

Anca Seaton


From: [REDACTED]
Sent: 15 October 2023 19:32
To: Planning Policy
Cc: Jacqueline Padbury; Sarah Matile
Subject: NBBC Borough Plan Review – Regulation 19 Consultation, Representation forms Part A and B
Attachments: Representation_Form_A__Personal_details__Electronic [REDACTED]
Representation_Form_B__Your_representation_s__Electronic [REDACTED]
Follow Up Flag: Follow up
Flag Status: Completed
Categories: Processed

Dear Planning Policy,

Please find my representation to NBBC's Regulation 19 Consultation attached. Please can you confirm receipt and that both forms can be opened and read.

Kind regards,

[REDACTED]

 <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

	<p>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.</p>	<p>2. Agent's details (if applicable)</p>
Title		
First name		
Last name		
Job title (where relevant)		
Organisation (where relevant)		
House no. and street		
Town		
Postcode		
Telephone number		
Email address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation: [REDACTED]

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

Paragraph	Form of development 26. and Flooding 7.106 Form of development 11. and Flooding 7.129 Evidence Base: SEA-2 and 2. River Sowe
Policy	Strategic Policy SEA2 – Wilsons Lane Strategic Policy SEA6 – Bowling Green Lane Nuneaton and Bedworth Borough Council, Level 2 Strategic Flood Risk Assessment Detailed Site Summary Tables and Strategic Flood Risk Assessment Level 2 Appendix B
Policies Map	Policy NE1 – Green and blue infrastructure Policy NE4 – Managing flood risk and water quality

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 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.

At the time of writing this representation, a Statement of Common Ground (SoCG) with Coventry City Council (CCC) was not available to view within the evidence base on Nuneaton and Bedworth Borough Council's (NBBC) website. Until one is available for the public to view, it must be assumed that the Borough Plan is not

legally compliant under the Localism Act 2011 (Section 110 Duty to co-operate in relation to planning of sustainable development). The National Planning Policy Framework (NPPF, September 2023) and guidance for plan-making, state,

'A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.'

'In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.'

Without the evidence of an SoCG, it is difficult to ascertain the effectiveness of joint-working on cross-boundary matters such as flood risk, the use of the land for flood storage within the River Severn Basin District (along the courses of the River Sowe and Breach Brook) and water quality. Therefore, it must be assumed the Borough plan is unsound and does not comply with the Duty to Cooperate.

Within the NPPF it also states,

'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk...water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁵³. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'

Within the Strategic Policy SEA2 – Wilsons Lane, it states,

'The Environment Agency, WCC Flood Risk Management and Coventry City Council require the site to provide a betterment for flood relief downstream by providing additional rainwater storage within the site.'

This addition to the policy is supported and provides evidence that there has at least been some joint working but it needs to be strengthened by explaining the context of this requirement. It is essential that flooding history within Coventry, such as the events in Rowley's Green Lane (see photographs), is acknowledged. So it is of particular concern that the flooding history section of the summary table for SEA2 states,

'The Environment Agency's historic flooding and recorded flood outline datasets do not have a record of any flooding on or surrounding the site.'

Indeed, Rowley's Green Lane is neither on the site or surrounds it (there is a local wildlife site in between) but it is located nearby and downstream of the site. The table only refers to historic flooding data from Warwickshire County Council; there appears to be no references to Coventry City Council as a LLFA at all. It also must be questioned why the culverting of the River Sowe beneath Silverstone Drive has been identified as a residual risk but the issue with blockages at Bassford Bridge on Rowley's Green Lane has not been.



Flooding at Rowley's Green Lane (Reach Plc)

There are references in the table to access, egress, 1% AEP and 0.1% AEP event regarding Woodshire's Road, Wilson's Lane and Rowley's Green Lane. It states,

'These flood depths are likely to affect access to the site for emergency vehicles during a flood event... Safe access and egress will need to be demonstrated in the 1% AEP plus climate change fluvial and surface water events. Site drainage proposals should address the requirements for access routes, avoid impeding surface water flows and preserve the storage of surface water to avoid exacerbation of flood risk in the wider catchment.'

In the groundwater section of the table, it refers to,

'Groundwater levels are either at or within 0.025m of the ground surface – within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots. There are two bands through the centre of the site where groundwater levels are within this zone.'

What impacts could piling and the use of basements have on groundwater? Should the Strategic Policy SEA2 – Wilsons Lane not include a specific reference to the issues with access/egress and groundwater levels? The inconsistencies between the summary table and the strategic policy for SEA2 Wilsons Lane need to be addressed.

There also appears to be an existing issue with ponding on the site and the presence of marginal pond plants such as Yellow Flag is an indicator of this.



Yellow Flag and Herons and ponding in the lower fields of SEA2 Wilsons Lane

The flood storage capacity of the site could be reduced through the removal of ditches, hedgerows, mature trees and ridge and furrow and this could have an impact on the wider catchment. Therefore, the removal of these features should be avoided and only be allowed under the most exceptional of circumstances.



More examples of ponding in the lower fields of SEA2 Wilsons Lane

The Strategic Policy SEA6 – Bowling Green Lane, states,

'Provision of enhanced buffer in the south-eastern corner to protect the setting of the Exhall Hall scheduled monument and listed buildings, as well as ensuring that the scale of development does not detract from the prominence and importance of the listed buildings.'

Although this is supported, this section also needs to refer the protection of Exhall Hall's Medieval moat in terms of impacts from changes in river level or pollution. According to Historic England,

'Around 6,000 moated sites are known in England... The moated site at Exhall Hall survives well including earthworks and buried building remains of a variety of features... The moat is compact, sub-rectangular and survives well as a water-filled ditch on all four sides. It is lined with puddled clay. The moat is orientated north to south and measures approximately 60m by 80m. Its arms are of uniform width measuring approximately 10m to 15m wide, except in the south western angle which measures up to 20m. The southern arm of the moat was formerly wider than its present width having been partially infilled after 1880. The moat is supplied by a

sluice from the River Sowe running into its north east angle and is drained through a sluice returning to the river from the south east angle.'

All strategic sites located near the A444 or M6 should include measures to reduce the impacts of pollution from surface water run-off from road surfaces. The strategic road network (SRN) is one of the major contributors to the River Sowe's poor water quality and every opportunity should be taken to rectify past failures to protect the river from harm. This should also include any new planned roadworks such as the M6 J3 Interim Scheme and Coventry North Package.

Within the Strategic Flood Risk Assessment Level 2 (SFRA L2) Appendix B - Modelling Technical Notes, it states,

'Flows for the 3.3% AEP event were not available with the existing model files and had not been derived in the existing hydrological study...A more comprehensive updating of the hydrology for the River Sowe is considered to be beyond scope of the project as this modelling is strategic and in nature and aims to derive datasets that can be used consistently with existing flood risk datasets. Furthermore, there are complexities in re-running the model and the age of the model which means updating the model hydrology may become a more complex and expensive undertaking.'

'In the absence of detailed hydraulic modelling, Flood Zone 2 has been used as a proxy for climate change to assess the impact on fluvial flood risk for Breach Brook.'

Does this mean that there is no hydraulic model for Breach Brook? Surely, all hydrology models should be available and kept up to date to inform local plans. What are the risks of using old data and models (from 2011?) to save on costs? What impacts could this have on Woodshire's Green?

(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.

An SoCG with Coventry City Council needs to be made publicly available and should outline how the local planning authorities are working jointly on cross-boundary matters such as flood risk, flood storage, mitigating and adapting to climate change, water quality, and biodiversity within the River Severn Basin District.

To make the Borough Plan sound, the Strategic Policy SEA2 – Wilsons Lane needs to include a reference to restoring the functional floodplain of the River Sowe and reinstating the natural meandering river channel which was lost during

construction of the A444 extension. This policy also needs to show how space for physical protective measures will be used to ensure the future resilience of Longford's and Exhall's communities and infrastructure to climate change impacts. For example, it should include measures for protecting local roads, such as Woodshire's Road, Wilson's Lane and Rowley's Green Lane, from flooding and to ensure emergency vehicles can access the site during a 1% AEP event. Furthermore, when referring to requirements 'to provide a betterment for flood relief downstream', it needs to reference the existing problems with flooding at Rowley's Green Lane. Finally, the removal of ditches, hedgerows, mature trees and ridge and furrow should only occur under the most exceptional of circumstances as they play an important role in flood storage within the site. Therefore, references to the protection of these needs to be strengthened within the policy.

There are concerns that there may be an intention at some point in the future to build a distributor road through the southwest corner of the site to the A444 using Silverstone Drive. L&Q Estates Ltd (who have a partner relationship with Gallagher Estates Ltd) currently own a section of this road. This in effect would be phased development and it is important that the impacts on water quality and flood risk of a distributor road at this location is considered now. For this reason, there should be protections put in place within the SEA2 Wilson's Lane strategic policy to prevent this from happening.

