

Anca Seaton

From: Sam Salt <[REDACTED]>
Sent: 16 October 2023 16:01
To: Planning Policy
Subject: NNBC: Reg 19 Borough Plan Review Consultation
Attachments: Rep Form A - Complete 061023.pdf; Rep Form B - Complete 061023.pdf; TAR-032-C-NBBCReg19Reps-FINALwAPPENS-061023.pdf

Categories: WIP

Dear Sir or Madam,

Please find attached our response to the Nuneaton and Bedworth Borough Plan Review Regulation 19 Consultation.

I'd be grateful if you could confirm receipt of the attached and keep us updated on the progress of the Examination.

Any queries, please let get in touch and we'll be happy to assist.

Kind regards,

Sam Salt




Heatons, The Arc, 6 Mallard Way,
Pride Park, Derby, DE24 8GX

www.heatonplanning.co.uk

Heatons
Planning Environment Design



 <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	Mr
First name	Lloyd	Sam
Last name	McInally	Salt
Job title (where relevant)	Development Manager	Associate Director
Organisation (where relevant)	Tarmac Trading Limited	Heatons
House no. and street		The Arc, 6 Mallard Way
Town		Derby
Postcode		DE24 8GX
Telephone number		
Email address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph	
Policy	Strategic Policy DS4 – Residential Allocations
Policies Map	

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 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.

Please refer to the submitted letter of representation from Heatons dated 06.10.23

(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.

Please refer to the submitted letter of representation from Heatons dated 29.09.23

(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:

We would welcome the opportunity to be involved in proactive engagement on behalf of Tarmac Trading Ltd for the retention of allocation HSG7 within the Borough Plan Review

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)	 Mr Sam Salt
Date:	06.10.23

Planning Policy

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

Sent by email only to:
planning.policy@nuneatonandbedworth.gov.uk

Dear Sir or Madam,

NUNEATON AND BEDWORTH BOROUGH COUNCIL BOROUGH PLAN REVIEW REGULATION 19 CONSULTATION – SEPTEMBER 2023 – REPRESENTATIONS ON BEHALF OF TARMAC TRADING LIMITED

Heatons have been instructed by our clients, Tarmac Trading Limited ('Tarmac'), to prepare and submit a formal representation to the above consultation in relation to their land interest to the north of Lancing Road, Bulkington. These representations follow on from submissions made to the Issues and Options Consultation (2017) and Preferred Options Regulation 18 Consultation (June 2022).

This representation maintains a strong objection to the removal of strategic housing allocation HSG7 for at least 196 dwellings to the east of Bulkington. The site is allocated in the adopted Borough Local Plan (2011-2031) to deliver at least 196 dwellings under HSG7. This representation will outline the progress made in delivering the site to date, and it is maintained that the site should be rolled over and allocated in the emerging local plan to meet the needs of the Housing Market Area.

Tarmac's Interest and Progress Up to Date

The site is circa. 10ha of arable farmland adjacent to the east of Bulkington. The Site Location Plan is included at **Enclosure 1**. Please refer to our previous Regulation 18 representation letter for a full detailed description of Tarmac's previous involvement with the site.

In June 2022, an outline planning application for the erection of up to 230 dwellings with access off Nuneaton Road and Bramcote Close was submitted to NBBC, with all other matters reserved. The application was validated on 1st July 2022 and assigned Council reference: 039005.

During the course of the planning application the red line planning application boundary was altered slightly along the eastern and northern boundaries and the application was issued for a re-consultation with additional highways and access information, requested by the Warwickshire County Council (WCC) highways team.

The planning application was heard at an extraordinary committee meeting on Monday 26th June with members of Warwickshire County Council Highways Department present. In line with officer's recommendation, Members of the Planning Committee determined to grant Outline planning permission with all matters reserved except for access subject to the completion of a S106 Agreement which secured funding for education facilities, highways improvements, public open space, EV Charging and low emission boilers amongst other things.

A Decision Notice was issued on 3rd October 2023.

Borough Plan Review: Preferred Options, Responses and Officer Comments (2023)

Heatons Regulation 18 Consultation response dated July 2022 raised several concerns which focused on:

- The SHLAA 2021 incorrectly stating that there are ransom strips to prevent access to the site from Bramcote Close and Lancing Road;
- The housing delivery policies should be based on up to date population projects to provide a stronger basis for calculating overall housing need.

