

Nuneaton and Bedworth Borough Council

# Duty to Cooperate Compliance Statement

2024

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## 1. Introduction

- 1.1 This Statement sets out how Nuneaton and Bedworth Borough Council (NBBC) has complied with the Duty to Cooperate in preparing its Borough Plan Review (2021 – 2039).
- 1.2 The Duty to Cooperate is a legal and soundness test that requires cooperation between Local Planning Authorities (LPAs) and other prescribed bodies on strategic matters. The Duty requires ongoing constructive and active engagement, to maximise the effectiveness of Local Plan policies, in relation to the identified strategic matters. LPAs are required under Section 110 of the Localism Act 2011 (which added Section 33a of the Planning and Compulsory Purchase Act 2004) to engage and fulfil the Duty to Cooperate.
- 1.3 The National Planning Policy Framework (NPPF) (December 2023) reinforces the requirements of the Localism Act and provides further guidance on meeting the Duty to Cooperate. It emphasises the importance of joint working and maintaining effective cooperation between authorities and other prescribed bodies on cross-boundary issues and issues of shared interest.
- 1.4 The NPPF (paragraph 20) outlines the key strategic issues where cooperation may be appropriate, these include, but are not limited to:
  - Housing (including affordable housing), employment, retail, leisure and other commercial development
  - Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal management, and the provision of minerals and energy (including heat)
  - Community facilities (such as health, education and cultural infrastructure); and
  - Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 1.5 The NPPF goes on to provide further guidance in relation to the Duty to Cooperate (paragraphs 24 – 27), including the requirement for policy making authorities to prepare and maintain Statements of Common Ground (SoCG). The purpose of SoCG are to demonstrate that cross-boundary strategic issues have been jointly addressed and how they will be progressed moving forward by the Local Authority, along with neighbouring authorities and prescribed bodies. Planning Practice Guidance (PPG) provides further detail on what is expected within SoCG.
- 1.6 Nuneaton and Bedworth’s SoCG are being prepared in addition to this Duty to Cooperate Compliance Statement and contain specific details on cross-boundary strategic matters, that have been identified by the Council, in conjunction with prescribed bodies and other organisations. PPG provides further details on how to maintain effective cooperation and on preparing SoCG.
- 1.7 This Duty to Cooperate Compliance Statement accompanies the submission of NBBC’s Borough Plan Review (2021-2039) demonstrating that the requirements of the Duty have been met. It sets out the strategic context for Nuneaton and Bedworth, the bodies relating to strategic issues and how the strategic approaches and policies have resulted from effective cooperation and joint working.

## 2. Strategic Context – Nuneaton and Bedworth Borough

- 2.1 NBBC is one of five Boroughs/Districts within Warwickshire. Whilst the smallest in size at 7,895 hectares, it has the second largest population at 134,200 meaning it is the most densely populated area of the county. The Borough is largely urban in character, comprising of the market towns of Nuneaton and Bedworth, the large village of Bulkington and several smaller settlements such as Ash Green and Neal's Green. NBBC adjoins the City of Coventry, Hinckley and Bosworth Borough, North Warwickshire Borough and Rugby Borough. A map of the strategic planning area and its settlements is included below (Figure 1).
- 2.2 One of the fundamental issues that policymakers, including all Local Authorities, face over the coming years is resilience and adaptation to climate change alongside measures to protect and improve the environment. This includes achieving carbon neutrality by 2050, improving air and water quality, sustainable use of resources and promoting nature recovery. Whilst national legislation is still emerging on this, the Borough Plan Review treats this as integral to all policies. As such, rather than these issues being dealt with by a standalone policy or Development Plan Document, the Council has taken the opinion and decision (at this current time) that this is to be treated as key thread running throughout its policies. This includes consideration of the climate change risks and opportunities, identified within the region, to align policies where appropriate with the regional Climate Change Adaptation Plan.
- 2.3 Strategic issues in Nuneaton and Bedworth Borough are associated with the local economy, community and environment. For example:
- The population and the number of households is growing, and this is projected to continue to increase.
  - A large number of residents commute out of the Borough each day to work in Coventry, Leicestershire and elsewhere in Warwickshire.
  - Household earnings are lower than the Warwickshire average. This contributes significantly to poverty and deprivation.
  - Access to some employment sites such as Attleborough Fields, Prologis and other employment sites outside the Borough is difficult without a car.
  - The mix of housing tenure, types and sizes for different parts of the Borough is uneven.
  - The areas around Bulkington and the south-west of the Borough are not well served by green corridors. This reduces biodiversity and opportunities for leisure activities in these areas.
  - Access to some leisure facilities is restricted for people without a car. Public transport to Bermuda Park, for instance, is limited and there are no public footpaths along the A444.
  - If future growth needs to be accommodated outside the existing urban areas this has the potential to impact on sensitive landscapes and biodiversity.
  - The legacy of coal mining, quarrying and heavy engineering has had a negative impact on the landscape. The Borough has over 100 hectares of derelict land and more than 3,000 potentially contaminated sites.
  - Some built heritage has suffered from poor quality modification and a lack of maintenance and repair. Two listed buildings are on Historic England's Building at Risk Register.



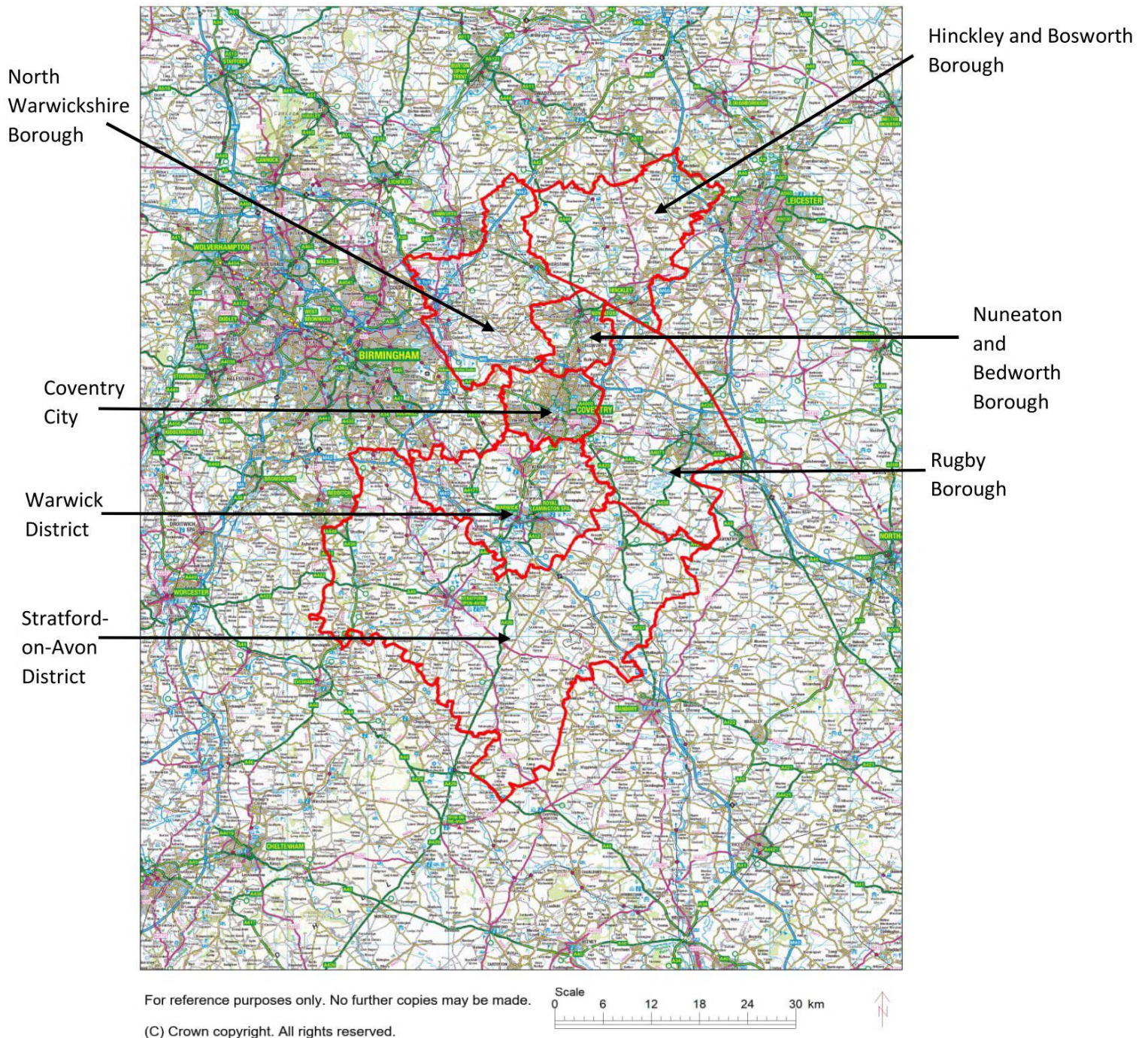


Figure 1: NBBC's administrative boundary and sub-regional and adjoining LPAs.



### 3. Nuneaton and Bedworth Borough's Borough Plan Review

- 3.1 In 2019, NBBC adopted the Borough Plan (2011-2031). However, the Council committed to undertaking an immediate review of the adopted Borough Plan following the adoption and subsequent publication of the NPPF 2021. Therefore, the Borough Plan Review has been prepared (2021-2039). The [Local Development Scheme](#) outlines the schedule for the preparation and submission of the Borough Plan Review, alongside other planning policy documents, with an estimated adoption date of December 2024. The key decisions and processes can be found in Appendix A.
- 3.2 The Borough Plan Review sets out the strategy for development in Nuneaton and Bedworth Borough up to 2039 and includes strategic and non-strategic allocations for homes, employment and infrastructure; whilst protecting, conserving and enhancing important landscapes and habitats. It covers the whole of Nuneaton and Bedworth Borough's administrative area.
- 3.3 The Borough Plan Review is supported by an up to date [evidence base](#) and has been through three rounds of public consultations: Issues and Options (11<sup>th</sup> June – 6<sup>th</sup> August 2021), Preferred Options (13<sup>th</sup> June – 24<sup>th</sup> July 2022) and Publication (Regulation 19) (4<sup>th</sup> September – 16<sup>th</sup> October 2023).
- 3.4 The Strategic Objectives of the Borough Plan Review are:
1. To use economic growth to regenerate the Borough, including town centres, and raise its profile as a more attractive place to live, work and invest in.
  2. To seek employment opportunities that will support the diversification of the Borough's economy and improve job opportunities for residents.
  3. To develop town centres so that they offer a mix of uses that retains their primary function for retail but diversifies this to include residential, commercial and leisure uses in order to improve their vibrancy, vitality and ensure their long-term sustainability.
  4. To provide a steady and adequate level of suitable housing which meets the needs of existing and new residents.
  5. To ensure that all new development and investment contributes to a significant improvement in infrastructure and facilities that serve the Borough.
  6. To improve public transport, cycling and walking networks and promote and support healthier choices and environments by increasing open space and leisure access, and reducing crime.
  7. To ensure that new development sustains and enhances the historic and natural environments.
  8. To address climate change by driving sustainability in all new developments.