The hydraulic model used for the River Sowe appears to be over 10 years old and there doesn't appear to be one for Breach Brook. Should strategic policies for a local plan (and developers' Flood Risk Assessments later) be based on such out-of-date information? Surely, there should be a requirement to update it.

Measures to protect Exhall Hall's Medieval moat should be specifically referenced within Strategic Policy SEA6 – Bowling Green Lane. Both strategic policies (SEA2 and SEA6) should also have a section on water quality. Within this section, measures to reduce the impacts of existing and future surface water run-off from the SRN on water quality should be included along with the protective measures required within the sites to prevent pollution from entering the river from parking areas, loading bay areas (from spills) and fuel storage.

With the possibilities for piled foundations and/or basements, there should also be a section within the policies (SEA2 and SEA6) which outlines a requirement for a hydrogeological study. This study should confirm that piled foundations and/or basements will not affect groundwater flows or create issues with contamination.

(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	X
Yes , I wish to participate at the oral examination	

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

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:	15 October 2023

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	Key development principles, form of development, missing section on biodiversity, etc Ecological network, biodiversity offsetting, ecological and geological assessment, etc
Policy	Strategic Policy SEA2 – Wilsons Lane Strategic Policy SEA6 – Bowling Green Lane Policy NE1 – Green and blue infrastructure Policy NE3 – Biodiversity and geodiversity Policy NE5 – Landscape character Policy E1 – Nature of employment growth Policy BE3 – Sustainable design and construction
Policies Map	Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) Borough Plan Publication Version EMP2E & EMP2H

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 checked="" type="checkbox"/>

Please mark with an 'X' as appropriate.

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At the time of writing this representation, an SoCG with CCC was not available to view within the evidence base on NBBC's website. Until one is available for the public to view, it must be assumed that the Borough Plan is not legally compliant under the Localism Act 2011 (Section 110 Duty to co-operate in relation to planning of sustainable development). Without the evidence of an SoCG, it is difficult to ascertain the effectiveness of joint-working on cross-boundary matters such as biodiversity net gain and nature recovery. Therefore, it must be assumed the Borough plan is unsound and does not comply with the Duty to Cooperate.

Within the strategic policies, there appears to be inconsistencies between the terminology used and weight given to enhancing wildlife corridors/ecological networks. For example, the strategic policy for SEA4 includes the following:

'Financial contribution towards the delivery of biodiversity enhancements on land to the south of Centenary Way (Griff Hollows local wildlife site), as well as biodiversity offsetting.'

'Financial contribution towards delivery of an area wide green infrastructure SPD (or equivalent) that promotes species movement along identified green corridors.'

'Areas of high distinctiveness should look to be preserved to form part of a network of natural habitats. Habitat connectivity to the south should be maintained and enhanced to allow connections to the wider local wildlife site, including along the southern boundary of the site.'

'A key element of this will be the reopening of the culvert to enable mammals to connect along ecological corridors. The Griff Hollows local wildlife site should be re-surveyed and this should include the water vole survey project being undertaken by Warwickshire Wildlife Trust.'

Surely, the importance of the River Sowe in providing habitat connectivity, as a green corridor which promotes species movement and its potential to enable nature recovery should be highlighted. There should be protections put in place to ensure that there is 10% biodiversity net gain delivered within the SEA2 site as it forms part of an important wider ecological network. In addition, the underpass (where the river flows along a public right of way) is one of very few locations which allow for the free movement of species across the A444. Only under very exceptional circumstances, such as the building of nationally important infrastructure, should net loss be allowed within the site and, even then, it is important that all of the biodiversity offsite offsetting should be located within Longford or Exhall along the course of the River Sowe and/or one of its tributaries.

The Nuneaton and Bedworth Borough Council Ecology and Geodiversity Assessment (EGA) for EMP2E & EMP2H states the following about Bassford Bridge Meadow LWS (SP38M5, sometimes referred to as Sowe Meadows),

'...the site is part of an important interconnecting wildlife corridor in an otherwise heavily built-up neighbourhood of north Coventry.'

However, it fails to identify that there is public access to the wider countryside beyond the north-west end of the local wildlife site through the public right of way (PRoW) 331/B23/2 and the A444 underpass (using the 331/B25/2). Considering the importance of this connection to the west side of the A444, it is surprising that the opportunity for increasing the extent of the Bassford Bridge Meadow LWS was not identified within the strategic policy for SEA2 Wilsons Lane.

The allocation of use classes within the site, particularly the scale of B8, should be questioned. A different mix of land uses would provide more opportunities to protect, extend and enhance the existing green infrastructure within the area. It would appear as if the proposed use of SEA2 as a large distribution centre has overly influenced the concept for the site. Many aspects of the policy are written in such a way that elements of it can be overridden or are open to interpretation. Instead of weakening elements of the policy, would it not make more sense to go back to first principles and let the constraints guide its concept? With a different mix of land uses, the impacts of constraints can be avoided and, in some cases, they can even become a benefit.

Why is there no referencing to the importance of the River Sowe in terms of protected species such as water vole, otter, white-clawed crayfish and wild birds? Should there not be an equivalent section within the SEA2 Wilsons Lane strategic policy requiring regular surveys (every two years) of the site itself and the adjacent local wildlife sites following Natural England's standing advice on protected species and Biodiversity code of practice for planning and development (BS 42020:2013).

In a recent outline planning application for the SEA2 site (NBBC 037378 and CCC OUT/2020/1505, APP/U4610/W/23/3319687), there were no wild bird surveys undertaken even when evidence of Section 41 (Natural Environment and Rural Communities Act 2006), Schedule 1 (Wildlife and Countryside Act 1981), red listed and amber listed birds (Birds of Conservation Concern) within the proposed boundary were provided to both LPAs during the consultation processes for the application itself and previous consultations on the Borough Plan Review and the SPD for EMP2 Wilson's Lane concept plan. It must be questioned whether the Borough Plan can be legally compliant if it enables Government standing advice, which references the Natural Environment and Rural Communities Act 2006 and the Wildlife and Countryside Act 1981, to be ignored. In fact, Section 40 of the NERC Act 2006 imposes a legal duty on public authorities, to 'have regard' to the conservation of biodiversity,

'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity...'

It clear that this has not been the case, at least for wild birds.

The EGA for EMP2E & EMP2H makes it clear that there are 'protected and/or important wild bird species recorded both within the proposed boundary' and within 500m. This should trigger a requirement for wild bird surveys. There are over 40 species of bird recorded either on the site or within 500m. This is despite there

being no recent wild bird surveys undertaken by an expert, so this location could well be approaching the county level of importance in terms of breeding bird species richness (Fuller, 1980).

Therefore, the strategic policy for SEA2 Wilsons Lane should reference requirements for wild bird surveys (for the site itself and Bassford Bridge Meadow LWS) and bird boxes/bricks designed specifically for swifts, swallows and house martins. Sections of the site should ensure that there are sufficient feeding grounds not only to support existing populations of protected/important species but to enable a recovery in numbers. It is still possible to experience both screaming parties and murmurations within Woodshire's Green but with the current influences of densification, urban creepage and sprawl, I am concerned as to whether we will be the last generation within Longford and Exhall to witness them.



Song Thrush and House Sparrow (2022) and Kestrel (2022) on SEA2 Wilsons Lane



Starling (2023) and Mistle Thrush and Redwing (2022) on SEA2 Wilsons Lane

The date of the EGA is stated as July 2022. Therefore, it is likely that the data it is based on is somewhere between 15-24 months old. This is because there will always be a delay between records being submitted, verified and the data entered by the WBRC. Therefore, depending on the date parameters used, it is entirely

possible that this data only includes WBRC records up until the end of December 2021. Therefore, it is essential that these reports are produced on a regular basis and at least once every two years.

In addition, the WBRC does not currently use the Biological Records Centre (BRC) data from iRecord. Therefore, there are no complete datasets for protected/important species within Coventry, Solihull and Warwickshire. There is an intention for the WBRC to use iRecord data in the future but, in the meantime, it is important that the LPAs require data searches from both the WBRC and the BRC's data to ensure that no records of protected/important species are accidentally missed.

As an example of this issue, an accepted NBN Atlas record of white-clawed crayfish within 500m of the SEA-6 Bowling Green Lane site appears not to be listed. It is over twenty years old, from 2000 (Occurrence ID: 6497), but it indicates the possibility that this species could still be present somewhere within the River Sowe's catchment, for example within the moat of Exhall Hall. Therefore, there should be regular surveys for white-clawed crayfish undertaken in locations associated with the River Sowe. If a habitat still exists, historical records over 10 years old should never be discounted. Even if a habitat has subsequently become fragmented, a record shows that a species was present in the past and, so there is a possibility that it may still be present but simply not have been recorded since. This has been a particular issue for Coventry as since the late 1990's, it has not had its own natural history and city ecologists based at the Herbert Art Gallery and Museum. Recently, ecologists have been employed by CCC but there will be significant gaps within the City's records especially in locations based within the north of Coventry. For this reason, the role of surveys is even more important.