Nuneaton and Bedworth Borough Council's response reads:

"The outline application for the site is still to be determined. The adopted concept plan SPD shows access for the site off Lancing Road and not Bramcote Close. The submitted red line boundary does not include the strip of land which allows access to the site off Bramcote Close. Based on these concerns there is an unresolved policy objection regarding the achievability of access off Bramcote Close."

As noted above, the Outline planning application for the site is now determined with all matters reserved except for access. The grant of planning consent is subject to conditions and a S106 Agreement secures various financial contributions including infrastructure delivery and significant education improvements.

As stated within Heatons' Reg 18 Consultation response, there is no evidence to substantiate the existence of a ransom strip. There are no barriers to the connection of the site to the adopted highway and the comments in this regard are factually incorrect.

Duty to Cooperate

For context, the Borough Plan Review proposes an annual housing requirement over the plan period 2021- 2039 from 9,810 dwellings, or 545 dwellings per annum. The adopted Local Plan, at Policy

DS4, seeks to provide at least 14,060 homes across the plan period between 2011 – 2031, which requires the delivery of at least 703 dwellings per annum. An overall reduction of 158 dwelling per annum.

The Duty to Cooperate required NBBC to engage and work proactively with neighbouring authorities and statutory bodies, for NBBC this includes authorities within the Coventry and Warwickshire Housing Market Area authorities. The NBBC HEDNA (November 2022) suggests that in addition to the need identified, it is important for the Borough to engage through the Duty to Cooperate with adjoining areas to consider any issues of unmet housing need.

The Duty to Cooperate confirms that, as part of the redistribution of housing, NBBC agreed to take 4,408 dwellings and has signed a Memorandum of Understanding with the other Authorities to this effect and, despite the Council withdrawing their signature in July 2023, the Memorandum of Understanding is live until a new Local Plan is adopted by NBBC. The Borough Plan Review should not be adopted until the February 2018 Statement of Common Ground has been updated in line with Paragraph 27 of the National Planning Policy Framework to ensure cross-boundary matters have been fully addressed.

Our shared concerns relate to the lack of clear and identifiable evidence to suggest that the Duty to Cooperate has been fully and adequately addressed and that the wider sub-regional market housing area has not been fully considered which may result in the Plan Review being found unsound and the adoption delayed.

NBBC should ensure that the Borough Plan Review contains sufficient flexibility in the longer term given that other plans across the HMA are at much earlier stages of adoption. The Sustainability Appraisal acknowledges the retention of HSG7 (and HSG4) would provide sufficient flexibility as part of the 'higher growth' option. Heatons would support this approach.

Representations

In representations submitted at the Issues and Options stage in August 2021, Heatons confirmed that the delivery of HSG7 did not require a review as part of the ongoing Borough Plan Review process, as it is expected to commence development within the adopted Borough Plan timeframes.

In comparison to other proposed allocations within the Borough Plan Review, Lancing Road HSG7 would guarantee the delivery of much needed homes and there remains uncertainty regarding other proposed strategic allocations within the Borough Plan Review, including Tuttle Hill SHA3 where a planning application has been live since 2018 without determination.

The grant of Outline planning permission with access approved demonstrates that there are no unresolved technical issues which otherwise would prevent the site from coming forward and contributing towards sustainable development in the Borough Plan Review. As such, Heatons would support NBBC with a reassessment of allocation HSG7 given the site has now achieved planning

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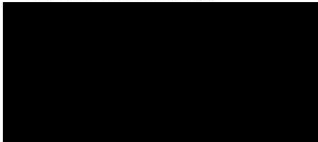
permission the allocation should be reassessed and re-inserted into the plan. Should NBBC request any additional information to assist in this process we would be glad to support them in this process.

The allocation of HSG7 East of Bulkington for a minimum of 196 dwellings was removed due to a potential lack of delivery of the site which relates to the ability to provide sufficient vehicular access without any clear evidence. The NPPF (September 2023) confirms that, for sites to be considered deliverable, sites must be available now and in particular, where a site has outline planning permission for major development or has been allocated in a development plan, "it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years." The removal of this allocation is therefore not considered justified.

Tarmac support the allocation of strategic housing site HSG7 with the site providing the ability for early housing delivery to assist the Council in achieving sustainable growth. This site now has planning permission and will begin to deliver housing in the early stages of the plan period. Any further iterations of the Borough Plan Review should recognise this fact.