## 4. Engagement between the Council and Groups/Forums

4.1 As part of the Duty to Cooperate, NBBC has been engaging, collaborating and participating in joint working with a wide range of local authorities, prescribed bodies, key organisations and promoters/landowners of strategic and non-strategic allocations, proposed within the Borough Plan Review. NBBC participates in a number of groups/forums that have had multiple meetings throughout the development of the Borough Plan Review. A meeting log can be found in Appendix B evidencing our commitment to these discussions.

### Duty to Cooperate Forums

4.2 NBBC held two Duty to Cooperate Forums – one with neighbouring authorities, statutory bodies and interested parties on 27<sup>th</sup> September 2023 and another with development partners on 28<sup>th</sup> September 2023. Both sessions lasted one hour. Both Principal Planning Policy Officers and a Planning Policy Officer were in attendance, representing NBBC. The Forums gave NBBC the opportunity to:

- Outline the progress on the plan to date and discuss the key draft policies which may have been of interest to the attendees
- Highlight the timescales NBBC are working towards for submission
- Answer any questions the attendees may have had related to the Plan
- Discuss next steps and any matters which could inform a SoCG where appropriate

4.3 Notes from these sessions are available in Appendix C.

### Coventry, Solihull and Warwickshire Association of Planning Officers

4.4 The Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO) comprises of the Head of Planning (or their representative) from the eight Councils within the Coventry, Solihull and Warwickshire area: Coventry City Council (CCC), Solihull Metropolitan Borough Council, NBBC, North Warwickshire Borough Council (NWBC), Warwick District Council, Rugby Borough Council, Stratford-on-Avon District Council and Hinckley and Bosworth Borough Council.

4.5 Since the introduction of the Localism Act, the CSWAPO group has taken the lead role in driving Duty to Cooperate discussions and related activities. This has included:

- Commissioning the joint Housing and Economic Development Needs Assessment (HEDNA)
- Commissioning the joint Level 1 Strategic Flood Risk Assessment (SFRA)
- Sub-regional Green Infrastructure Study
- Theme discussions and joint decisions (e.g. flooding, broadband infrastructure etc)
- Coordinating responses to development plan consultations
- Discussions and feedback on proposed changes to national planning policy
- Updating authorities on development plan progress
- Input and feedback into wider evidence studies across the West Midlands (e.g. West Midlands Strategic Employment Sites Study)

4.6 A separate Development Management (DM) group, a sub-group of CSWAPO, ensures that policy formulation and implementation is joined up within the planning process at the various local



authorities, and implements the policy matters discussed in the main CSWAPO group. The DM group tends to be formed of DM Managers rather than Policy Managers.

- 4.7 Furthermore, other sub-groups of CSWAPO exist, to provide collaborative working in view to the Duty to Cooperate and to provide a joint strategic planning approach for the Coventry and Warwickshire area. This is in order to provide, where possible, a joint and shared evidence base for Local Plan working and to assist in the areas long term needs. The aim is to meet the spatial needs of the wider area, as well as the needs of the separate Local Authorities.

#### West Midlands Development Needs Group

- 4.8 This group is the officer steering group for the Housing and Land Delivery Board. NBBC's Portfolio Holder for Planning and Regulation sits on the Board as a non-constituent member of the West Midlands Combined Authority (WMCA), which the Board directly reports to.
- 4.9 The Board assists in the accelerated delivery of housing and employment space across the West Midlands region, identifying the policy freedoms and flexibilities that should underpin the continued negotiations with Government on the devolution agenda. The Board is responsible for delivering the Land Delivery Act Plan and reviewing it periodically to ensure it has been actioned and remains current, and for making subsequent recommendations to the WMCA Board. Participation and engagement in this group demonstrates that NBBC are working on a wider scale and level than county-wide/Coventry but instead, across the West Midlands region.

#### Joint Monitoring Officers Group

- 4.10 The Joint Monitoring Officers Group is attended by Planning and Monitoring Officers in the Housing Market Area, with the purpose of keeping up to date and identifying any issues in delivering the housing targets established, in each authority's plan, and its contribution to the HMA shortfall. It a forum where authorities feedback monitoring data, updates to 5-year land supply positions and any other information pertinent to Duty to Cooperate agreements.

#### A5 Transport Group

- 4.11 NBBC sits on the A5 Transport Group. The A5 Partnership is made up of 16 local councils supported by other public agencies along a 77-mile stretch from Gailey in Staffordshire to Stoney Stratford near Milton Keynes (via Leicestershire, Warwickshire and Northamptonshire). It is supported by National Highways, four Local Enterprise Partnerships, Midlands Connect, East Midlands Councils and Homes England. The A5 Transport Group is formed of two sub-groups, officers from all local authorities and county councils alongside other public and private organisations such as Constabularies, M6 Toll, Midlands Connect, National Highways and Economic Heartlands; and all of the above plus elected Members from the local authorities and county councils and MPs from respective constituency areas. The objectives of the partnership are:
- To raise awareness of the importance of the increasing economic role of the A5 through the Midlands
  - Collaborate and effectively plan for growth impacts affecting the A5
  - Make the case for future investment on improvements to tackle key congestion issues
  - Develop a strategy for the A5 around these principles



- 4.12 The A5 Strategy Supporting Growth and Movement in the Midlands 2018- 2031 sets out the ongoing need for good transport infrastructure and connectivity, along the A5, and identifies how and where the corridor acts as a barrier to growth.

#### A5 Working Group

- 4.13 The A5 Working Group is newly reformed and focuses on detailed work around the A5 network, that will feed into the established A5 Partnership Board meetings. The group focuses on the delivery of allocated schemes that rely on the A5 and considers emerging speculative development. The aim of the A5 Working Group is to establish that all parties involved, including local authorities, county authorities and National Highways, can handle the current appeals and any forthcoming applications that potentially have an impact upon the A5 corridor through Warwickshire and Leicestershire.

- 4.14 The objectives of the working group are:

- To identify the limit of development that can be achieved without potential National Highways improvement schemes coming forward and, in the context of the potential Road Improvement Strategy (RIS) Pipeline and the recent Network North announcement
- Sharing of any work that has been done so far and agreeing to work towards solutions that will aid in the future implementation of any action deemed appropriate for the A5 corridor
- The need to determine how development, whether it be allocated, consented or proposed can be accommodated and managed without the scheme

#### Nuneaton Parkway Rail Station Working Group

- 4.15 Warwickshire County Council (WCC) is currently investigating the feasibility of delivering a new parkway station between Nuneaton and Hinckley. This work is being undertaken in partnership with Midlands Connect, looking at wider connectivity across the sub-region. The station would provide strategic access from the A5 and provide enhanced rail connectivity. A number of potential locations are being reviewed in order to inform how a station may be taken forward. This work is likely to be concluded by early 2024. NBBC is involved in this working group due to the potential station's location within the Council's administrative area.

#### Warwickshire North Place Delivery Group

- 4.16 The Warwickshire North Place Delivery Group aims to improve health and wellbeing services within the north of the county (Warwickshire) through collaborative joint working for all stakeholders. The meeting is held every two months and is allocated 1.5 hours per session. Each meeting focuses on a different health indicator or topic, with presentations from relevant parties, followed by discussions and input from other members of the Delivery Group. Actions are then formulated, for after the meeting, to progress the outcomes and discussions had.

#### Warwickshire North Local Estates Forum

- 4.17 The purpose of the Warwickshire North Local Estates Forum is to discuss the local estates issues facing the community from a health perspective and how we can address these factors. The group focuses on improving health in the north of the county (Warwickshire), is held every month and is allocated 2 hours per session. Each meeting focuses on a different health-related topic effecting the local community in the north Warwickshire area. Presentations are made, followed by

discussions and input from other members of the Local Estates Forum. Actions are then formulated, for after the meeting, to progress the outcomes and discussions had.

## 5. Local authorities within the Coventry and Warwickshire Housing Market Area

- 5.1 NBBC is located wholly within the Coventry and Warwickshire Housing Market Area (CWHMA). The CWHMA covers the LPAs of Coventry City, North Warwickshire Borough, Nuneaton and Bedworth Borough, Rugby Borough, Stratford-on-Avon District, Warwick District and WCC. Other HMAs that are near to or adjoin the CWHMA include Birmingham, Leicestershire, Northamptonshire, Oxfordshire and Worcestershire.
- 5.2 Throughout the plan process there has been on-going cooperation between the CWHMA authorities. This has mainly taken the form of regular joint meetings, such as the CSWAPO group; joint evidence base documents, such as the Coventry and Warwickshire HEDNA (2022); and formal consultations.

### Coventry City Council

- 5.3 CCC raised concerns regarding the Duty to Cooperate, in relation to Strategic Policies DS3 and DS4 of the Borough Plan Review (2021-2039), in their representations to the Publication consultation. CCC have recently consulted on their Issues and Options consultation and so are at a different point in the review process to NBBC. This means that any unmet need from Coventry, is unknown. One point raised by CCC was regarding NBBC's housing and employment requirements and they questioned if we had considered unmet future need and accounted for that, in the Plan. However, the housing and employment requirements in the sub-regional HEDNA (2022) are lower than the requirements outlined in Strategic Policy DS3, providing a buffer and the flexibility to meet the needs of the Borough, and potentially neighbouring authorities' unmet needs, over the plan period.
- 5.4 Furthermore, concerns were raised regarding the indicative proposed contribution of 19.4 hectares of strategic B8 warehousing and distribution in the Borough Plan Review. CCC welcome this but believe it should be a minimum as joint working is currently ongoing across the West Midlands region and the outcome of the emerging West Midlands Regional Strategic Employment Sites Study is unknown. The term minimum has been stated at the start of Strategic Policy DS3 to provide flexibility, over the plan period, in relation to housing and employment.
- 5.5 It has also been noted that CCC considers that we should retain allocations HSG4 and HSG7, in the Borough Plan Review, providing a simple opportunity for flexibility. However, whilst the plan does not propose to allocate these sites, they will both form part of our committed supply (a planning application has been received for part of HSG4 and planning permission has been granted on HSG7).
- 5.6 NBBC has consulted CCC throughout the development of the Borough Plan Review, on a regular basis, through the various established groups, predominantly the CSWAPO group, and have sought to address their concerns at each stage in the Borough Plan Review's preparation.
- 5.7 A Memorandum of Understanding (MoU) is being prepared to reflect that all Local Authorities represented within the CWHMA are at different stages of reviewing their Local Plans or are not



reviewing them at all, at this time. This also provides the flexibility for joint working and amendments to the MoU once unmet needs are identified and Plans progress.

- 5.8 A SoCG has been prepared with CCC to engage with them on the matters raised above. This SoCG has been signed. A copy of their representations, to the Publication consultation, can be found in Appendix D.