It is also important to take note of the advice given with the EGA,

'The information presented here is based on existing records held within the Warwickshire Biological Records Centre but does not constitute an exhaustive list of known records...In addition, it should not be taken that the lack of details on specific species groups means that the search area is not valuable for them - only that we have no electronic records. It is possible that unknown species are within this area that only an up-to-date systematic survey would find.'

Historically, the northern fringe of Coventry has been under recorded, so it is even more important for surveys to be carried out in this area on a regular basis i.e., every two years. Frustratingly, there appears to be an ongoing misconception of the difference between a written section within an Ecological Impact Assessment (EclA) commenting on electronic records from historical data sets and a survey which would require several field visits to a site, and its zone of influence, by a suitably qualified ecologist to identify species and observe behaviours. A bird survey report would contain elements such as a description of the methodology used, result tables, species accounts, territory maps and an evaluation.

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

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An SoCG with Coventry City Council needs to be made publicly available and should outline how the local planning authorities are working jointly on cross-boundary matters such as nature recovery along ecological corridors. For example, projects along the River Sowe and its tributaries.

There appears to be no section on biodiversity within the strategic policy for SEA2 Wilsons Lane. For the policy to be sound, a section on biodiversity (which includes zones of influence such as the adjacent local wildlife site) is required which refers to the importance of the River Sowe as an ecological corridor. It needs to reference the maintenance of habitat connectivity and the role of the river in terms of species movement. There should be a requirement for 10% onsite biodiversity net gain and financial contributions towards delivering wider biodiversity enhancements along River Sowe and its tributaries within Longford and Exhall. It is also important that the SEA2 Wilsons Lane policy refers to the River Sowe as a tributary of the Warwickshire River Avon and that it is hydrologically linked to the Severn Estuary Special Area of Conservation (SAC).

Protections should also be put in place within the SEA2 Wilsons Lane strategic policy, SEA6 Bowling Green Lane strategic policy, within other strategic policies (which are associated with the River Sowe or its tributaries) and the biodiversity and geodiversity policy (NE3) to prevent biodiversity net loss within the Severn River Basin District being used to benefit nature recovery with another river basin district such as the Humber.

In addition, there should be a section within the SEA6 Bowling Green Lane strategic policy requiring surveys for protected species which may be associated with the Medieval moat at Exhall Hall e.g., great crested newt, white clawed crayfish, water vole, otter, bats and wild birds. There should also be a statement on how the biodiversity found within this important site will be protected and enhanced. Due to its great age and condition, there should be further surveys for insects, plants, fungi and lichens. It is possible that this site has harboured species which may now be rare or extinct elsewhere within the vice county of Warwickshire.

Within the SEA2 Wilsons policy, there should also be a specific requirement for wild bird surveys and bird boxes/bricks for the following species: swift, swallow and house martin. Feeding grounds and suitable sites for roosting/nesting for birds such as house sparrow and starling should also be identified, and existing ones protected.

There should be a requirement to follow Natural England's standing advice on protected species and specific references to surveys (SEA2 site itself and

Bassford Bridge Meadow LWS) for water vole, otter, white-clawed crayfish, great crested newt, badger, bats and wild birds and for these to be updated regularly, every two years, following BS 42020:2013. References to Natural England's standing advice on protected species and BS 42020:2013 should also be included within the policy for Biodiversity and geodiversity (NE3).

Furthermore, regarding the local wildlife site, there should be a requirement for additional surveys such as those for insects, plants, fungi and lichens to inform a baseline and the management of this site in the future for the purpose of biodiversity enhancement. I have real concerns that some of the existing proposals for 'improvements' within the local wildlife site would result in biodiversity net loss and have a detrimental effect on our existing insect populations.

There are also concerns that there may be an intention at some point in the future to build a distributor road through the southwest corner of the site to the A444 using Silverstone Drive. L&Q Estates (who have a partner relationship with Gallagher Estates Ltd) currently own a section of this road. This in effect would be phased development and it is important that the impacts of a distributor road on biodiversity at this location is considered now and not at some future point when issues with traffic queues on the B4113 Pickard's Way, generated by this site, could be used as an exceptional circumstance to justify biodiversity net loss within the River Sowe's catchment. For this reason, there should be protections put in place within the SEA2 Wilson's Lane strategic policy to prevent this from happening.

The EGA for SEA2 Wilsons Lane (EMP2E & EMP2H) should be updated so that it includes all electronic records from the WBRC up until the end of December 2022 and, if possible, those up until July 2023. Currently, only the date of the assessment is provided. This may only indicate when the final version of document was either produced or a query from a database was run. A date range for the electronic records used, using dates of when species were recorded, should also be provided within the EGA. This would help to clarify how recent the data is. There should also be references to the ongoing use of data searches from the WBRC and BRC within the Biodiversity and geodiversity policy (NE3) to inform the planning process.

The mix of use classes urgently needs to be reviewed for the SEA2 Wilsons Lane policy. A site offering more dwellings and less (or no) B2/B8, is more likely to be sustainable, providing opportunities for biodiversity net gain and enhancing existing wildlife corridors. The concept of having a large generic distribution centre is unsustainable at this location and so the policy in its current form is unsound as it does not sufficiently protect against this. There is a real danger that pressure will be placed within Bassford Bridge Meadow LWS (Sowe Meadows) and the southwest corner of the SEA2 site to become amenity parkland which would further undermine local biodiversity and the potential for nature recovery within the wider area. Again, the SEA2 Wilsons Lane policy does not sufficiently protect against this. The SEA2 Wilson Lane site is part of a wider ecological network yet, so far, there has been very little evidence of effective cross-boundary working with CCC on improving nature recovery within the northern fringe of Coventry. At least part of the SEA2 site should be used to extend Bassford Bridge Meadow LWS and

be identified as a biodiversity offsetting receptor location. This should be one of the key development principles of the site.

The biodiversity and geodiversity policy (NE3) also needs to refer to how it will work with WMCA, CCC, WCC, Severn Trent, National Highways and the Environment Agency to create opportunities, through the M6 Interim Scheme and Coventry North Package, to improve habitat connectivity and nature recovery within the northern fringe of Coventry e.g., through the building of eco bridges, managing the pollution from the surface water run-off from the strategic road network (SRN), making improvements to the Corley Sewage Treatment Works to reduce treated sewage discharges into Breach Brook (Permit No: S/11/26185/R), etc.

(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	X
Yes , I wish to participate at the oral examination	

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

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:	15 October 2023

Part B – Please use a separate sheet for each representation

Name or Organisation: [REDACTED]

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

Paragraph	Form of development, housing
Policy	Strategic Policy SEA2 – Wilsons Lane Strategic Policy SEA6 – Bowling Green Lane
Policies Map	Policy HS1 – Ensuring the delivery of infrastructure Policy E1 – Nature of employment growth Policy BE3 – Sustainable design and construction Policy HS4 – Retaining and expanding community facilities Policy NE2 – Open space and playing fields Policy HS6 – Sport and exercise Policy HS5 – Health

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 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.

At the time of writing this representation, a Statement of Common Ground (SoCG) with Coventry City Council (CCC) was not available to view within the evidence base on Nuneaton and Bedworth Borough Council's (NBBC) website. Until one is available for the public to view, it must be assumed that the Borough Plan is not

legally compliant under the Localism Act 2011 (Section 110 Duty to co-operate in relation to planning of sustainable development). Without the evidence of an SoCG, it is difficult to ascertain the effectiveness of joint-working on cross-boundary matters such as impacts on existing residential amenity, health and local services. Therefore, it must be assumed the Borough plan is unsound and does not comply with the Duty to Cooperate.

Within the strategic policies, there appears to be inconsistencies between the extent of the protection for existing residential amenity. In particular, the use of landscape buffers, restrictions on building heights/form and use of landscape screening. There are also several omissions, within the SEA2 Wilsons Lane strategic policy, of elements which would have an impact on residents' health and mental wellbeing such as the locations of loading bays, onsite provision of pick-up and drop-off areas, playing pitch facilities, etc. Many aspects of the SEA2 Wilsons Lane strategic policy are written in such a way that elements could be overridden or be open to interpretation. Whereas other strategic policies, such as those for SEA3 Prologis Extension and SEA4 Coventry Road, are much more specific and avoid phrases such as 'where possible', 'seek to retain', 'or a financial contribution towards',

'Provision of new landscape screening on the western boundary and enhancements to existing structural planting on the site.'

'Building height to be restricted to 15m to ridge closest to the western boundary.'

'Loading area to be positioned so as to not face onto residential properties and car parking spaces to be at least 50m away from neighbouring residential properties.'

'Smaller scale (and height) development (similar scale to the adjacent Bermuda Industrial Estate) will be located nearer to the residential edge to the north and east.'

'Shorter side or gable end of building form to front onto Centenary Way in order to reduce perceived effects of scale and massing of any proposed development on any retained public open space.'

'Use of colour graduation on elevations from darker colours to base, and lighter colours nearer to rooflines in order to better integrate development into the landscape.'

'Provision of landscape buffer along northern boundary (minimum width of 15m) and western boundary.'

