as still exist) to justify GB release to help meet that need. In this context, the Nuneaton and Bedworth Local Plan Inspectors Report published on 19 April 2019 stated:

"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

⁴ Memorandum of Understanding relating to the planned distribution of housing within the Coventry & Warwickshire Housing Market Area (HMA) 2015.

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."

It remains the case that an appropriate policy response to address that unmet need requires a proper consideration of reasonable alternatives in the context of sustainability appraisal. Neither the Regulation 19 Plan nor the SA tackle this issue at all. Not to do so renders the Regulation 19 Plan fundamentally unsound and arguably non-compliant in legal terms.

In relation to options that might draw focus on the Green Belt, the Pre-submission SA also only considers the Green Belt in any real detail at the Issues and Options stage. This is in relation to two options (options for residential and employment in the Green Belt). Section 5.4 of the SA provides a summary of the appraisal of three sub-options under the residential option, including *Option 2. Prioritise urban areas then all other land in the countryside regardless of Green Belt status*. The SA findings for option 2 are broadly positive, with a significant positive (+) score for housing.

The appraisal as it relates to Green Belt goes no further than the initial Issues and Options stage. The Council's explanation is provided at paragraph 6.2.1 of the Pre-submission SA (and which repeats paragraph 4.6 of the Preferred Options SA), as follows:

"The Council consider it unnecessary to continue exploring the potential for Green Belt release to deliver housing growth. There are sufficient sites within the urban area and the countryside that are not Green Belt and these would well exceed identified housing needs for the Borough. Even in the event that needs may increase in response to changes in evidence or cross boundary issues, it is still considered that there are sufficient non-green belt sites to explore first."

Paragraph 140 of the NPPF specifically allows for Green Belt review and amendments to release sites through the strategic policies of the development plan. To suggest that options to accommodate development are unreasonable simply because they relate to land designated as Green Belt runs counter to this approach.

Furthermore, it has not established in either the SA or Regulation 19 Plan that all future development, including any potential unmet needs from elsewhere in the HMA, is capable of being accommodated solely on non-green belt land. That is a matter for the Local Plan review process to determine. Excluding sites on the basis they are simply designated as Green Belt has not been justified. This further points to the flawed approach to consideration of reasonable alternatives within the SA.

Section 5.6 of the Pre-submission SA also considers 'small SUEs' (sustainable urban extensions). RPS raises two matters of soundness here. Firstly, the SA does not define 'small SUE' and so it is difficult to understand on what basis the scores have been derived. And secondly, the appraisal excludes 'large' SUEs but provides no explanation as to why it would be unreasonable to include such an option. It is widely accepted that large-scale development can have greater potential to deliver a wider range of sustainability benefits for local communities compared to smaller scale development. This is also recognised national policy² that large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or *significant extensions to existing villages and towns* (provided they are well located and

² Paragraphs 73 and 106 of the NPPF 2021 make reference to large-scale development opportunities

designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

Proper consideration of larger site options would immediately raise the potential for directing a proportion of growth to sites within the Green Belt, as this is naturally where such sites can found. This includes Land at Shilton Lane, Bulkington. To exclude such sites at such an early stage in the SA process also undermines the fairness and transparent treatment of reasonable alternatives.

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The SA should be revisited in order to address the legal and soundness concerns identified in this representation.

The SA should be amended accordingly and reconsulted on prior to submission of the Plan.

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

x

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To enable the views of our client to properly expressed and to enable responses to issues raised through the discussion at any necessary hearing session.

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Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	16 October 2023