### North Warwickshire Borough Council

- 5.9 NWBC raised concerns, regarding the Duty to Cooperate, in their Publication consultation representations. NWBC requested that the MoU is amended to reflect membership to not only the CWHMA, but also the Greater Birmingham and Black Country HMA. NWBC's adopted Borough Plan (2011-2031) plans for an additional 360 dwellings per annum, in comparison to the Coventry and Warwickshire HEDNA (2022) figure. This assumes that due to being part of two HMAs, NWBC will be able to fulfil their commitments to both, over the plan period. NWBC wished for their proactiveness and continued work in delivering homes to be recognised.
- 5.10 In addition, NWBC stated that limited meetings had been held directly between the two adjoining Borough Councils to discuss the Borough Plan Review and address issues and concerns. In terms of employment, NWBC raised that there are no strategic employment sites allocated over 25 hectares nor is there any contribution to the B8 requirement as expressed in the HEDNA. In terms of housing, NWBC question how the additional housing proposed, above the requirement stated in the Coventry and Warwickshire HEDNA, can be delivered without impacting on the delivery of other housing allocations in and beyond the Borough and without a clear sub-regional agreement on the housing split.
- 5.11 In light of this, a meeting was arranged, at Member level, on Friday 15<sup>th</sup> December 2023, to discuss any remaining matters of contention. Meeting notes are not available for inclusion in this Duty to Cooperate Compliance Statement, regarding this meeting, as NWBC agreed to record the minutes and are yet to provide us with any. NBBC has requested these minutes several times. However, one of the outcomes of the meeting was that more regular meetings would be held between NBBC and NWBC at Officer and Member level, across Development Control and Planning Policy.
- 5.12 NBBC has consulted NWBC throughout the development of the Borough Plan Review, on a regular basis, through the various established groups, predominantly the CSWAPO group, and has sought to address their concerns at each stage in the Borough Plan Review's preparation. For example, as a result of NWBC's representations to the Regulation 19 consultation, NBBC organised the Member level meeting on 15<sup>th</sup> December 2023 to engage and work with NWBC to reach a more positive outcome.
- 5.13 A MoU is being prepared to reflect that all Local Authorities represented within the CWHMA are at different stages of reviewing their Local Plans or are not reviewing them at all, at this time. This also provides the flexibility for joint working and amendments to the MoU once unmet needs are identified and Plans progress.
- 5.14 NWBC has prepared a letter (dated 2<sup>nd</sup> February 2024 – post Regulation 19 consultation) outlining the reasons for not being able to sign the MoU, at this time, and their positive outlook on NBBC's active engagement and collaboration with them, in line with the Duty to Cooperate, as the

Borough Plan Review has progressed (Appendix E). NBBC will continue to actively work with NWBC to prepare a SoCG in the future and a copy of their representations, to the Publication consultation, can be found in Appendix D.

### Rugby Borough Council

- 5.15 Rugby Borough Council are currently consulting on their Issues and Options consultation. Therefore, they are at a different stage in the plan review process and do not know if they will require NBBC to contribute towards meeting its unmet needs, or if it can meet its needs within its administrative boundary. In terms of employment, Rugby Borough Council indicate that no additional employment land allocations are proposed in the Publication Plan, in comparison to the adopted Borough Plan (2011-2031) and query whether a greater proportion of some of the larger consented/allocated employment sites might be able to contribute to meeting the sub-regional strategic B8 need suggested.
- 5.16 A SoCG has been prepared with Rugby Borough Council to engage with them on the matters raised above. This SoCG has been signed. A copy of their representation to the Publication consultation, relating to the Duty to Cooperate, can be found in Appendix D.

### Stratford-on-Avon and Warwick District Council

- 5.17 Stratford-on-Avon District Council and Warwick District Council prepared a joint representation to the Publication consultation. As part of this, they recognised that NBBC has been willing to work with neighbouring authorities on strategic matters and identify any cross-boundary issues. The representation indicates that both Stratford and Warwick have been working collaboratively with other Coventry and Warwickshire authorities, including NBBC, in preparing the HEDNA and continuing to meet regularly as part of the CSWAPO group.
- 5.18 The only issue raised in their joint representations related to the distribution of strategic B8 warehousing and distribution development and any potential unmet housing need across the region is unknown. The strategic B8 need cannot be known fully, across the sub-region, until the West Midlands Strategic Employment Sites Study is published and potential unmet housing need across the sub-region cannot be fully identified until all LPAs in the CWHMA have made progress with reviewing their Local Plans and identified their housing need requirements. At these times, engagement will be required between the authorities to agree how to achieve the housing and employment needs of the sub-region and amendments may be made to the MoU at this point.
- 5.19 A joint SoCG is being prepared with Stratford-on Avon District Council and Warwick District Council to engage with them on the matters raised above. A copy of their representation to the Publication consultation, relating to the Duty to Cooperate, can be found in Appendix D.

### Warwickshire County Council

- 5.20 NBBC operates within a two tier system with WCC. WCC provides a number of county wide services including education, highways and social services. NBBC and WCC have worked closely together throughout the preparation of the Borough Plan Review to ensure the policies and allocations are aligned to the County Council's interests. Joint working has included formal consultation responses from officers working in highways, education and infrastructure, at each stage of the Local Plan process, and collaboration on a number of evidence base and technical



documents to support the Borough Plan Review including the Strategic Transport Assessment, Infrastructure Delivery Plan (IDP) and Level 1 SFRA.

- 5.21 WCC made representations to all three public consultations, including the latest Publication (Regulation 19) consultation in which they stated they had “no pressing comments or concerns” to make on the Borough Plan Review. The representation submitted indicates that WCC believe the Plan is sound, legally compliant and fulfils the Duty to Cooperate (Appendix D).
- 5.22 A SoCG has been prepared and signed with WCC.

## **6. Local authorities outside the Coventry and Warwickshire Housing Market Area**

### **Hinckley and Bosworth Borough Council**

- 6.1 Hinckley and Bosworth Borough Council has been consulted as a statutory consultee and neighbouring local authority, throughout the development of the Borough Plan Review. However, they have not made any representations to the Issues and Options or Publication (Regulation 19) consultations, only to the Preferred Options stage.

## **7. West Midlands Combined Authority**

- 7.1 NBBC are a non-constituent member of the WMCA. Non-constituent members have reduced voting rights compared with constituent members. Notwithstanding this, the WMCA Constitution provides a seat around the table for the Leader of NBBC and very few issues are being put to vote. The WMCA has provided investment to contribute towards regenerating Nuneaton’s Town Centre as part of Transforming Nuneaton.

## **8. Housing and Economic Development Needs Assessment**

- 8.1 In 2021, Nuneaton and Bedworth commissioned a sub-regional HEDNA with Coventry and Warwickshire authorities, to support the preparation of the Borough Plan Review and meet NBBC’s timescales to consult on the Preferred Options consultation. The Joint HEDNA was published in November 2022 and took into account the most recent datasets, to calculate housing and employment need, using trend-based household projections. This superseded the May 2022 HEDNA which used 2014 based household projections. Whilst NBBC has worked collaboratively with Coventry and Warwickshire authorities, through the preparation of the joint HEDNA, NBBC commissioned a further standalone HEDNA (Towards a Housing Requirement for Nuneaton and Bedworth) which specifically reflects the growth ambitions and priorities for the Borough, looking forward.

## **9. Joint Housing and Economic Land Availability Assessment - Methodology**

- 9.1 The Coventry and Warwickshire authorities produced a joint Housing and Economic Land Availability Assessment (HELAA) methodology to ensure a standardised approach, to assessing potential development sites. This was agreed by all the authorities involved. Adopting a standardised approach removes ambiguities in site appraisals and provides confidence that site capacities and land supply is maximised and appropriate. The option to produce a joint HELAA report was deemed inappropriate due to the geographical extent of the area and differences in

land constraints and opportunities. It was decided that each authority would produce their own Strategic Housing Land Availability Assessment but using a joint methodology.

## **10. Memorandum of Understanding - Coventry and Warwickshire Housing Market Area**

- 10.1 NBBC has been leading on a MoU with the other local authorities within the CWHMA. The MoU seeks to ensure that as the LPAs develop their Local Plans, at differing paces, the housing and employment needs of the CWHMA are met. It is framed within the Duty to Cooperate set out in Section 33A of the Planning and Compulsory Purchase Act 2004 and in the context of the NPPF. This sets out the duty for LPAs and county councils to cooperate in maximising the effectiveness of the preparation of development plan documents so far as relating to strategic matters which affect more than one local authority area.
- 10.2 The MoU is being prepared to reflect that all local authorities represented within the CWHMA are at different stages of reviewing their Local Plans or are not reviewing them at all, at this time. It commits CCC and the five Borough/District Councils within Warwickshire to a collaborative process to assess the full housing and economic development needs of the market area and to establish realistic assumptions about the availability, suitability and viability of land to meet that need. In addition, given the importance of WCC's role and responsibilities within the area they are a signatory of the MoU.
- 10.3 NBBC has been liaising with the other LPAs within the HMA to agree on the document and gain signatories. However, mainly due to political influences, many of the Authorities cannot agree to sign the MoU at this time. Therefore, it has not been submitted with the Duty to Cooperate evidence, associated with NBBC's Borough Plan Review (2021-2039). Appendix F provides justification, from some of the authorities within the CWHMA, for not being able to sign the MoU at this time. Stratford-on-Avon District Council and Warwick District Council aim to provide further correspondence, regarding the proposed SoCG and the MoU, in due course. WCC has not provided justification for not being able to sign the MoU, at this time. However, several attempts to gain clarity on this matter have been made by NBBC.
- 10.4 Despite the difficulties in reaching agreement on the MoU, efforts are continuing to be made to reach a consensus on the document and these difficulties have not affected any other aspect of NBBC's Duty to Cooperate work or consultation with the parties involved.

## **11. Statements of Common Ground**

- 11.1 According to PPG, strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes policies contained in Local Plans. SoCG are being prepared with neighbouring LPAs, most prescribed bodies, most key organisations and landowners/promoters of strategic and non-strategic housing and employment allocations within the Borough Plan Review. These SoCG are being prepared based upon each party's representations, submitted to the Publication (Regulation 19) consultation on the Borough Plan Review. Discussions are taking place with each of the potential signatories of the SoCG with the aspiration of agreeing on the areas of agreement and disagreement, in relation to the Borough Plan Review, and signing the Statement.



- 11.2 NBBC will maintain and keep up to date all the SoCGs, through continuous engagement and cooperation between NBBC and the relevant parties, throughout the Examination of the Borough Plan Review and beyond its adoption. Both the representations submitted to the Publication (Regulation 19) consultation on the Borough Plan Review and the SoCG will be examined by the Planning Inspector as part of the Examination of the Plan.
- 11.3 All signed SoCG will be published as part of the Borough Plan Review's submission documents, for Examination. On the completion and signing of further SoCG, not published at the point of submission, these will continue to be made publicly available and will form part of the future documents for Examination.

## 12. Prescribed Bodies

- 12.1 The Duty to Cooperate applies to all local authorities and County Councils in England and a number of specified prescribed bodies. The prescribed bodies, for which LPAs are to cooperate with, are defined in part 2, Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These bodies play a key role in delivering local aspirations and cooperation between them and LPAs and are vital to make Local Plans as effective as possible on cross-boundary matters.
- 12.2 The following prescribed bodies are not applicable to Nuneaton and Bedworth Borough:
- The Mayor of London
  - Transport for London
  - Integrated Transport Authority
  - Marine Management Organisation
- 12.3 The following prescribed bodies were consulted throughout the development of the Borough Plan Review but did not make any representations:
- Civil Aviation Authority
  - Homes England
  - Office of Rail Regulation
- 12.4 The paragraphs below demonstrate how NBBC has engaged and cooperated with each of the prescribed bodies and whether, if applicable, a SoCG has been agreed. The representations submitted to the Publication (Regulation 19) consultation, relating to the Duty to Cooperate, can be read in Appendix G.

### Environment Agency

- 12.5 The Environment Agency was consulted at the Issues and Options stage, through the consultation database. No representations were received. At the Preferred Options stage, individual officers at the Environment Agency were contacted for representations, rather than an email being sent to their generic consultation email address. No representations were received at this stage. After the Preferred Options consultation, which ran from 13<sup>th</sup> June to 22<sup>nd</sup> July 2022, in January 2023 NBBC realised that no representations had been received to either consultation. A chaser email offering them extra time was sent to an individual officer, who had responded to our query, but still no representations were received.