'Provision of landscape screening consisting of small groups of specimen trees interspersed amongst grassed areas and wildflower meadows.'

'New development should be accompanied by woodland and tree planting to reduce its prominence within the landscape. Opportunities should be taken

to enhance the urban edge through planting new trees and woodland.'

'Scale and massing of building form around northern edge of site should be reduced due to proximity to residential properties.'

'Orientate employment buildings to limit visual effects.'

Throughout the consultation process there have been requests (including through petitions) for the building heights of units to be restricted near to existing dwellings on the east of the site (Old Farm Lane and Wilson's Lane) and for a landscape buffer to be provided. Yet, time and again, no specific height or distance has been used within the various drafts SEA2 Wilsons Lane strategic policy or within the site's concept plan. The results of previous appeals involving the site have not been referred to during the consultation process either. These appeals are still relevant, and it is of concern that they have not been considered effectively so far within the process. For example, within the appeal letter dated 21st December 1988 (APP/W3710/A/88/087112, attached at the end of this document), it states,

'The character of the surprisingly attractive enclave of countryside within which the sites lie will be seriously affected in constructing the A444 extension. Nevertheless it would be wrong to conclude either that its value as an accessible and pleasantly-secluded retreat for nearby residents need to altogether lost, or that its recovery is dependent upon landscaping which could only be carried out in association with development...It has particular importance as a break between the Coventry and Bedworth built-up areas.'

'The Gallagher proposal...would minimise intrusion upon the local scene and upon the outlook from dwellings, and avoid the sacrifice of good agricultural land. It need interfere little with the future alignment of what appeared the most used of the affected footpaths, which would still serve any small riverside spaces remaining after the roadworks. It would have at most a marginal effect on the physical break in the built-up area which the countryside provides...'

'That the Hanson proposal would be the more obtrusive – for passers by as much as for residents – seems to me confirmed by photomontages A and B. It would end the viable agricultural use of good quality farmland east of the new road, and would destroy the pleasantness, and arguably the usefulness, of the footpath to Exhall Church. Its development would have a serious adverse effect on perceptions of the 'separateness' of Coventry and Bedworth...'

'Therefore, for the reasons given, the Secretary of State accepts the Inspector's recommendation that appeal (B) by [REDACTED] be dismissed but that appeal (A) by Gallagher Estates Limited be allowed, subject to certain conditions. He has considered the Inspector's suggestion that the conditions should exclude the requirement for a 100m landscape buffer zone at the east of the site but the Secretary of State takes the view that this would provide an important environmental safeguard for local residents on that boundary of the site.'

It has been argued that the 100m landscape buffer, which came about from the appeal in 1988 (now known as Bassford Bridge Meadow LWS or Sowe Meadows)

should be extended and it has also been suggested that the illustrative concept landscape sections for Plot K Prologis Park would be a best practice example to base this on. With neither NBBC or CCC having policies for landscape buffers, height restrictions, landscape screening or use of acoustic bunds for mixed-use sites or for situations where an employment site is adjacent to existing dwellings, this is of concern. It seems strange that there are no standards for heights and distances regarding industrial buildings/warehouses/offices and dwellings but to have them for between residential properties. This ambiguity has left residents living to the east of the site vulnerable to its impacts. The fact that requests for more specific wording has been ignored only reinforces residents' opinions that they are being given less consideration because they live within another local authority.

There are several omissions within the SEA2 Wilsons Lane strategic policy which need to be rectified. This includes requirements for an onsite pick-up and drop-off zone, overnight lorry parking facilities and the positioning of loading bays, parking areas, fuel storage, etc.

The NPPF is very clear on the requirement for overnight parking facilities,

'Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.'

There are already issues with capacity within the Longford area due to the close proximity of the M6 J3 and A444. Local laybys are often blocked with HGVs and sometimes cabs/trailers are left for significant periods of time. There are also problems with the disposal of litter, food waste, human waste and bottles of urine on local roads used by HGVs to park up. Therefore, it is essential that strategic policies, such as SEA2 Wilsons Lane and SEA6 Bowling Green Lane, ensure that there are adequate onsite overnight lorry parking facilities provided to meet the demands of a distribution centre of a scale that might be proposed. If there are insufficient onsite parking spaces, it could also lead to traffic congestion as HGVs queue or drive around the area to find places to stack.

The addition of the wording 'or developer contribution to secure provision of bus infrastructure at prominent locations to the employment site' is also of concern. Without an onsite bus terminus, it is likely that employees would use Longford's bus stops especially if travelling along the B4113 from the direction of Coventry city centre towards to the site or from the site towards the direction of Coventry city centre. This has the potential to create large movements of people during shift changes.

It is likely that the 20B service would become overcrowded around the times of shift changes and the option to convert it to a double-decker service would not be possible due to the low railway bridge on its route (CNN/26 Sydnall Road/Woodshires Road). In addition, the bus stops along Woodshire's Road and Wilson's Lane do not have the space to accommodate bus shelters or lay-bys.

Crowds congregating near these stops, waiting to board or after alighting from a bus, are likely to create a hazard on the highway.

If bus users were to opt for other routes, such as 20/148 services, they would have to board/alight at one of the stops along the B4113 corridor and either walk through the residential area of Woodshire's Green or use the proposed Toucan crossing at the Longford Road roundabout.

In response to the Preferred Options consultation on this, Stagecoach commented,

'Policy SEA-2– Wilsons Lane Exhall

This is a substantial mixed use employment-led allocation for 18 Ha plus 73 dwellings closely related to the Coventry Urban Fringe south of the M6 and near junction 2. About 550,000 sq ft B class uses is proposed, which is substantial. We made observations on application 037237 on its submission. The main public transport corridor is the B4114 Bedworth Road and this is some distance to the east. The employment site to the west is still further distant and provision for bus access is required, if only to facilitate buses to serve shift changes.'

In an earlier NBBC consultee response the following comment was made,

'The main event is a single shed that looks to be about 500,000 sq ft. This depending on the occupier and their operational set-up could generate quite a large number of folk at shift change times and as such might well warrant services being provided. How many is highly occupier-specific.

However, the potential for walking and cycling from the south and SE of the site should not be underestimated either. The nature and detail of the proposed Wilsons Lane NMU link is important then.

Getting a bus onto site will be pretty important if shift changes are to be provided for...I therefore wonder if this is best dealt with by condition; something like: "No part of the development shall be beneficially occupied within the development until details are agreed with the LPA for a bus access strategy, including a stand/layby capable of accommodating sufficient number of full-sized buses as will credibly be needed to serve peak shift changes at the development, and provision for full-sized (12m) rigid buses to enter, turn within the site and leave in forward gear."

Where would private-hire buses and coaches park? Would queues of buses waiting to pick-up employees on a shift change not cause issues on the local road network?

There are also concerns about the safety of a proposal to add additional lanes to the Longford Road roundabout. The Bedworth Road (A444) railway bridge (CNN/25) is very close to the location of the proposed Toucan crossing and could potentially obscure drivers' views across a section of the road. The pavement under the bridge is also very narrow. Should there not be further measures outlined to protect the safety of pedestrians and cyclists at this location especially as shift changes could generate crowds of employees, who are likely to be using the 20/148 services, moving through the area?



View towards the railway bridge, CNN/25 and TfWM bus stops (Google Street View)

Therefore, it is surprising that an option to provide bus infrastructure at prominent locations to the employment site is being offered especially considering that this is likely to involve Transport for West Midlands (TfWM) services and infrastructure.

There are no play areas or playing pitches on the west side of Longford (except of course for the CBS Arena's pitch itself). This issue has been known since the late 1980's and the field behind Wilson's Lane was at one time considered for providing a playing pitch when a previous application, at that time, was submitted for the site. Throughout the consultation process residents have argued that play facilities are required for Woodshires Green as neither NBBC or CCC are meeting their standards on access. In addition, there are several physical barriers within the area such as B4113, A444, M6 J3, Coventry Canal and the railway line which further restrict access. Therefore, it is of concern that the SEA2 Wilson's Lane strategic policy refers to an option to provide a financial contribution instead of onsite facilities. It also has to be asked why a requirement for a playing pitch and/or multi use games area (MUGA) has not been included within the SEA2 Wilsons Lane strategic policy. This provision will become essential once Old Farm Lane becomes a through road as local children currently use it to play ball games.

(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.

An SoCG with Coventry City Council needs to be made publicly available and should outline how the local planning authorities are working jointly on cross-

boundary matters such as the impacts of strategic policies on existing residential amenity, health and local services.

How will a member of the public demonstrate that a material detrimental impact will be caused? Who decides what is detrimental? This phrase is far too ambiguous. For the Borough Plan to be sound, the phrase 'demonstrate that there would be no material detrimental impact caused' should be removed from the SEA2 Wilsons Lane strategic policy and replaced by requirements which are both specific and measurable. There should be specific restrictions on building height near existing residential dwellings e.g., 10m, and requirements for a landscape buffer zone e.g., 100m, acoustic bund and landscape screening on the east side of the site. These elements could be based on the illustrative concept landscape sections for Plot K Prologis Park (NBBC, 038023).

