

Nuneaton & Bedworth Gypsy and Traveller Site Allocations DPD

Inspectors Matters, Issues and Questions

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These matters, issues and questions relate to the hearing sessions of the examination of the Nuneaton & Bedworth Gypsy and Traveller Site Allocations Development Plan Document (DPD).

All of the documents can be found on the Examination website.

Further information about the examination, the conduct of the hearing sessions and the format of any further written statements is provided in the Inspectors' Guidance Note.

Matter 1 – Compliance with statutory procedures and legal matters

Issue 1 Duty to co-operate

- 1.1 Has the DPD been prepared in accordance with the duty to co-operate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

Issue 2: Sustainability Appraisal (SA)

- 1.2 Has the DPD's formulation been based on a sound process of SA in accordance with the regulations and relevant guidance, including the testing and/or consideration of reasonable alternatives for all policies in the DPD?

Issue 3: Habitat Regulations Assessment (HRA)

- 1.3 Has the HRA been undertaken in accordance with the Regulations and is it robust?

Issue 4: Other legal and procedural requirements

- 1.4 Has the DPD been prepared in accordance with the Council's Local Development Scheme?
- 1.5 Has the DPD been prepared in accordance with the Council's Statement of Community Involvement at the relevant time and met the minimum consultation requirements in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)?

Matter 2 Strategic issues and the assessment of need

Issue 1: Overarching strategic issues

- 2.1 Is the plan period for the DPD the same as for the adopted Borough Local Plan? Is the plan period clearly set out in the DPD?
- 2.2 Is it proposed to remove site allocations from the Green Belt? If so, would this approach be consistent with Policy DS7 of the Borough Plan (as required by Regulation 8[4] of the 2012 Regulations)? If not, is it effective and justified to create a situation where 'very special circumstances' are required in order to develop/intensify allocations at application stage, and would this potentially hamper deliverability of sites?

Issue 2: Vision and objectives and the spatial strategy

- 2.3 Have the vision and objectives set out in the DPD been positively prepared? Are they justified and consistent with national policy, and the adopted Borough Plan?
- 2.4 Regulation 8(4) of 2012 Regulations states that plan policies must be consistent with the adopted development plan unless a policy is intended to supersede another adopted policy (Regulation 8[5]). Is the proposed relationship between emerging Policy GT2 and Policy H3 of the adopted Borough Plan consistent with these requirements? Should Policy GT2 be modified to either conform with, or wholly supersede, adopted Policy H3?
- 2.5 Emerging Policy GT2 implies a sequential approach to the development of gypsy and traveller sites. How would this work in practice at application stage? In this regard, is the policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals?
- 2.6 Is Policy GT2 intended to apply only to windfall sites that are not allocated in the DPD? Is the policy wording clear and unambiguous in this regard?
- 2.7 Is it clear how a decision maker should assess development proposals against criterion 3 of Policy GT2? Is the accessibility distance of 1.6 km justified and is it likely to be effective?

Issue 3: Need for gypsy and traveller pitches

- 2.8 Is the evidence base supporting the identified need for residential pitches and Travelling Showpeople plots robust, taking into account factors such as existing provision, household growth, migration, hidden need (those in bricks and mortar housing), overcrowding, turnover, and any engagement with the gypsy and traveller community?

- 2.9 Has the same methodology been used in both the 2016 Gypsy and Traveller and Travelling Showperson Accommodation Assessment, and the 2021 update?
- 2.10 What is the justification for not allocating a site for transit pitches? Has any assumption been made about the use of transit pitches in neighbouring local authority areas?
- 2.11 If stopover places or negotiated stopping arrangements are to be utilised, how would this work, and which land would be used? What procedures are in place to ensure any such approach is effective?
- 2.12 The 2021 update assesses need from a base-date of 2021, whereas Policy H3 of the Borough Plan identifies need from a base date of 2016. How has need arising during the period 2016-21 been accounted for?

Matter 3 Site allocations

Issue 1: Site selection process

- 3.1 Has a rigorous search been undertaken to identify all potential sources of gypsy and traveller sites?
- 3.2 How were proposed intensification opportunities identified? Is their current use as gypsy and traveller sites lawful?
- 3.3 Taking into account the range of factors considered, has the Council's approach to site selection been robust, and is it justified?

Issue 2: Proposed allocations and policy requirements

Are site allocations GTSA1 – Sunrise Cottage, GTSA2 – The Old Nursery, and GTSA3 – Winter Oak, soundly based? In particular:

- 3.4 Is the allocation justified and is it supported by the evidence?
- 3.5 Has the availability of the allocation to meet the identified need been robustly assessed? Have statements of common ground been agreed with the site owner confirming their intention to develop/intensify the site to the timescales envisaged?
- 3.6 Is it clear whether the allocation would contribute to the Borough's 5 year supply of gypsy and traveller sites?
- 3.7 Is the provision of 160 metre visibility splays, as required by Policy GT3, achievable within land controlled by the site owner or the public highway?
- 3.8 Are other site-specific requirements under Policy GT3, including the modifications proposed by the Council, justified and likely to be effective?

Issue 3: Travelling showpeople site at Spinney Lane/Whittleford Road

3.9 Is the safeguarding of this site for use by travelling showpeople justified and supported by the available evidence?

Issue 4: Supply of pitches over the plan period

3.10 Will there be at least a 5 year supply of deliverable pitches on adoption of the DPD?

3.11 Will there be a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and years 11-15 of the DPD?

3.12 At what rate have windfall sites come forward in recent years?

Matter 4 Monitoring

Is the Monitoring Framework set out in section 5 of the DPD effective in delivering the policy requirements during the plan period? In particular:

- 4.1 Are the proposed indicators and targets appropriate and measurable? Are they clearly time related such that they can monitored during the plan period rather than at the end of it? Are they clearly expressed as targets rather than objectives? Are any others necessary for monitoring to ensure soundness of the DPD?
- 4.2 Does the monitoring framework clearly set out what actions will be taken if targets and policies are not being achieved?
- 4.3 Is the Monitoring Framework effective in supporting the process of reviewing the DPD to assess whether it will need updating at least once every five years in accordance with paragraph 33 of the National Planning Policy Framework?