- 12.6 Contact was also had with the Environment Agency in July 2023. An individual officer was contacted for guidance and advice on a policy, contained within the Borough Plan Review. The officer responded stating they didn't work in the department anymore and to contact the generic Environment Agency email address, which NBBC did. NBBC received a response from another officer, answering our questions.
- 12.7 The Environment Agency has provided representations to the Publication (Regulation 19) consultation. However, they have stated they have no record of being consulted at the Issues and Options or Preferred Options stages. Therefore, their representations contain suggested policy wording and potential amendments to the Borough Plan Review, rather than comments solely on soundness, legal compliance and the Duty to Cooperate.
- 12.8 NBBC have worked with the Environment Agency on the sub-regional Level 1 SFRA and Water Cycle Study.
- 12.9 A SoCG has been prepared with the Environment Agency to engage with them on the matters raised within their representations, to the Publication (Regulation 19) consultation.

#### Historic England

- 12.10 Historic England has been consulted throughout the development of the Borough Plan Review. Their latest representations to the Publication (Regulation 19) consultation do not state if they believe the Plan is sound, legally compliant or complies with the Duty to Cooperate. However, Historic England does acknowledge that NBBC have made amendments to some policies, within the Borough Plan Review, since the Preferred Options consultation, to reflect the representations they made, at that stage. Overall, their comments largely relate to policies contained within the Borough Plan Review or associated evidence base documents.
- 12.11 Historic England reviewed and commented on the Heritage Site Assessment (2022), commissioned by NBBC to support the Borough Plan Review as an evidence base document, prior to the Regulation 19 consultation and has since been liaising with NBBC via email.
- 12.12 A SoCG has been prepared with Historic England to engage with them further, in line with the Duty to Cooperate.

#### Natural England

- 12.13 Natural England has been consulted throughout the development of the Borough Plan Review and between consultation stages in regard to general queries. Their latest representations to the Publication (Regulation 19) consultation state that they welcome the content of the Local Plan. In terms of soundness Natural England believe the Plan is positively prepared, justified, effective and consistent with national policy. In terms of the Duty to Cooperate, Natural England confirms that the Local Plan largely incorporates the areas of Natural England's concerns.
- 12.14 A SoCG has not been prepared with Natural England as both parties were in agreement, regarding the Borough Plan Review, and no issues were raised.

#### Coventry and Warwickshire Integrated Care Board – George Eliot Hospital NHS Trust

- 12.15 Representations were received from the Chief Strategy, Service Improvement and Partnership Officer to the Publication (Regulation 19) consultation. These representations did not mention

the Duty to Cooperate but did mention the Warwickshire North Local Estates Forum (discussed in section 4). This indicates the positive collaboration and engagement that has been taking place between the Council and George Eliot Hospital.

- 12.16 A SoCG has not been prepared with the Coventry and Warwickshire Integrated Care Board as both parties were in agreement, regarding the Borough Plan Review, and no issues were raised.

#### Warwickshire County Council (Local Highway Authority)

- 12.17 WCC has been consulted throughout the development of the Borough Plan Review and were employed to complete a Strategic Transport Assessment for inclusion within the Borough Plan Review's evidence base. Their latest representations, to the Publication (Regulation 19) consultation, were very positive stating they had "no pressing comments or concerns". This implies that they are satisfied that the Borough Plan Review is legally compliant, sound and complies with the Duty to Cooperate.

- 12.18 A SoCG has been prepared and signed with WCC.

#### National Highways (National Highway Authority)

- 12.19 National Highways has been consulted throughout the development of the Borough Plan Review. Regular Officer and Member level meetings have taken place with National Highways, local authorities and other bodies, throughout the development of the Borough Plan Review. Their latest representations, to the Publication (Regulation 19) consultation, do not state if the Plan is legally compliant, sound or complies with the Duty to Cooperate.

- 12.20 A SoCG has been prepared with National Highways, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### Coventry and Warwickshire Local Enterprise Partnership

- 12.21 The Coventry and Warwickshire Local Enterprise Partnership (CWLEP) has been consulted as a prescribed body throughout the development of the Borough Plan Review, up until it ceased to exist on 31<sup>st</sup> March 2023. CWLEP submitted representations to the Issues and Options and Preferred Options consultations but due to disbanding before the Publication (Regulation 19) consultation, no representations were received. Overall, Nuneaton and Bedworth Borough is no longer part of any Local Enterprise Partnership.

### 13. Key Organisations

- 13.1 The paragraphs below demonstrate how NBBC has engaged and cooperated with each of the statutory consultees, that are not prescribed bodies, and with other key organisations who submitted representations to the Publication (Regulation 19) consultation. The paragraphs also outline whether, if applicable, a SoCG has been agreed. The representations submitted, to the Publication (Regulation 19) consultation, can be read in Appendix H.

#### Severn Trent

- 13.2 Severn Trent has been consulted throughout the development of the Borough Plan Review – Issues and Options, Preferred Options and Publication (Regulation 19) consultation. Severn Trent's latest representations made no comments on the Duty to Cooperate. However, the whole representation was positive and no objection was made to the Plan.



- 13.3 NBBC have worked with Severn Trent on the sub-regional Level 1 SFRA and Water Cycle Study. Severn Trent was also contacted between the three Local Plan consultations and asked to review specific policies.

#### The Coal Authority

- 13.4 The Coal Authority has been consulted throughout the development of the Borough Plan Review – Issues and Options, Preferred Options and Publication (Regulation 19) consultations. The Coal Authority’s latest representations indicate that they believe the Plan complies with the Duty to Cooperate.

#### Warwickshire County Council (Lead Local Flood Authority)

- 13.5 WCC has been consulted throughout the development of the Borough Plan Review. Their latest representation, to the Publication (Regulation 19) consultation, was very positive stating they had “no pressing comments or concerns”. This implies that they are satisfied that the Borough Plan Review is legally compliant, sound and complies with the Duty to Cooperate.
- 13.6 NBBC have also worked with WCC on the sub-regional Level 1 SFRA and Water Cycle Study. WCC was also consulted between the three Local Plan consultations and asked to review specific policies.
- 13.7 A SoCG has been prepared and signed with WCC.

#### The Canal and River Trust

- 13.8 The Canal and River Trust has been consulted throughout the development of the Borough Plan Review and amendments have been made to the Plan reflecting their requirements at various stages. Their latest representations to the Publication (Regulation 19) consultation state they have “no comments to make on the Plan at this stage”. This implies that they are satisfied that the Borough Plan Review is legally compliant, sound and complies with the Duty to Cooperate.

#### Warwickshire Wildlife Trust

- 13.9 Warwickshire Wildlife Trust has been consulted throughout the development of the Borough Plan Review. Their latest representations, to the Publication (Regulation 19) consultation, raise a number of concerns, in their view. NBBC was surprised to receive these comments as the representations received from Warwickshire Wildlife Trust, at the Preferred Options stage, raised no serious concerns. Also, prior to the Borough Plan Review commencing, advice was requested from Warwickshire Wildlife Trust to establish what NBBC could improve upon and amend, when reviewing the Plan, and no serious concerns were raised.
- 13.10 Warwickshire Wildlife Trust’s concerns relate to a number of the strategic housing allocations, in the Borough Plan Review, and their proximity to local wildlife sites. The representations question the soundness and legal compliance of the Plan and raise concerns regarding “the additional 100 homes over the county wide housing assessment and whether these figures are robust and in line with the Duty to Cooperate with neighbouring councils and their evidence base”.
- 13.11 In terms of the Duty to Cooperate, this Compliance Statement indicates that SoCG have been entered into, or are being prepared, with LPAs within the CWHMA. A MoU is also being prepared. Therefore, NBBC have been/are engaging with neighbouring and local authorities, complying with the Duty to Cooperate.

### Sport England

- 13.12 Sport England has been consulted throughout the development of the Borough Plan Review – Issues and Options, Preferred Options and Publication (Regulation 19) consultations. Their comments to the Preferred Options consultation were reviewed and some amendments were made to the Plan, prior to the Regulation 19 consultation. Sport England was also contacted between the three Local Plan consultations and asked to review specific policies and to confirm whether any suggested amendments met their requirements. However, they did not respond. Sport England’s latest representations indicate that they believe the Plan complies with the Duty to Cooperate. Each form they submitted said ‘Yes’ to complies with the Duty to Cooperate or was left blank.
- 13.13 A SoCG has been prepared with Sport England, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

### Stagecoach

- 13.14 Stagecoach Midlands has been consulted throughout the development of the Borough Plan Review – Issues and Options, Preferred Options and Publication (Regulation 19) consultations. Stagecoach Midlands did not submit representations to the latest consultation – the Publication (Regulation 19) stage. However, their Preferred Options comments did feed into the Borough Plan Review. The lack of response to the latest consultation indicates that Stagecoach Midlands do not have any comments or concerns regarding the Plan and in turn, believe the Plan complies with the Duty to Cooperate.

### Active Travel England

- 13.15 Active Travel England has been consulted as a statutory consultee throughout the development of the Borough Plan Review. However, they have not made any representations as they are currently not responding to Local Plan work.

### Network Rail Infrastructure Limited

- 13.16 Network Rail Infrastructure Limited has been consulted as a statutory consultee throughout the development of the Borough Plan Review. However, they have not made any representations.

## **14. Strategic and Non-Strategic Housing and Employment Sites**

- 14.1 The paragraphs below demonstrate how NBBC has engaged and cooperated with each of landowners/promoters of the strategic and non-strategic housing and employment sites allocated within the Borough Plan Review. This section is based on the latest information known, at the time of writing this Compliance Statement, with land ownership constantly changing as these sites progress through the planning and development process. SoCG have been or are being prepared with each of the strategic and non-strategic housing and employment allocations, within the Borough Plan Review. The representations submitted, to the Publication (Regulation 19) consultation, by the landowners/promoters of these sites, can be read in Appendix I.

### SHA1 – Land at Top Farm, North of Nuneaton

- 14.2 WCC is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation.
- 14.3 A SoCG has been prepared and signed with WCC.



### SHA2 - Arbury

- 14.4 Arbury Estate is the landowner and Richborough is the promoter of this site. Arbury Estate mentioned the Duty to Cooperate in their representations to the Publication (Regulation 19) consultation. Arbury Estate believe that the Council should be progressing with a Plan that is inclusive of potential unmet needs, from neighbouring authorities, rather than based on its own needs. Arbury Estate believe the Council have failed to engage suitably with neighbouring authorities and in turn, to comply with the Duty to Cooperate.
- 14.5 A SoCG is being prepared with Arbury Estate and Richborough, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

### SHA3 – Land at Tuttle Hill (Judkins Quarry)

- 14.6 Waste Recycling Group (Central) Limited is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments, in their representations, to the Publication (Regulation 19) consultation.
- 14.7 A SoCG has been prepared and signed with Waste Recycling Group (Central) Limited.