The positioning of certain elements within the site, which are likely to create a nuisance to residents in terms of noise, light or odour, need to be referenced to ensure that minimum distances are applied and to prevent them facing onto residential properties. This includes loading bays, parking areas, fuel storage, pick-up and drop-off zones, shared-use paths, fixed plant, machinery and/or air conditioning units. There should also be restrictions on the use of outdoor storage, particularly the use of bins which could cause odour issues or pose a fire hazard. Since the warehouse blazes at Prologis Park in Coventry and at Juno Drive in Leamington, there has been a greater awareness of the need for a sufficient landscape buffer between industrial/warehouse units and dwellings. When compared with other countries, our laws are insufficient in terms of regulations for sprinklers. Units 18m or less in height and 20,000 sqm or less in floorspace are not required by law to have sprinklers. Therefore, without any knowledge of what could be stored within units, it is understandable that residents would be anxious about them being built in close proximity to their homes.

Although there is reference to overnight lorry parking facilities within the policy for ensuring the delivery of infrastructure (HS1), there should also be references to requirements for these within the strategic policies for SEA2 Wilsons Lane and SEA6 Bowling Green Lane. The provision of enough onsite parking spaces is also essential to prevent impacts on traffic congestion through queueing and from HGVs looking for locations to stack within residential areas.

The provision of an onsite bus terminus is essential in preventing issues through the movement of large crowds within Longford and traffic queues building up behind vehicles waiting to pick up passengers. Therefore, for the Borough Plan to be sound, the wording 'or developer contribution to secure provision of bus infrastructure at prominent locations to the employment site' should be removed from the SEA2 Wilson's Lane strategic policy. In terms of the duty to cooperate, NBBC should also consult more widely, such as with TfWM, and the bus companies operating within its Coventry zone, as WMCA's transport infrastructure is likely to be used.

The wording of the housing section of the SEA2 Wilsons Lane strategic policy should be changed as, in terms of access, it would not be appropriate for 'a financial contribution towards the upgrading of local play/sports facilities' to be

used to replace the provision of onsite play/sport facilities. The inclusion of a financial option weakens the policy and could put any agreements for providing play/sports facilities at risk through the varying of conditions later. Therefore, the wording 'or a financial contribution towards the upgrading of local play/sports facilities' should be removed. There should also be a requirement for the site to include the provision of a playing pitch and/or MUGA for ball games.

(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	X
Yes , I wish to participate at the oral examination	

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

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:

15 October 2023



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 SEA2 – Wilsons Lane Strategic Policy SEA6 – Bowling Green Lane
Policies Map	Strategic Transport Assessment July 2023 Policy HS5 – Health Policy HS1 – Ensuring the delivery of infrastructure Policy E1 – Nature of employment growth Policy BE3 – Sustainable design and construction

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 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.

At the time of writing this representation, a Statement of Common Ground (SoCG) with Coventry City Council (CCC) was not available to view within the evidence base on Nuneaton and Bedworth Borough Council's (NBBC) website. Until one is available for the public to view, it must be assumed that the Borough Plan is not legally compliant under the Localism Act 2011 (Section 110 Duty to co-operate in relation to planning of sustainable development). Without the evidence of an

SoCG, it is difficult to ascertain the effectiveness of joint-working on cross-boundary matters such as traffic levels and bridge strikes.

The Borough Plan is unsound because it not effectively taking the cumulative impact of traffic levels, generated from its strategic policies, within Coventry's local road network into account. Neither does it take an infrastructure first approach and, in doing so, fails to manage the risk from schemes such as the M6 J3 Interim Scheme and the Coventry North Package being delivered late or not at all.

There are some sections within NBBC's Strategic Transport Assessment that to the non-expert are of concern. The first is the section on model stability. References to issues such as 'Paramics batch failures', 'unusually high number of vehicles', 'network is effectively 'grid-locked' and ' limitation of the modelling software' do not inspire confidence. Is this occurring because there is a possibility of severe impact at least some of the time? Is it safe to assume that the issues identified are only due to a limitation of the software and not because of severe impact? After all, drivers as individuals do not always act rationally or react in the same way each time so is this software just demonstrating an element of that? If there are so many issues with the software (or the parameters being used) can it be trusted either way? Unfortunately, I do not have the expertise to answer these questions but feel that it needs to be highlighted. Within the Model Stability section of the assessment, it states,

'5.3 Due to the deterministic nature of assignment within Paramics it is possible for vehicles to continue to attempt to enter a network even when congestion has reached such an extent that the network is effectively 'grid-locked'. When a model becomes grid-locked vehicles continue to be assigned to the network and delay increases exponentially.

5.4 These issues may occur due to a need for mitigation in one or more areas of the model but, if the models do not lock up every time, it can be concluded that the problem is not a result of a severe impact and is, instead, a limitation of the modelling software (which does not recognise the subtleties of real-world driver behaviour). If it is model error/unrealistic driver behaviour causing the issues, then these results should be discounted as they cannot be considered realistic.

5.5 Model stability has been based on review of 20 runs. Classification of a 'failed' run has been based on a review of the maximum number of vehicles recorded on the network at each minute across the modelled period, and the number of vehicles on the network at the end of the simulation.

5.6 An unusually high number of vehicles noted on the network throughout the simulation, inconsistent with the other model runs, or a run ending with a clearly increasing level of congestion in the later stages, would be reason to consider the specific model run as unstable and exclude it from further analysis.

5.7 The stability focusses on the number of vehicles present on the network at a certain point in time and these figures have been taken from the batch farm output files.

5.8 A successful run has been deemed as such if the number of vehicles on the network is shown to align with expected patterns (i.e. distinct periods of build-up and dissipation). This has been supported by visual observations of the models to ensure that in cases where this pattern is not present, that it is a result of an unrealistic locking up of the network.

5.9 Due to a Paramics batch failures, on several occasions runs from a set of 20 failed to write the model output files. This type of run should not be counted in the success rate calculation as it isn't a software failure rather than a specific model issue. Where this has occurred the number of runs will be less than 20 to signify that the runs that failed to write the model output files correctly have been discounted, however the model stability statistics tables reported in following chapters record a success rate percentage allowing the scenarios to be comparable.'

References to 'peak spreading' regarding model stability are also of concern. If peak spreading is used, under what circumstances would the modelling show severe impact within the peak hour (am and/or pm)? The assessment states,

'3.66 Peak spreading was applied to all elements of Internal growth within the future year models because if peak spreading was constrained only to development or general growth, then the effects of the shift may be understated. In reality every vehicle has the potential to retime their trip in response to congestion and therefore the peak spreading percentages are also applied to matrix level 1 to ensure that effectively all trips are afforded the opportunity to shift.'

'4.1 Given the deterministic nature of Paramics models, it can often be the case that, once demands are assigned to the network, the levels of delay become so high that the outputs of any assessment would not be realistic. At this stage consideration should be given to changes in departure time, in the form of 'peak spreading'.

'4.6 It was determined that the model results would be wholly unreliable due to the significant volume of suppressed demand and therefore it was necessary to refine the peak spreading assumptions and spread the demand more significantly in the shoulder hours to reinstate an acceptable level of model stability. It was determined that 0% would be allocated to the AM peak hour and that the peak spreading assumptions would focus on the shoulder hours to reflect the retimed journeys. The assumption being that the peak hour has reached close to the network capacity and therefore traffic is likely to retime their journeys to begin in the surrounding shoulder hours.'

'A target share of the growth was calculated by splitting the 'additional internal growth from base' across the 3 hours using the relevant peak spreading assumption percentage'

This appears to be saying that drivers will change their behaviours if congestion within the peak hour is consistently too high. In other words, is there an expectation that drivers will leave home earlier in the morning and return home earlier from work? Or leave home later in the morning and return later from work?

However, can all workers use flexitime? What about those who work fixed shifts or contract hours? How do they afford the opportunity to shift and retime their journeys? Quite often these people are key workers e.g., nurses, care workers and teachers. What happens to the school run? How do you avoid congestion if you live in the area in which it is occurring and the route to your home is limited in terms of access? What does this mean for areas where the peak hour becomes the peak hours – from one hour to three hours? Do residents have to live with up to six hours (am peak and pm peak) of busy roads a day? Will some workers end up spending more time in their cars being exposed to poor air quality? If they leave early to avoid traffic but have fixed hours, what do they do in the time between arriving at their workplace and when their shift starts? Do they just work longer hours for free? What impacts will an increase in journey times have on health and mental wellbeing?

Another section of concern is the reference to delivery of the M6 J3 Interim Scheme. Within the assessment, it states,

'VM advises that the current junction arrangement is likely to be able to accommodate growth until 2025 but the 'Interim' scheme will be needed to accommodate growth beyond that point to ensure M6 Junction 3 remains operative and queues do not interfere with the M6 mainline.'