We would welcome the opportunity to participate in Hearing sessions once the Borough Plan Review has been submitted for Independent Examination. Please contact Heatons should you have any queries in the meantime.

Yours faithfully,

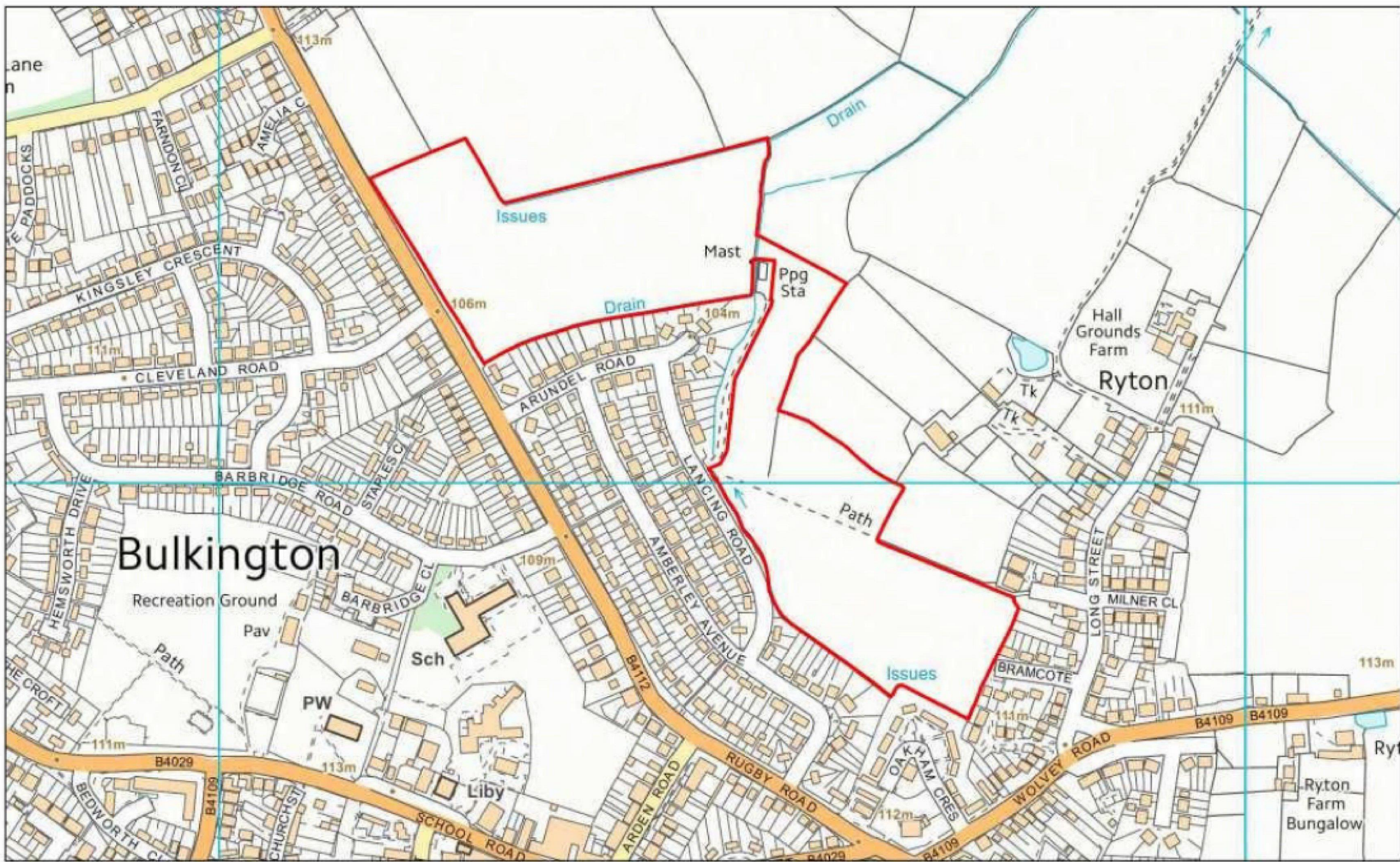


Sam Salt MPlan MRTPI

Heatons



Enclosure 1: Site Location Plan



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 Nuneaton and Bedworth Borough Council
 100018416

HSG7

Scale 1:5000

Scale