### SHA4 – Hospital Lane

- 14.8 A developer, which cannot currently be named, is the landowner of this site. They did not submit representations to the Publication (Regulation 19) consultation and therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.
- 14.9 A SoCG has been prepared with the developer, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

### SHA5 – West of Bulkington

- 14.10 Rosconn Strategic Land is promoting part of this site and raised no Duty to Cooperate compliance concerns or comments, in their representations, to the Publication (Regulation 19) consultation.
- 14.11 A SoCG has been prepared with Rosconn Strategic Land, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

### SHA6 – Land at former Hawkesbury Golf Course

- 14.12 Tilia Homes is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation.
- 14.13 A SoCG has been prepared with Tilia Homes, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

### NSRA1 – Former Bedworth Rugby Club, Smarts Road, Bedworth

- 14.14 Midlands Heart is the landowner of this site. They did not submit representations to the Publication (Regulation 19) consultation and therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.
- 14.15 A SoCG is being prepared with Midlands Heart, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### NSRA2 – Former Manor Park Community School, Nuneaton

14.16 Warwickshire Property and Development Group is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation. Warwickshire Property and Development Group did state in their representations they would welcome early dialogue with the Council, on the preparation of a SoCG, in relation to this non-strategic allocation which has taken place.

14.17 A SoCG has been prepared and signed with Warwickshire Property and Development Group.

#### NSRA3 – West of Coventry Road/Wilsons Lane, Exhall

14.18 Keepmoat Homes is the landowner of this site. They did not submit representations to the Publication (Regulation 19) consultation and therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.

14.19 A SoCG has been prepared and signed with Keepmoat Homes.

#### NSRA4 – Vicarage Street Development Site, Nuneaton

14.20 WCC is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation.

14.21 A SoCG has been prepared and signed with WCC.

#### NSRA5 – Land rear of Burbage Lane

14.22 Premium Estates, the landowner of the site, did not submit representations to the Publication (Regulation 19) consultation. Therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.

14.23 A SoCG is being prepared with Premium Estates, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### NSRA6 – Land at Bucks Hill, Nuneaton

14.24 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA7 – Abbey Street, Nuneaton

14.25 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA8 – Land rear of Lilleburne Drive and Willow Close, Nuneaton

14.26 Rosconn Strategic Land is promoting part of this site and raised no Duty to Cooperate compliance concerns or comments, in their representations, to the Publication (Regulation 19) consultation.

14.27 A SoCG has been prepared with Rosconn Strategic Land, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### NSRA9 – Former New Inn Public House, Bulkington

14.28 Keon Homes is the landowner of this site and did not submit representations to the Publication (Regulation 19) consultation. Therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.



14.29 A SoCG is being prepared with Keon Homes, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### NSRA10 – Land at Bermuda Road, Nuneaton

14.30 Deeley Group is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation.

14.31 A SoCG has been prepared with Deeley Group, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### NSRA11 – Upper Abbey Street, Nuneaton

14.32 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA12 – Kingswood Road, Nuneaton

14.33 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA13 – Armson Road, Exhall

14.34 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA14 – Mill Street/Bridge Street, Nuneaton

14.35 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### NSRA15 – Bennetts Road, Keresley

14.36 NBBC owns this non-strategic site, allocated within the Borough Plan Review.

#### SEA2 – Wilsons Lane

14.37 L&Q Estates is the landowner of this site and raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation, in relation to site SEA2. However, they submitted separate representations in relation to a separate site, in their ownership, in which they raise concerns regarding the Duty to Cooperate. Their concerns relate to CCC and NWBC's representations, the lack of a signed MoU, the potential unmet housing need that will arise in the sub-region and the absence of a strategy to disseminate the employment needs of the sub-region.

14.38 A SoCG has been prepared with L&Q Estates, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### SEA3 – Prologis extension

14.39 Prologis is the landowner of this site and did not submit representations to the Publication (Regulation 19) consultation. Therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.

14.40 A SoCG has been prepared and signed with Prologis.

#### SEA4 – Coventry Road

14.41 WCC is a partial landowner of this site whilst Arbury Estate own the central and southern portions of the site. WCC raised no Duty to Cooperate compliance concerns or comments in their representations, to the Publication (Regulation 19) consultation whereas Arbury Estate believe the Council should be progressing with a Plan that is inclusive of potential unmet needs, from



neighbouring authorities, rather than based on its own needs. Arbury Estate believe the Council have failed to engage suitably with neighbouring authorities and in turn, to comply with the Duty to Cooperate.

- 14.42 A SoCG has been prepared and signed with WCC, whilst a SoCG is being prepared with Arbury Estate, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### SEA6 – Bowling Green Lane

- 14.43 Opus Land's interests comprise the eastern two thirds of the allocated land. Opus Land raised concerns in their representations, to the Publication (Regulation 19) consultation, regarding if the Duty to Cooperate test will be met and the Plan will be found sound. This is due to a lack of Duty to Cooperate evidence being publicly available, such as SoCG between the Council and neighbouring authorities.

- 14.44 A SoCG has been prepared with Opus Land, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

#### CEM1 – Land north of Marston Lane, Bedworth

- 14.45 NBBC own part of this strategic site, allocated within the Borough Plan Review. The other part is owned by the Archdiocese of Coventry who did not submit representations to the Publication (Regulation 19) consultation. Therefore, it can be presumed that they believe the Council has complied with the Duty to Cooperate.

- 14.46 A SoCG is being prepared with Archdiocese of Coventry, providing the opportunity to engage with them further, in line with the Duty to Cooperate.

## 15. Other Representations

### Non-compliance with the Duty to Cooperate – Withdrawal of representations

- 15.1 Representations 133-135, submitted by one Agent, relating to the Regulation 19 consultation on the Borough Plan Review, state they do not believe the Duty to Cooperate has been complied. However, no reasons were provided justifying why the Borough Plan Review does not comply with the Duty to Cooperate. Therefore, NBBC contacted the Agent to ask for justification. They responded by withdrawing their comments in relation to non-compliance with the Duty to Cooperate. The email correspondence between NBBC and the Agent can be found in Appendix J.

### Non-compliance with the Duty to Cooperate – Lack of evidence at the Publication (Regulation 19) consultation stage

- 15.2 Representations 106, 116, 121, 127, 129 and 409 state they do not believe the Duty to Cooperate has been complied with as no SoCG, Duty to Cooperate Compliance Statement or MoU were uploaded to NBBC's website at the time of the Publication (Regulation 19) consultation. Therefore, as no Duty to Cooperate evidence was available to view publicly, some representatives felt it was unclear if the Duty had been complied with. However, evidence is now available to publicly view and highlights the Duty to Cooperate has been complied with. Ongoing engagement and collaboration between NBBC and Groups/Forums, LPAs, prescribed bodies, key organisations and strategic/non-strategic site landowners/promoters has taken place throughout the Borough Plan Review's development, including throughout the Regulation 19 consultation stage and the period afterwards. Joint working and compliance with the Duty to Cooperate will continue

throughout the Plan's submission, Examination and the plan period. In turn, this has meant that the preparation of Duty to Cooperate evidence has been ongoing and has developed and progressed alongside our active engagement and collaboration with these interested parties. Therefore, we respectfully request that the Planning Inspector does not take these representations into account, in terms of non-compliance with the Duty to Cooperate. The SoCG and Duty to Cooperate Compliance Statement have been submitted to the Planning Inspectorate alongside the Borough Plan Review.

## **16. Strategic Planning Priorities and Cross-Boundary Matters**

16.1 The strategic planning priorities for NBBC have been identified below, along with an outline of how these have been addressed and managed on a strategic basis throughout the plan making process.

16.2 The cross-boundary strategic matters, which need to be addressed by the Borough Plan Review, have also been identified. The below paragraphs highlight those specific issues which require ongoing active cooperation between Duty to Cooperate partners.

### **Housing Provision**

16.3 NBBC have worked closely with the Councils within the CWHMA to assess and provide for the homes required. As previously detailed, the Coventry and Warwickshire HEDNA was produced in 2022 to provide a shared evidence base across the region. A MoU is also being produced and led on by NBBC. This is intended to cover matters of strategic importance relevant to all authorities, specifically relating to housing and employment needs, across the CWHMA.

### **Gypsy and Traveller Housing Need**

16.4 NBBC's four neighbouring local authorities were contacted in 2020 prior to updating the 2016 Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTTSAA), to investigate whether there was any interest in doing a combined GTTSAA. Two local authorities responded to advise they had no interest and two failed to respond. Subsequently, the most appropriate way forward, at the time, was for NBBC to update its evidence base independently and to focus on meeting its own needs whilst not relying on neighbouring authorities to assist. NBBC is also actively involved with partners around dealing with unauthorised encampments in the most efficient way possible. NBBC's Gypsy and Traveller Site Allocations Development Plan Document was adopted at Full Council in January 2024.

### **Employment Land and Job Creation**

16.5 Work is currently progressing on the approach to employment land provision and job creation in the West Midlands region, through the West Midlands Strategic Employment Sites Study. Once this is published, the need for the West Midlands will be clearer. However, in the meantime, the strategic planning priorities and cross-boundary matters, relating to employment land and job creation, have been discussed through groups/forums, throughout the preparation of the Borough Plan Review. Further discussions will also take place, once the study is published.

### **Retail and Leisure Provision**

16.6 WCC and NBBC are working to deliver the Transforming Nuneaton Programme which should provide an economic boost to Nuneaton, helping it become a strong hub for its community.



Investment in the town centre will be sought to improve leisure and business opportunities, education and skills, unlocking housing development and rail, highway and cycle infrastructure. The Programme will support economic growth within the Borough and wider area whilst ensuring that the town helps reduce its impact on climate change. The vision is to transform the town into an area where people choose to live, do business, visit and shop, with a mix of national, independent and specialist retailers.

### Provision of Infrastructure

16.7 NBBC has worked with a wide range of infrastructure providers in developing the Borough Plan Review and the supporting IDP. The IDP defines what infrastructure is required to support development and outlines who provides it. It identifies the current baseline of provision, any existing issues, standards and shortfalls along with what changes and schemes are currently planned. The IDP draws upon current investment plans and influences future investment plans of the local authority and other infrastructure providers. It helps to coordinate public and private investment and provides clarity on the amount of total investment, in the Borough, that is required for infrastructure within the timeframe of the Borough Plan Review. The IDP is accompanied by an Infrastructure Delivery Schedule which displays ongoing and planned schemes for different infrastructure categories. The list below identifies the relevant providers that were engaged in the production of the IDP:

- WCC – Transport Services
- National Highways
- Network Rail
- Sustrans
- Canal and River Trust
- Stagecoach
- Severn Trent
- Western Power Distribution
- National Grid
- Virgin Media
- BT
- WCC – Environmental Services
- NBBC – Environmental Services
- Environment Agency
- WCC – Strategic Flood Authority
- WCC – Education Services
- Local academies
- King Edward VI Sixth Form College
- North Warwickshire and Hinckley College
- Coventry and Warwickshire Integrated Care Board
- Coventry and Warwickshire National Health Service
- Warwickshire Ambulance Service
- Mental Health Trust
- Warwickshire Public Health

- WCC – Adult Services
- NBBC – Museum Services
- NBBC – Community Services
- WCC – Heritage and Cultural Services
  - Archaeological Services
  - Archives
  - Arts
  - Ecological Services
  - Learning and Museums
- Warwickshire Fire and Rescue Service
- West Midlands Ambulance Service
- Warwickshire Police
- NBBC – Leisure, Recreation and Health Team Services
- WCC - Transport Services
- Natural England
- Habitat Biodiversity Audit Partnership
- Sport England
- Think Active Partnership

### Flood Risk and Water Resources

- 16.8 CSWAPO subgroups were set up following work produced by Richard Wood (commissioned via the Planning Advisory Service) – ‘Taking Forward a Strategic Planning Approach: Strategic evidence base programme and spatial options’ (2021). This was to provide collaborative working groups in relation to the Duty to Cooperate, to provide a joint strategic planning approach for the Coventry and Warwickshire area and where possible, a joint and shared evidence base for Local Plan working alongside assisting in the areas long term needs. These groups were set up to look at strategic issues across the region for the wider benefits of a joined-up approach and make key cross-boundary contributions to addressing climate change, meeting emissions targets, supporting economic recovery, coordinating development and infrastructure provision, integrating land and transport planning, establishing investment priorities and establishing a growth-based strategic case for future investment and funding bids.
- 16.9 The ‘water themes’ subgroup specifically looked at issues relating to water provision, quality and flooding. The working group comprised of each Local Authority (excluding Solihull who did not wish to be involved) as well as members from WCC and CCC Flood Risk Management Teams, the Environment Agency and Severn Trent. The scope of the group was to:
- Guide development towards the most appropriate locations considering flood risk, future resilience and climate change impacts and establishing the capacity and need for new water and wastewater infrastructure
  - Scope and provide tender costings for updates for a sub-regional Level 1 SFRA and Water Cycle Study update
  - Consider the potential value of a future sub-regional Level 2 SFRA

- Develop a strategy to establish the objectives of the subgroup and potential savings and costings, to feedback to CSWAPO. To enable the subgroup to progress the agreed work that is required.
- The group also considered the impacts of any new legislation (including nutrient neutrality) and any water issues affecting the area.