'6.22 Inclusion of this site in the 2031 'DM' scenario is further supported by findings from the M6 J3 Threshold Test, available as Appendix L of this report, which suggests growth only up until 2025 can be accommodated by the current orientation of the junction and the Interim scheme should therefore be prioritised for inclusion before 2026.'

This appears to be saying that the operation of M6 Mainline will be impacted by queues if the M6 J3 Interim Scheme is not delivered before 2026. This deadline is less than three years away. What happens if it cannot be delivered in time? How would this impact not only the M6 Mainline but the local road network, residents, the ambulance station, CBS Arena and local businesses? In the future, further works are being planned as part of the Coventry North package. What happens while work on the A444 and M6 J3 is taking place? What if neither the M6 J3 Interim Scheme or the Coventry North Package are ever delivered? That is not beyond the realms of possibility – just look at other big infrastructure projects such as HS2 and the issues with government funding. Should there not be an infrastructure first approach? Should Grampian conditions be used to prevent the start of development until off-site works have been completed? Is it possible to build in an infrastructure first approach within strategic policies?

Understandably, the strategic transport assessment focuses on responding to National Highways concerns and protecting the M6 Mainline. However, should there not be an equivalent consideration for the impacts of the M6 Mainline on the local road network? Should the impacts of accidents, road works and lane closures on the M6 not be given weight? Accidents happen regularly sometimes more than one a day; when they happen during the am peak am or pm peak, the whole of Coventry Northeast goes into grid-lock. In the future, what will happen to the

additional traffic generated through 'growth' when lanes on the A444 or M6 are temporarily closed?

Buses are also caught up in congestion and services are regularly delayed or cancelled, leaving students stranded and making employees late for work. Trains on the Leamington Spa to Nuneaton Line are also frequently cancelled and replaced with a bus service which then also gets caught up in traffic.

Should there be an alternative for drivers which routes through traffic elsewhere by providing a new junction on the M6 with a western bypass and prioritise sustainable forms of transport along the B4113 in Coventry instead?

In addition, a developer has recently submitted an HGV Routing Strategy for the Hall Farm planning application (NBBC, 039611) at Bowling Green Lane (SEA6) which includes Coventry's section of the B4113 as an 'alternative local route'. It states,

'...Alternative local routes include the B4113 Coventry Road towards Bedworth and the B4113 Bedworth Road towards Coventry city centre.'

If there is an intention for HGVs from SEA6 Bowling Green Lane to use Coventry's section of the B4113 as an 'alternative local route', is it not logical to assume that HGVs from SEA2 Wilsons Lane will as well? In fact, with the left-in left-out junction off Pickard's Way, it is more than likely that HGVs and employees travelling north along the A444 will turn off at the Blue Ribbon Roundabout to avoid M6 J3 and having to travel the length of Pickard's Way and around the Longford Roundabout before being able to access the site.

There is already plenty of evidence to show that HGVs ignore road signs and weight limits so more robust measures need to be put into place to protect residential areas from HGV through traffic and bridge strike. The SEA2 Wilsons Lane strategic policy should outline requirements for Traffic Road Orders (TRO) and identify how the risk of bridge strike will be minimised on Woodshire's Road, where there is a low railway bridge (CNN/26).

Bridge strikes happen regularly within Coventry and Warwickshire causing major disruption to traffic and rail. In the most recent case, the Leamington Spa to Nuneaton line was disrupted during a major event at the Coventry Building Society Arena,

'Trains were severely disrupted after a lorry crashed into a railway bridge in Coventry. It happened shortly after 10.20pm on Monday, May 22. Firefighters were called to the scene in Coundon. A road closure was put in place while emergency services dealt with the incident on Holyhead Road. Crews say the lorry driver managed to free the vehicle from beneath the bridge by lowering the suspension, confirmed West Midlands Fire Service. A visual inspection of the bridge was carried out and the matter was handed over to Network Rail...Fans say they were left 'stranded' after watching Harry Styles at the Coventry Building Society Arena. Trains were reportedly cancelled from Coventry Train Station to Nuneaton.'

(Coventry Evening Telegraph, Train chaos after lorry hit railway bridge in Coventry, 31 May 2023)

In the previous week, there was 'chaos when a lorry smashed into a railway bridge and then into a car. It blocked the main road between Nuneaton and Atherstone for more than an hour...' According to the Coventry Evening Telegraph, 'It is not the first time that a lorry has become wedged underneath the railway bridge. It is not the most-bashed bridge in the area, that title goes to the railway bridge in Watling Street - just along the A5.' (Chaos after lorry smashes into railway bridge - then into a car, 16 May 2023)



HGV reversing from Woodshire's Road, blocking traffic before a football match at CBS Arena and another being given directions on Wilson's Lane.



HGV in a ditch on Wilson's Lane and another attempting to go under the low bridge on Woodshire's Road

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

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An SoCG with Coventry City Council needs to be made publicly available and should outline how the local planning authorities are working jointly on cross-boundary matters such as traffic levels, overnight lorry parking facilities, designated HGV routes and preventing bridge strikes.

The premises that the strategic policies for SEA2 Wilsons Lane and SEA6 Bowling Green Lane were based on were flawed from the beginning. Placing B8 near the M6 J3 and residential areas is not advantageous but creates risks to health, the environment and the local economy; it has removed productive agricultural land and replaced it with urban sprawl. Without sufficient places to queue or park, traffic is likely to build up with impacts on the M6 Mainline, the local road network, travel-to-work times and air quality. Ideally, the land uses on both of these sites should be reviewed but, unfortunately, that may now prove difficult.

To make the Borough Plan sound, it must take an infrastructure first approach from now on. It cannot just hope for the best and rely on promises of infrastructure in the future. There should be restrictions put in place on the construction, scale,

occupation and operation of sites until the infrastructure is in place to support them and to mitigate the impacts of 'growth'. In the cases of SEA2 Wilsons Lane and SEA6 Bowling Green Lane, this requires the delivery of the M6 J3 Interim scheme, Coventry North Package and the Keresley Link Road. The possibility of building a Coventry Western Bypass to reduce through traffic should also be considered so that car/HGV drivers have a viable alternative to travelling through Coventry Northeast and that more sustainable forms of transport can be prioritised along the B4113.

Protective measures also need to be put into place to reduce impacts on Coventry's arterial roads particularly the B4113 (Bedworth Road–Longford Road–Foleshill Road). All transport assessments associated with strategic allocations within (or in the surroundings areas of) Bedworth and Bulkington should be required to include Coventry Northeast's arterial roads and junctions and sites with elements of B2/B8 should be required to provide HGV routing strategies.

There is already plenty of evidence to show that HGVs ignore road signs and weight limits so more robust measures need to be put into place to protect residential areas from HGV through traffic and bridge strike. Therefore, developers should be required to provide financial contributions towards an automatic number plate recognition (ANPR) system, such as Videalert, for Coventry's section of the B4113 to prevent HGV through traffic using this road and its residential side streets such as Wilson's Lane and Windmill Road. Operation on SEA2 and SEA6 sites should be restricted until an ANPR system and associated weight limits are in place.

A recent Department for Transport (DfT) transport study has highlighted that there is 'a shortfall in the provision of on-site parking facilities' and that the 'demand for lorry parking spaces has grown faster than the supply of additional spaces.' At 84% utilisation, the West Midlands Region is already close to the critical level of '85 per cent full or more' and the East Midlands Region is above it at 92%. Within the West Midlands Region, on-site utilisation of local authority truckstops appears to be very low at 5%.

'The 2022 lorry parking research study was commissioned by the DfT to produce an accurate assessment of lorry parking provision and demand through physical audits within five kilometres of the SRN in England to compare overnight utilisation with the previous study in 2017. The findings will help public bodies to better support industry to meet the parking and welfare needs of drivers and support the economic requirements of the country.

The 2022 study highlights that there remains a shortfall in the provision of on-site parking facilities, with 21,234 vehicles observed at on-site and off-site parking facilities within five kilometres of the SRN in England against an on-site capacity of 16,761, translating into a recorded excess of 4,473 vehicles against capacity. There are a range of macro and micro factors that have affected the demand for lorry parking spaces, including economic activity, increase in population, trading patterns, average distance of journeys, shortage of drivers, cost differential between UK and non-UK registered hauliers, the need for better security and welfare, and safety concern over parking in laybys and inappropriate places.

Although the relative influence of each of these factors is uncertain, the overall net effect over the last five years is clear and that is, the demand for lorry parking spaces has grown faster than the supply of additional spaces.

This study highlights that 143 on-site facilities are at the defined critical level of 85 per cent full or more.'

National Highways, WMCA, WCC, NBBC (and other Borough/District Councils) and CCC should all be working together to produce a regional policy for distribution centres, overnight lorry parking facilities, designated HGV routes, prevention of bridge strikes, etc. This should include standards for mixed-use sites or locations adjacent to residential areas to ensure that all residents are protected from impacts using height restrictions, landscape buffer zones, acoustic bunds, landscape screening, Traffic Road Orders and ANPR systems, etc. A policy would help with the identification of issues at an earlier stage and whether B8 land use is sustainable or not within a particular location.