16.10 The sub-regional Level 1 SFRA reports have been completed and the sub-regional Water Cycle Study is due to be completed in early 2024. The benefit of the combined work was not just economic but that each local authority's future development requirements were considered cumulatively including the wider network such as the adjacent county.

### Waste Management

16.11 WCC is responsible for waste management and producing a Minerals Plan. NBBC have consulted WCC to ensure the Borough Plan Review complements the policies in the county's Minerals Plan. Nuneaton and Bedworth also have a GIS constraints layer which alerts the need to consult the mineral authority if development proposals lie within a safeguarded area (consultation zone).

### Education

16.12 NBBC has worked closely with the Local Education Authority (WCC), throughout the development of the Borough Plan Review, to ensure adequate education facilities are planned to support the proposed growth. The Council has engaged with WCC at every stage of the plan making process, incorporating their advice into the Borough Plan Review and associated IDP.

### Healthcare

16.13 The Council have worked closely with the Coventry and Warwickshire Integrated Care Board, NHS England and Public Health Warwickshire to ensure adequate health care facilities are planned across the region to support the proposed growth. The Council also sits on the Warwickshire North Place Delivery Group and North Warwickshire Local Estates Forum and has engaged with this group/forum throughout the Borough Plan Review process.

### Climate Change Mitigation and Adaption

16.14 In 2010, a Renewable Energy and Low Carbon Resource and Feasibility Study was conducted on behalf of the local authorities of Stratford-on-Avon, Warwick, North Warwickshire, Nuneaton and Bedworth, Rugby, Solihull and Warwickshire County. The aim of this study was to inform the authorities about potential viability and deliverability of various renewable and low carbon options. This study has helped to inform policies within the Plan.

### Conservation and Enhancement of the Natural and Historic Environment

#### *Biodiversity*

16.15 The Green Infrastructure sub-group of CSWAPO has led on the Warwickshire, Coventry and Solihull Biodiversity Offsetting Scheme. This was a pilot scheme to test the principle of biodiversity offsetting using a collective approach and the principles behind ecological assessments for quantifying ecological loss or gain. The principles of biodiversity offsetting have been incorporated into the Borough Plan Review.

16.16 The Habitat Biodiversity Audit project covers Coventry, Solihull and Warwickshire and has been running for over 20 years. The project provides a basis for assessment of potential development



sites and protection of local features. This has informed the development of the Borough Plan Review policies and selection of development sites. The Council receives yearly updates from the Habitat Biodiversity Audit, which is stored on the Council's GIS system.

- 16.17 Currently, NBBC are working with WCC, through the Warwickshire Natural Capital Investment Board, to produce a draft strategy to direct spending for biodiversity offsetting. This is of particular importance to NBBC as we currently have no sites designated for biodiversity offsetting, within the Borough.

#### *Landscape*

- 16.18 The 2009 Joint Green Belt Study included a landscape assessment of each green belt parcel, which drew on the National Landscape Character Areas identified by Natural England and the Warwickshire Landscape Guidelines. This provided a starting point for more detailed landscape assessments across the Borough. The latest assessments for the Borough are the Landscape Character Assessment and Landscape Sensitivity Study (2023).

#### *Historic Environment*

- 16.19 NBBC has worked closely with Historic England throughout the plan making process to ensure that the policies in the plan reflect the NPPF and encourage good practice in the protection and enhancement of the historic environment, including nationally and locally recognised heritage assets. This joint working has also ensured that proposed development sites will not cause unacceptable harm to the historic environment.

#### *Green Infrastructure*

- 16.20 In 2013, the Green Infrastructure sub-group of CSWAPO produced the Warwickshire, Coventry and Solihull Green Infrastructure Strategy. The strategy identified key elements of the sub-region's green infrastructure assets in terms of landscape, accessibility and biodiversity. This document was subject to a six-week consultation period and two stakeholder workshops were held. The Local Natural Partnership for the region was also involved in preparing the document. The outcomes of this study have informed the development of the Borough Plan Review and its proposals.

#### *Green Belt*

- 16.21 Outside of its urban areas, Nuneaton and Bedworth Borough predominantly consists of Green Belt land and forms part of the wider West Midlands Green Belt.
- 16.22 The Council has worked closely with other authorities across Coventry and Warwickshire to ensure there is a Green Belt evidence base to support effective planning. Given the development pressures facing the sub-region, a Joint Green Belt study was commissioned in 2015. The aim of the study was to understand how well Green Belt land across the region was performing against the primary purposes of Green Belt and to understand what the implications of releasing land for development may be.
- 16.23 The review was undertaken in two stages. Stage 1 covered Coventry City, Warwick District, Rugby Borough and Nuneaton and Bedworth Borough, and was completed in 2015, overseen by officers from each authority. Stage 2 covered Stratford-on-Avon District and North Warwickshire Borough and was completed in 2016. The staged approach was to reflect overlap with the Greater

Birmingham HMA as well as plan preparation progress. The study has helped to inform the plan policies and selection of development site within the Borough Plan Review.



## Appendix A

NBBC's Borough Plan Committee oversees the progression and development of the Borough Plan Review. The Borough Plan Committee's agendas, reports and minutes can be found at the following link: [Borough Plan Committee | Nuneaton & Bedworth \(nuneatonandbedworth.gov.uk\)](https://www.nuneatonandbedworth.gov.uk). Key decisions and processes then go to [Cabinet](#), and in some cases [Full Council](#), for approval.

<b>Borough Plan Review Process – Key Decision Process</b>	
Issues and Options – Borough Plan Review	<p>At the Cabinet meeting on 26<sup>th</sup> May 2021, Councillors approved the Issues and Options document for public consultation.</p> <p>The consultation was held between 11<sup>th</sup> June and 6<sup>th</sup> August 2021.</p>
Preferred Options – Borough Plan Review	<p>At the Cabinet meeting on 25<sup>th</sup> May 2022, Councillors approved the Preferred Options document for public consultation.</p> <p>The consultation was held between 13<sup>th</sup> June 2022 and 24<sup>th</sup> July 2022.</p>
Publication (Regulation 19) – Borough Plan Review	<p>On 12<sup>th</sup> July 2023, Borough Plan Committee recommended to Cabinet that the Borough Plan Review should proceed to the Publication (Regulation 19) consultation.</p> <p>At the Cabinet meeting on 26<sup>th</sup> July 2023, Councillors approved the Publication document for public consultation.</p> <p>The consultation was held between 4<sup>th</sup> September and 16<sup>th</sup> October 2023.</p>

## Appendix B

### Engagement between the Council and Groups/Forums – Meeting Log

Date	Organisation	Summary of meeting
17/10/2021	CSWAPO Transport Group meetings	Discussion on reporting back and way of working for future meetings, ways in which can do joint Local Plans (but all at differing stages) so focus instead goes to shared evidence bases, Local Plan updates and Terms of Reference.
24/11/2021	A5 Focus meeting	Discussing feedback from previous focus group meetings. National Highways schemes and major schemes update.
17/01/2022	CSWAPO Transport Group meetings	Updates from CSWAPO meetings and other parties such as Midlands Connect, details of local studies, Warwickshire and Coventry Transport Strategies, and existing evidence bases and identifying gaps and what is required as priority.
04/02/2022	A5 Longshoot to Dodwells Working Group	Terms of Reference agreed. Model Briefing note and knowledge share including planning updates.
04/03/2022	CSWAPO Sub Regional Transport Group	Future approaches to modelling, updates on Local Plans and future housing need. Looking at future areas of focus, impact of Covid 19, approaches to quantifying carbon emissions/carbon savings, evidence base for walking, cycling and EV charging.
17/03/2022	A5 Longshoot to Dodwells Working Group	Model Briefing note, updates on major pre applications, major applications and Local Plans.
13/05/2022	A5 Transport Partnership Officer meeting	Workshop on investment locations.
17/06/2022	A5 Member Partnership	Officers and Councillors - Discussing the Midlands Connect Strategic Transport Plan and RIS3 and major schemes update.
18/07/2022	WCC	Overview of Preferred Options, changes to strategic allocations and implications of removal of sites on infrastructure requirements.
17/08/2022	NWBC	WCC outlined capital programme.
23/09/2022	A5 Officers meeting	National Highways Update , Sub-national Transport Body updates, Local Plan updates, MP engagement.
28/09/2022	JMoG	Update on each authorities monitoring progress and any key issues arising, 5 year supply and trajectories.
12/10/2022	CSWAPO	Each authority provided an update on latest workstreams and local plan programme Finalised timescales for finalisation and publication of the joint HEDNA.



09/11/2022	CSWAPO	Presentation from Coventry and Warwickshire Healthcare partnership in order to improve links with planning departments and better understand impacts of future housing and making the best use of S106 and CIL. Agreed to publish joint HEDNA on 25/11/2022. Confirmation HELAA methodology has been adopted by all authorities. Each authority provided an update on latest workstreams and local plan programme.
14/12/2022	CSWAPO	Joint training considerations, discussions of joint work stream work, discussions on joint HEDNA, discussions on joint employment evidence base and updates to Local Plan work.
11/01/2023	CSWAPO	Presentation from WCC on ecological issues, update on regional green infrastructure work and Environment Act, discussions on how B8 is distributed update on joint work teams and employment study. Local Plan updates.
02/02/2023	Regional Housing Heads and some CSWAPO members	Discussions whether to pursue joining SHMA and what would be needed.
08/02/2023	CSWAPO AGM	Joint training discussions, NPPF updates and consider how affects joint HEDNA, update on water themes subgroup, discussions on how B8 is distributed and updates on joint employment study. DtC discussions, Local Plan updates.
15/02/2023	JMoG	Update on each authorities monitoring progress and any key issues arising, 5 year supply and trajectories.
15/02/2023	Warks North Place Delivery Group	Looking at a collaborative way of joint working for all stakeholders in the north of county.
17/02/2023	A5 Members meeting	Engagement of Officers, Members, MP's, National Highways, Police and Developers to look at wider development and subsequent work required under RIS2 and RIS3 to ensure development.
22/02/2023	WMCA. Housing Delivery Steering Group (Maria)	National Policy updates eg Devolution and Future Homes Strategy, Local Transport Plan, quarterly reports on housing and land, Place Pilots Programme.
08/03/2023	CSWAPO	Discussion on how best to progress workstreams, clarification that the strategic b8 cannot be disaggregated and therefore the need for the WM Strategic Sites Study to be completed, functionality of JMoG.
12/04/2023	CSWAPO	Discussion on draft MoU prepared by NBBC, workstream groups update, local plan progress update and Gate Two strategic water resource proposals and solutions.

17/05/2023	CSWAPO Critical Infrastructure sub group	Planning Officers sub group for considering what evidence base can be shared and what areas combined work would be beneficial for.
18/04/2023	WMCA. Development needs group	DtC discussions and agreements and position statement for each LA discussed. Discussions on funding for recruitment discussed.
19/04/2023	Warks North Place Delivery Group	Engagement of Officers, within northern Warwickshire, to improved our health and wellbeing services.
19/04/2023	Nuneaton Parkway Midlands Connect Group	Discussions with Midlands Connect, National Highway, WCC Highways, Rugby BC and Hinckley and Bosworth BC about locating a new railway parkway between Nuneaton and Hinckley.
04/05/2023	West Midland Combined Authority	Strategic Employment Study - continuous under supply recognised that even with committed site there will be a regional shortfall of 2600 hectares. Need to be aware as a regional how this can be accommodated. NWBC were largest providers in 2022.
10/05/2023	CSWAPO	Discussions on how CSWAPO training budget can be best spent, update on workstreams and local plan progress, discussion on the comments received to the draft MoU
16/05/2023	GBBCHMA Development Needs Group	Looking at position and common ground statements for main Authorities, reviewing interim findings on Strategic Employment sites needed for the area.
17/05/2023	CSWAPO Transport sub group	Planning Officers sub group for considering what evidence base can be shared and what areas combined work would be beneficial for.
17/05/2023	CSWAPO Water Themes work.	Inception meeting for combined Water Cycle Study between the Local Authorities and JBA. Discussing what period would be considered in order to meet everyone's emerging Local plan needs, what joint evidence is out there and what is needed to support joint policies for Local Plans and JBA informing what data is required.
14/06/2023	CSWAPO	Update on workstreams and local plan progress, discussion on the comments received to the draft MoU and opportunity for final comments, discussion on monitoring following a note circulated by CCC and NWBC.
21/06/2023	Warks North Place Delivery Group	Engagement of Officers, within northern Warwickshire, to improved our health and wellbeing services.



28/06/2023	District/Borough Chief Executive	Warks Local Auths Planning Managers, Cov and Warks and Northamptonshire Chambers of Commerce. Collaborative working within group and with Chambers of Commerce for employment land. Cov and Wark Employment Land report was discussed. Topics discussed were 1. STRATEGIC LOCAL PLANNING. 2. TIMETABLE. 3. SUB-REGIONAL APPROACH. 4. REAL CHANGE. 5. EMPLOYMENT WHERE MOST NEEDED. 6. MOU APPROACH. 7. IMPORTANCE OF HEDNA STUDY. 8. CREATING A VIBRANT EMPLOYMENT LAND "MARKET". 9. ALLOCATED BUT NOT DEVELOPED EMPLOYMENT LAND. 10. PROTECTING THE EMPLOYMENT LAND WE'VE ALREADY GOT. 11. NO EXISTING BIG SITES. 12. URGENT REVIEW OF ALLOCATED SITES. 13. MORE PROACTIVE LA ACTIONS. 14. PROTECTING NON-B8 EMPLOYMENT LAND. 15. DISAGGREGATION OF B-CLASSIFIED LAND. 16. LOW DENSITY EMPLOYMENT USES. 17. RAIL AND ROAD. 18. "GREEN ECONOMY". 19. VIBRANT URBAN CENTRES. 20. 5-YEAR LAND SUPPLY. 21. "AFFORDABLE EMPLOYMENT LAND". 22. MIXED SIZE DEVELOPMENT. 23. PROPOSED DISTRIBUTION OF NEW SITES. 24. GREEN BELT. 25. "MASTERPLAN OF MASTERPLANS". 26. CRITERIA FOR SITING OF EMPLOYMENT LAND.
29/06/2023	West Midlands Employment Land – Working Group	WM Plan for Growth in the region with project update for joint work from IcenI.
10/07/2023	JMOG	Update on each authorities monitoring progress and any key issues arising, 5 year supply and trajectories.
18/07/2023	West Midlands Development Needs	Discussed regional employment government returns. Updates and ToR and looking at further joint work.
27/07/2023	Employment Land Working Group	Presentation on the plan for economic growth within the West Midlands and discussion on the local and regional picture of employment land and how to best utilise and consolidate employment land data to build a regional picture.
16/08/2023	Warks North Place Delivery Group	Engagement of Officers, within northern Warwickshire, to improved our health and wellbeing services.
13/09/2023	CSWAPO	Looking at County wide monitoring for BNG monitoring . Discussed MOU and where we are at - likely to be asked for extension of time.
13/09/2023	WM Strategic Employment Group	Update from IcenI. Looking at regional shortfall and need mainly focussing on B8. Discussion how will feed into sub regional HEDNA - IcenI to investigate.

26/09/2023	WM Development Needs Group	Discussed group response via TfWM to Freight, logistics and the planning system: Call for evidence. Discussed group return, housing deal, employment and concerns with West Mids Strategic Employment Sites Study as more explanation is needed how this is calculated compared to sub regional HEDNA. GBBCHMA plus SoCG.
27/09/2023	Duty to Cooperate Forum with Neighbouring Authorities, Stat Bods	Presentation on Reg 19 consultation and question and answer session.
28/09/2023	Duty to Cooperate Forum with Strategic Site Promoters	Presentation on Reg 19 consultation and question and answer session.
04/09/2023	Meeting with Axis	Strategic site promoter for Land at Judkins Quarry, follow up meeting from DtC to discuss representations.
03/10/2023	Warks North Local Estates Forum	To discuss the local estates issues facing the community from a health perspective and how we can address these.
10/10/2023	National Grid and stakeholders	Event for stakeholders in Northwest and West Midlands on planning for net zero and also planning for future growth - useful contacts obtained for DtC.
11/10/2023	CSWAPO	Discussed MoU, workstreams and unmet Gypsy and traveller needs.
13/10/2023	National Grid	Following on from meeting on the 10th October, Officers had an individual meeting with National Grids area Strategic Engagement Officer for the Distribution System Operator / Forecasting & Capacity to discuss the emerging Borough Plan and development in the area and Duty to Cooperate. We discussed various people to contact for different things at NG and reiterated that we complete their yearly request of monitoring of sites which was sent earlier in the year as they use this to predict development capacity for the area. Discussed that in the future there was an opportunity to do a joint area wide energy plan should either party think it necessary.
18/10/2023	Warks North Place Delivery Group	Engagement of Officers, within northern Warwickshire, to improved our health and wellbeing services.
08/11/2023	CSWAPO	Discussed the Local Plan positions of each membering authority in the C&W HMA and workstreams.
14/11/2023	Warks North Local Estates Forum	To discuss the local estates issues facing the community from a health perspective and how we can address these.



16/11/2023	National Grid Energy Distribution Future Services	This was more tailored than the previous meeting above to Local and County Authorities. Encouraging LA's and advising what they can do to help LA's reach net zero and two way conversations of how Authorities find obtaining data from NG and how they can help on LA's setting up Local Area Energy Plans. Also info on our Local Distribution System operative who we have already had a meeting with.
21/11/2023	West Midlands Development Needs Group	Shared worked to inform Strategic Need still ongoing.
24/11/2023	A5 Transport Partnership Member Leads	Attended to support Cllr Smith . This is a group for Members and MP's to discuss and be updated about the A5. eg issues such as crime, rubbish, fatalities and recent work carried out, future work including RIS3, to discuss planning applications/appeals affecting the A5.
13/12/2023	CSWAPO	Discussed MoU, Local Plan progress update and workstreams.
14/12/2023	Warks North Local Estates Forum	To discuss the local estates issues facing the community from a health perspective and how we can address these.
15/12/2023	DtC Meeting with Members and Officers NWBC	Meeting to discuss the concerns NWBC have with Publication eg Employment and Housing and DtC. Moving forwards it was agreed that at Officer level DC and Policy meetings would be held and also at Officer levels. The cross-boundary sites that have been approved and sites close to boundaries were discussed. NBBC had considered there was nothing to refuse cross-boundary planning application and NWBC had refused their part on impact to existing residents. Also discussed impact of these sites adjacent to boundaries and impact on Highways. NBBC explained reasons for Housing and Employment figures in Plan and that there was additional housing and employment added for economic reasons for LA but also to give provision if any other LA's needed housing or for when regional strategic housing is known but that we cant delay just because other Local Authorities haven't yet determined the levels required. NWBC advised MOU hadn't gone to LDF or Board yet. Advised we had changed MOU to add wording that they requested in terms that they are in two Housing Market Areas. They advised MOU would become out of date when figures were known. NBBC advised we can only do MOU to be applicable at the time its written and it does state that it will be reviewed when housing/employment is required cross-boundary.
20/12/2023	Warks North Place Delivery Group	Engagement of Officers, within northern Warwickshire, to improved our health and wellbeing services.

10/01/2024	CSWAPO	Implications of new NPPF discussed and Stratford are taking legal advice in relation to their local plan preparation. DtC NBBC chased meeting minutes from NWBC and thanked those who have been able to respond. BNG NBBC updated on implementation of software with others keen to look at the option.
12/01/2024	A5 Transport Partnership Officer meeting	Acknowledgement that planning application work affecting the A5 Corridor will now be covered by the newly established Steering Group that we sit on. Local Plan progress still advised through this group. RIS 3 draft expected from the Dept of Transport in April which will consider the long shoot to Dodwell's pinch point as well as the Junction 10 of M42 pinch point but no certainty for these against the green book rules.
29/01/2024	JMoG	Update on each authorities monitoring progress and any key issues arising, 5 year supply and trajectories.
30/01/24	Warks North Local Estates Forum	To discuss the local estates issues facing the community from a health perspective and how we can address these.