(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	X
Yes , I wish to participate at the oral examination	

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

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:	15 October 2023

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 SEA2 – Wilsons Lane Strategic Policy SEA6 – Bowling Green Lane
Policies Map	Air Quality Assessment: Nuneaton and Bedworth Borough Plan Review Date: 31 July 2023 Policy HS5 – Health Policy HS1 – Ensuring the delivery of infrastructure Policy E1 – Nature of employment growth Policy BE3 – Sustainable design and construction

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 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.

At the time of writing this representation, a Statement of Common Ground (SoCG) with Coventry City Council (CCC) was not available to view within the evidence base on Nuneaton and Bedworth Borough Council's (NBBC) website. Until one is available for the public to view, it must be assumed that the Borough Plan is not legally compliant under the Localism Act 2011 (Section 110 Duty to co-operate in

relation to planning of sustainable development). Without the evidence of an SoCG, it is difficult to ascertain the effectiveness of joint-working on cross-boundary matters such as air quality and safety along school walk routes.

The Borough Plan is unsound because it does not effectively consider the cumulative impacts of its strategic policies on Coventry's AQMA or school walk routes.

The air quality assessment, dated 31 July 2023, does not appear to reference or use air quality monitoring sites along Coventry's section of the B4113 (Bedworth Road–Longford Road–Foleshill Road) within its modelling. At the very least, it should be expected that data from the monitoring sites near the junction with Windmill Road (LR1 and LR2) and Oakmoor Road (LR3) and sensitive receptors be used. But, it could be argued that all locations along this road should have been included because of the issues with poor air quality.

In Figure 2 (relevant monitoring sites) and Figure 4 (Relevant Monitoring Sites within and close to the AQMA in Coventry), Grange 2 and Grange 3 appear on the maps but not LR1-3. It is possible that Grange 2 and Grange 3 have been used to understand the impacts from increased levels of traffic on the M6 Mainline. But, it is difficult to understand why monitoring sites located along a major arterial road leading into the City (from the direction of Bedworth and the M6 J3) would not be considered relevant. Surely, it is not feasible to assume that all traffic coming from the direction of M6 J3, Bedworth along the B4113 (Black Bank–Coventry Road–Longford Road), from Blackhorse Road (over Coney Lane Bridge No. 11) or from the Blue Ribbon Roundabout travelling north would use the A444. Is it not important to understand cumulative impacts within Coventry Northeast and the City's AQMA?

In addition, a developer has recently submitted an HGV Routing Strategy for the Hall Farm planning application (NBBC, 039611) at Bowling Green Lane (SEA6) which includes Coventry's section of the B4113 as an 'alternative local route'. It states,

'...Alternative local routes include the B4113 Coventry Road towards Bedworth and the B4113 Bedworth Road towards Coventry city centre.'

If there is an intention for HGVs from SEA6 Bowling Green Lane to use Coventry's section of the B4113 as an 'alternative local route', is it not logical to assume that HGVs from SEA2 Wilsons Lane will as well? In fact, with the left-in left-out junction off Pickard's Way, it is more than likely that HGVs and employees travelling north along the A444 will turn off at the Blue Ribbon Roundabout to avoid M6 J3 and having to travel the length of Pickard's Way and around the Longford Roundabout before being able to access the site.

Within the strategic policy for SEA6 Bowling Green Lane, it states,

'...The developer will be expected to submit for agreement an HGV routing strategy which will show HGVs accessing/egressing the site from the School Lane

direction and avoiding the local schools on Bowling Green Lane, Ash Green Lane and Wheelwright Lane).’

The B4113 within Coventry (Bedworth Road–Longford Road–Foleshill Road) is used as a school walk route. Should children living within Coventry Northeast not be protected from high levels of HGV traffic and poor air quality as well? Surely, there should be the same standards for protecting children’s health and safety whether they live within Bedworth or Coventry.



According to addresspollution.org, 21 Longford Road is in the 95th national percentile (very high air pollution)

(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.

An SoCG with Coventry City Council needs to be made publicly available and should outline how the local planning authorities are working jointly on cross-boundary matters such as air quality and safe walk routes to schools.

Within the strategic policies for SEA2 Wilsons Lane and SEA6 Bowling Green Lane, there should be a requirement for financial contributions towards providing further weight limits and an ANPR system for Coventry’s section of the B4113 to prevent HGV through traffic from using this road and its residential side streets such as Wilson’s Lane and Windmill Road. Operation on these sites should be



restricted until an ANPR system and associated weight limits are in place. This should be explained within the context of these sites being near Coventry's AQMA within a separate section on air quality.

There should also be a requirement for an HGV routing strategy for SEA2 Wilsons Lane so that impacts on Coventry's AQMA can be fully understood and for transport assessments and air quality assessments to include Coventry's section of the B4113, its junctions and Coventry's AQMA (including monitoring sites and sensitive receptors), from the railway bridge (CNN/25) on the administrative border to the Blue Ribbon Roundabout as a minimum. However, considering that the B4113 is a hotspot for poor air quality, it could be argued that the entire length of the B4113 within Coventry should be included.

(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	X
Yes , I wish to participate at the oral examination	

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

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:	15 October 2023

PM/JL

DECISION LETTER



Department of the Environment

West Midlands Regional Office

Five Ways Tower Frederick Road Edgbaston Birmingham B15 1SJ

Telephone 021-631 4141 ext. 2502

[REDACTED]
SOLICITORS
Rutland House
148 Edmund Street
BIRMINGHAM B3 2JR

Your reference
DLG.BKS Gallagher
Our reference
APP/W3710/A/88/087112
Date 21 DEC 1988

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971
LOCAL GOVERNMENT ACT 1972
LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980
HOUSING AND PLANNING ACT 1986
(A) APPEAL BY GALLAGHER ESTATES LIMITED APPLICATION NO 870715
(B) APPEAL BY [REDACTED] APPLICATION NO 880036
(C) APPLICATION FOR [REDACTED]

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr P J Platt [REDACTED] (Manchester) FRTP, who held a joint local inquiry on [REDACTED] - 8 July 1988 into appeals under section 36 of the Town and Country Planning Act 1971 against the decision of the Nuneaton and Bedworth Borough Council to refuse outline planning permission for

- (a) Gallagher Estates Limited to undertake industrial development, within classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987, on approximately 18 ha of land adjacent to Rowley's Green and bounded by the line of the southern extension of the Bedworth Bypass;
- (b) [REDACTED] to undertake industrial development within classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987, on approximately 23.2 ha of land between Wilsons Lane and Bedworth Bypass southern extension.

The Secretary of State has also considered the separate report of the Inspector into the applications for awards of costs made by both appellants. Copies of the Inspector's reports are enclosed.

APPEALS

2. The Inspector's conclusions relating to the planning appeals are that:-

"These appeal sites comprise the general location within which provision is to be made for 10-20 ha of 'new industrial development' at Rowley's Green. No substantial evidence supports the Borough Council's contention that the forthcoming supply of 'new' land is greater than was anticipated when the area's locational advantages led to the making of that structural proposal.

The availability before 1996 of new land at the Bermuda 2 opencast coal site, and of re-useable land at Foleshill gasworks was assumed in the assessment then made. References to emerging proposals at Ansty and Baginton seem to me made in the context of recently published guidance on a subsequent review of the Structure Plans, and thus to be irrelevant to the matters before me.

The character of the surprisingly attractive enclave of countryside within which the sites lie will be seriously affected in constructing the A444 extension. Nevertheless it would be wrong to conclude either that its value as an accessible and pleasantly-secluded retreat for nearby residents need be altogether lost, or that its recovery is dependent upon landscaping which could only be carried out in association with development. Its protection to the maximum reasonable extent is an important interest recognised in the 'general' Structure Plan Policies. It has particular importance as a break between the Coventry and Bedworth built-up areas.

Thus the main questions, in my view, are whether one proposal is to be preferred to the other as a means of implementing the structural proposal and, only if not, whether its implementation with due regard for other planning considerations could be satisfactorily secured in conditional grants of planning permission on both appeals.

That the Hanson proposal would be the more obtrusive - for passers by as much as for residents - seems to me confirmed by photomontages A and B. It would end the viable agricultural use of good quality farmland east of the new road, and would destroy the pleasantness, and arguably the usefulness, of the footpath to Exhall Church. Its development would have a serious adverse effect on perceptions of the 'separateness' of Coventry and Bedworth. It is relatively distant from the city's inner priority areas.

On the other hand, its prominence might be fairly seen as no less advantageous to prospective occupiers than is the immediate availability of that part which can be served from the A444 spur. It offers large, generally level plots, more suitable than the Gallagher land, in my judgement, to accommodate very large buildings and associated service areas. Its effective net area exceeds by perhaps 50% that of the Gallagher land, yet remains within the range of size required by the policy.

The Gallagher proposal would affect the better-vegetated, small-scale parts of the area which in practice afford ready access to the riverside. Its implementation would require considerable earthworks to accommodate generally smaller buildings than could be readily accommodated on the Hanson land. Yet it could on completion of the new road in 1990 yield no more than about 12 ha of effective net area consistent with landscaping and river protection which it is common ground ought to be secured.

But its development would minimise intrusion upon the local scene and upon the outlook from dwellings, and avoid the sacrifice of good agricultural land. It need interfere little with the future alignment of what appeared the most used of the affected footpaths, which would still serve any small riverside spaces remaining after the roadworks. It would have at most a marginal effect on the physical break in the built-up area which this countryside provides. Moreover, it is adjoined by existing industry and is close to the priority area.

These are finely-balanced arguments. In my opinion a choice between the proposals must depend upon interpretation of what the structural proposal is meant to achieve; of whether ease of implementation and opening up of opportunity are to weigh more than is the making of a specific provision directly helpful - in what the appellants themselves called a 'catalytic' or 'pump-priming' way-to the regeneration of inner areas.

Viewed from that perspective, the successive decisions to allocate land at Rowley's Green, in the face of strongly urged counter arguments, seem evidence of priority given to the revival of inner areas. In my view the Gallagher proposal is better located to serve that purpose. Its lesser suitability to accommodate the largest buildings need not prove disadvantageous in relation to it. Indeed, its early, skilful development would help stimulate interest in the much larger, level area of comparably accessible gasworks land. In my view its release would perform the required structural function, and should be preferred.

On that reasoning, Appeal B should fail as involving losses of agricultural land and of open countryside unwarranted by need to release land in this location beyond the level provided for in the plan.

A grant of permission on Appeal A should be subject to a requirement that no building be first occupied before the opening to the public of the extended A444 bypass, and to conditions embracing the matters listed at document 27c, save that draft condition 11 (which requires that a public footpath be retained) appears to me inappropriate on a planning permission. I would frame conditions 4 and 5 to limit to 12 ha the total area contained within plots occupied for the approved purposes - so as both to acknowledge the probability that substantial terracing of the land will be required and to free the designer of landscaping

works on the balance from the somewhat arbitrary specification of a 100 m minimum buffer width recommended in supplementary planning guidance.

I have gone on to consider arguments for the release of both sites, and the practicability of doing so in an adequately regulated way on these appeals. Such arguments originate in a belief that references in a published modification statement to lack of justification for extending the green belt at Rowley's Green, amount to an indication that the 42 ha should be considered as a whole. That belief seems difficult to reconcile either with the claim that the EIP heard no argument as to the appropriateness of extending the green belt, or with the area's addition to the '10-20 ha' rather than the 'above 20 ha' category of allocation.

In my view it rests on a false premise - namely that omission from the green belt necessarily indicates an intention to bring the land to readiness, if not actually to development, in the plan period. A similar standpoint was adopted on Coventry's behalf in contending for the green belt as a 'regulator' of land release requiring periodic review. It is a standpoint inconsistent with the Secretary of State's policy as I understand it, and should be repudiated. I have not considered, and make no comment upon, the suggestion that the inner green belt boundary might be defined otherwise than along the A444 bypass.

Release of the whole is argued for too in claims that high economic growth rates have invalidated the provisions recently made in the Structure Plan. Evidence supporting this view concentrated upon the appraisal of land currently on the market; it disregarded land held by developers and land yet to be brought to a state of readiness. It did not, in my view, support the conclusions drawn as to the necessity for making additional releases otherwise than through the plan-making process.

I find no basis upon which the release of the whole 42 ha could now be warranted for purposes consistent with the approved plan. A case for so releasing it would fall to be weighed against the agricultural classification of the Hanson land, its contribution to the separation of settlements, and its value as open countryside penetrating largely urbanised areas. That conclusion is unaffected by the knowledge that the net area available for development might be considerably reduced as a consequence of the need for landscaping.

A decision to release both sites could, if thought appropriate, nevertheless be given effect on the general basis of the draft conditions and agreement at documents 27a-c subject to reservations expressed at paragraph 173 above, and to the further requirement that the detailed proposals must provide for the inter-connection of the internal roads. Whether grants should await the parties' formal agreement as to the carrying out of off-site roadworks and the routing of construction traffic

rather than, as they suggest, being subject to conditions framed to impose a negative obligation, is I consider a matter for the Secretary of State."

The Inspector recommended that appeal (A) be allowed subject to conditions covering the matters outlined at para 173 of his report, and that appeal (B) be dismissed.

3. The Secretary of State agreed generally with the Inspector's conclusions. He acknowledges that arguments have been advanced to support the release of either or both of these sites and he has noted that the exclusion in the approved Structure Plan of this area from the Green Belt has prompted speculation as to the possibility that the whole of this land might be made available for development. He has therefore carefully considered whether there might be a case for releasing both of the appeal sites for industrial use. At the time of approving the Structure Plan with modifications, the Secretary of State made it clear that in his view there had been no important change of circumstances to justify extending the Green Belt to include the Rowley's Green location and that this area had inherent locational advantages for development. At the same time he limited the scale of development on this land to 10-20 ha. The release of the whole of this 40 ha or so of land would therefore be significantly in excess of the provisions of the Structure Plan. In the Secretary of State's view, there is no evidence to suggest that there is an inadequate supply of industrial land in the area at the present time which would justify making additional releases of land outside of the formal plan-making process. He therefore agrees with the Inspector that the release of the whole of this land for development would not be consistent with the policy objectives of the approved Structure Plan.

4. With the principle of the development of this area so clearly established through the approved Structure Plan, the Secretary of State has carefully considered the merits of each of the two appeal sites. He agrees with the Inspector that although the Hanson land does offer some advantages to developers which are not so apparent in the Gallagher land, its development would have a much greater impact upon the local environment than would its rival scheme. He accepts the Inspector's conclusions that in land use terms the Gallagher proposal is to be preferred and that it accords more closely with the objectives of the approved Structure Plan.

5. Therefore, for the reasons given, the Secretary of State accepts the Inspector's recommendation that appeal (B) by Messrs J and R Hanson be dismissed but that appeal (A) by Gallagher Estates Limited be allowed, subject to certain conditions. He has considered the Inspector's suggestion that the conditions should exclude the requirement for a 100 m landscape buffer zone at the east of the site but the Secretary of State takes the view that this would provide an important environmental safeguard for local residents on that boundary of the site. He has therefore retained the relevant condition which in any case has been agreed between the parties.

Accordingly the Secretary of State grants planning permission for appeal (A) in accordance with application reference no 870715 dated 13 November 1987, subject to the following conditions:-

1. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority;
2. application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
3. the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
4. no development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
5. such landscaped areas shall include a buffer zone of a width of at least 100 m from the rear faces of the dwellings lying towards the east of the site;
6. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
7. no buildings shall be occupied until works for the disposal of sewage and surface water drainage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority;
8. development shall not begin until details of any proposed bridge works over the River Sowe have been submitted to and approved by the Local Planning Authority, and no building requiring access via the River Sowe shall be occupied until such works have been carried out;

9. no building to be occupied before the opening to traffic, of the extended A444 bypass.
6. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
7. It may be necessary to divert the public footpath which runs along the boundary of the site to enable development to be carried out, if so you are advised to apply to the Local Planning Authority without delay for an order to be made under section 210 of the 1971 Act.
8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.
9. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision relating to the section 36 appeals may be challenged in the High Court. Attention is also drawn to the enclosed Note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

COSTS APPLICATIONS (C)

10. The submissions made by all the parties and the Inspector's comments on the matter are set out in the attached report. Accordingly the applications have been considered in the light of circular 2/87 and the costs report.
11. The Inspector's conclusions on the costs applications were as follows:-

"In my view the Council failed to support with substantial evidence its central contention that the supply of industrial development land was now such as to call into serious question the basis upon which the allocation in the general area of Rowley's Green had been made. No evidence was called in support of the second (highway) reason for refusal of the Hanson application.

In both respects the authority's conduct was unreasonable, and appears to have incurred both applicants in avoidable expense, notwithstanding that the local plan remained to be tested at the concurrent inquiry."

The Inspector recommended that Gallagher Estates Limited and Messrs [redacted] be awarded costs, incurred in relation to the inquiry into the [redacted] section 36 appeals, against the Nuneaton and Bedworth Borough Council.

12. The Secretary of State agrees with the Inspector's conclusions and his recommendation that awards of costs be made in favour of your clients' against Nuneaton and Bedworth Borough Council.

13. Accordingly, a formal order, which the Secretary of State has made in exercise of his powers under section 250 (5) of the Local Government Act 1972 and section 36 of and paragraph 5 of Schedule 9 to the Town and Country Planning Act 1971 as amended by the Housing and Planning Act 1986 is enclosed with this letter. You are now invited to submit to the Chief Executive of the Council, to whom a copy of this letter and order has been sent, details of the costs referred to, with a view to reaching agreement on the amount. A copy of the Guidance Note on taxation procedure, referred to in circular 2/87 is also enclosed.

I am Gentlemen
Your obedient Servant



Authorised by the Secretary of State
to sign in that behalf

Enc