## Appendix C

### Duty to Cooperate Forum - Neighbouring authorities, statutory bodies and interested parties

Date: Wednesday 27<sup>th</sup> September 2023

Time: 3-4pm

Invited: 222

Accepted: 43

#### *Introduction and Presentation*

#### Questions and Answers

1. Will the quantity of housing proposed be amended due to the government's proposed alterations to net zero requirements.
  - a. We are not proposing to change our housing figures.
  - b. In regard to BREEAM and Future Homes more specifically, these are in our SPDs and we can only work off current national legislation.
2. The quantity of land required is not much lower than the original Borough Plan (2019). What is the expected level of migration into the Borough, in relation to the quantity of people that will require housing directly in the Borough?
  - a. We will find these figures out from the HEDNA (2022). This is why the document was delayed as we were waiting for the most up to date data to be as accurate as possible.
3. To go with the BREEAM adoption, are we planning on delaying the Borough Plan adoption until the new Building Standards have been adopted?
  - a. BREEAM is already in our SPD and we have to work with the latest, current national legislation. We have had the Planning Advisory Service look at our Plan and they haven't questioned any policies.
4. Reading through the Plan and being a Bulkington resident, there is a desire for a new cycle route between Bedworth and Bulkington. There is good intent but not an agreed Plan. Is there a plan to implement a link?
  - a. There is an intention from WCC to implement this route.
  - b. West of Bulkington S106 contributions are proposed to go towards this cycle link. There are safety concerns though due to the width of the road and railway bridge, plus the speed of the road. They are proactively looking into it.
5. Which strategic sites have been removed from the Borough Plan Review?
  - a. HSG7 and HSG4 – Planning applications are coming in or have been approved (committed sites).
6. Is the Level 2 SFRA available online?
  - a. We believe it is but will double check.
7. Section 14 of the HEDNA – Has the most up to date report been looked at in regard to sheltered/supported housing?
  - a. The revised report is modelled on an Economic Growth scenario. Between Planning and Housing we are looking in more depth at sheltered/supported housing in the Borough.

8. Warwickshire Wildlife Trust - Encourages our proactiveness in asserting net zero and climate change adaptation measures.
  - a. We are fully committed to these changes.
  - b. Hiring Ecologists to deal with Biodiversity Net Gain.
9. How much scope does the Borough have to assist wildlife provision and green corridors? Micro-areas are not always recognised. What can we do regarding housing and delaying its development until Building Regulations are brought into place.
  - a. We have been looking at Biodiversity Offsetting and no net loss for quite some time. We have been implementing new seed mixes in areas where we can, and we are now looking at rivers and watercourses. We are going to have to investigate further for Biodiversity Net Gain requirements. WCC is also looking into this.
    - i. Local Nature Recovery Strategy has to be produced as a county.
    - ii. Implementing a hierarchy into the Green Infrastructure Strategy to try to assist micro-area improvements.
  - b. In regard to the introduction of new Building Regulations – We can't delay housing developments as that's not something we can do under Planning legislation and Acts. We do not have the remit to do this.
    - i. By law, we have to have a 5-year housing land supply and therefore, we have to keep approving applications where they are acceptable, including allocations. We can't hinder suitable developments from coming forward.
10. What is the date for strategic allocations to be released for development, in relation to the Borough Plan Review?
  - a. Some sites are being brought forward in compliance with the adopted Borough Plan. The new strategic allocations will be brought forward for development, under these titles, when the Borough Plan Review is adopted in 2024/25.

*We will be sharing the slides after the meeting with participants.*

## Duty to Cooperate Forum - Development Partners

Date: Thursday 28<sup>th</sup> September 2023

Time: 2-3pm

Invited: 60

Accepted: 20

### *Introduction and Presentation*

### Questions and Answers

1. The biggest thing is the reduction of housing need/allocations in the Borough Plan Review. I understand why you have done that due to pressure associated with the adopted Borough Plan (2019) and pressure regarding unmet needs/green belt etc. Coventry's Local Plan Review is in a very early stage and at some point, they will have to review their housing requirement and may not be able to meet their needs within their boundary. What happens if later in NBBC's process, Coventry come to Nuneaton and Bedworth with their unmet need?
  - a. It's important to recognise that we are allocating more than we need to (sub-regional HEDNA). We are a small Borough that's running out of land, and we need to ensure we meet our own needs. The sub-regional HEDNA does allow a bit of leeway for our own needs and if other authorities come to us with their unmet needs.
2. Are there any timescales on SoCG and MoU?
  - i. We are looking to progress a CWHMA MoU. Looking to prepare all these documents in the next couple of months prior to submission. We did a forum yesterday with statutory bodies and neighbouring authorities, so we are trying to progress things.
  - b. Will the documents be available to view?
    - i. Yes, we will be producing a Duty to Cooperate document and the SoCG documents will be available publicly to view.
3. How are we proposing to go about preparing a SoCG with developers and what sort of issues do we have in mind that we want to reach agreements on? Will these be dependent on any representations made on the Plan or on an individual basis?
  - a. PAS have been advising us and have given us templates for SoCG so will be similar. Ideally one SoCG for strategic allocations would be good (a group one) but depending on discussions and representations, we may be preparing them on an individual basis with each developer.
4. Are we planning on taking our Plan to certain committees before submission, do we have the dates?
  - a. 28<sup>th</sup> November – Borough Plan Committee
  - b. 6<sup>th</sup> December – Cabinet
  - c. 13<sup>th</sup> December – Full Council

*We will be sharing the slides after the meeting with participants.*



## Appendix D

### Coventry City Council

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

Name or Organisation: Coventry City Council

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

Paragraph	
Policy	DS3 Overall Development needs
Policies Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	
No	

4.(2) Sound?

Yes	
No	

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

Yes	
No	x

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.

Coventry City Council (CCC) has worked in partnership under the Duty to Co-operate with Nuneaton and Bedworth Borough Council and other Local Authorities and partners across the Coventry and Warwickshire sub region and beyond on a range of strategic matters including a shared evidence base.

The sub regional Coventry and Warwickshire HEDNA is a key strategic document which was commissioned jointly by the local Authorities in Coventry and Warwickshire. Coventry City Council notes the ambition of Nuneaton and Bedworth Borough Council to deliver higher levels of growth than those set out in

the joint HEDNA. CCC has no objections to this approach in principle provided that this is taken forward in the context of acknowledging that other plans in the sub region are less advanced and at various stages of production so some flexibility will need to be built in to the process.

The current Coventry City Council Local Plan (adopted December 2017) was heavily reliant on neighbouring authorities to deliver a shortfall in housing and employment provision, which Nuneaton and Bedworth assisted with by taking an additional 4,408 homes through its current Local Plan which was adopted June 2019. The apportionment of housing across the HMA to meet Coventry's shortfall was agreed through an MoU signed by the parties across the sub region. Similarly, NBBC accommodated 26 hectares of employment land to assist with a shortfall arising from Coventry.

Coventry City Council has just embarked on a review of its Local Plan – the Regulation 18 stage of the review concluded on 29<sup>th</sup> September 2023. Much work is yet to be undertaken on this plan and capacity levels are not yet fully understood in terms of whether a shortfall will still apply whereby the Council may need to engage with neighbouring authorities to assist with this. It is the Council's aim (as set out in its Regulation 18 consultation documents) to try and meet its needs as fully as possible within its own boundaries however this cannot be concluded at this stage. The reference to figures in the NBBC Regulation 19 plan as 'minimum' is therefore supported.

In terms of setting a figure for Strategic B8, it should be noted that table 15.2 on page 333 of the HEDNA cites a figure of 551 hectares across the sub region between 2021 and 2041 and Chapters 10 and 11 provide the context. The indicative proposed contribution of 19.4 hectares is welcomed but it should be a minimum as joint work is currently ongoing across the West Midlands region in this regard and the outcome of the emerging West Midlands Regional Strategic Employment Sites Study is not yet known.

In terms of plan resilience and overall growth, it is noted that two strategic allocations from the current adopted plan (HSG4 and HSG7) are no longer proposed for allocation through the reviewed plan. Whilst it is understood from discussion that this is because they are now the subject of planning applications / have resolution to grant and therefore form part of the committed supply, they are not yet built out.

It is also noted that the Sustainability Appraisal in paras 8.2.6 - para 8.2.8 states *'The Council consider that these sites are not likely to form a reliable source of supply, but it is noted that there are planning applications submitted / developer interest in their release (whether partial or complete)..... Whilst these sites would not be required to meet housing delivery, they could deliver additional flexibility in the longer term should circumstances change'*.

Para 8.2.6 (2) of the SA references the need to test a 'higher growth' scenario as a 'reasonable alternative'. It states:



*'The draft Plan plus existing allocations HSG4 and HSG7 (illustrated on Figure 8.2). This approach would retain all of the existing strategic housing allocations as well as identifying additional sites in the urban area that offer a different scale of development and range of choice. Given that there would be two additional sites, the overall scale of growth would be higher under this option compared to the draft Plan (i.e. any additional growth anticipated to come forward in the Plan period at HSG4 and HSG7).'*

It is also noted that the 'higher growth' option which retains the two strategic allocations HSG4 and HSG7 does not result in any major significant negative effects as assessed through the SA and the differences between the two growth scenarios appear minor.

Given that other plans across the Housing Market Area are at earlier stages of production, and that Coventry City Council has not at the time of writing undertaken detailed capacity work to enable it to conclude whether it has a shortfall in either housing or employment land supply which would enable it to absorb its own growth needs, it is important that more advance plans in the HMA provide sufficient flexibility to be able to adapt to changes in circumstances as they evolve. This is an issue which the SA has highlighted as set out above.

Whilst it is for Nuneaton and Bedworth Council to determine exactly which sites it wishes to include in its reviewed plan, it seems clear that the 'lower growth' of the two scenarios put forward (albeit the lower of the two being still higher than the 'minimum' growth levels set out in the joint sub-regional HEDNA) is intended purely to address local need and ambition for Nuneaton and Bedworth Borough. The plan still needs to include flexibility which could be accommodated during the plan period as explained in the paragraph above. Retaining allocations HSG4 and HSG7 would appear to provide a simple opportunity for such flexibility but other options could be considered if the Council felt these might be more appropriate: potential allocations as 'reserve sites' might be a possible alternative option in case additional growth – as yet undetermined – was required.

Notwithstanding the above, Coventry City Council would emphasise the importance of ensuring that there should be no coalescence between the settlements of Nuneaton and Coventry to retain their distinctive geographies and character and to prevent urban sprawl.

Coventry City Council re-iterates its commitment to collaborative working under the Duty to Co-operate which includes proactive working between Nuneaton and Bedworth Borough Council and Coventry City Council on matters relating to air quality and traffic management.

However, notwithstanding the ongoing work across the sub region, given the absence of a Statement of Common Ground at the point of writing we do not consider at this point that the Regulation 19 process is currently fully compliant with the requirements of the Duty to Co-operate.



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

**Name or Organisation: Coventry City Council**

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

Paragraph	
Policy	DS4 Residential allocations
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

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

4.(2) Sound?

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

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

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

Please mark with an 'X' as appropriate.

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

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

This representation should be read in conjunction with our representation on Policy DS3.

Coventry City Council (CCC) has worked in partnership under the Duty to Cooperate with Nuneaton and Bedworth Borough Council and other Local Authorities and partners across the Coventry and Warwickshire sub region and beyond on a range of strategic matters including a shared evidence base.

The sub regional Coventry and Warwickshire HEDNA is a key strategic document which was commissioned jointly by the local Authorities in Coventry and

Warwickshire. Coventry City Council notes the ambition of Nuneaton and Bedworth Borough Council to deliver higher levels of growth than those set out in the joint HEDNA. CCC has no objections to this approach in principle provided that this is taken forward in the context of acknowledging that other plans in the sub region are less advanced and at various stages of production so some flexibility will need to be built in to the process.

The current Coventry City Council Local Plan (adopted December 2017) was heavily reliant on neighbouring authorities to deliver a shortfall in housing and employment provision, which Nuneaton and Bedworth assisted with by taking an additional 4,408 homes through its current Local Plan which was adopted June 2019. The apportionment of housing across the HMA to meet Coventry's shortfall was agreed through an MoU signed by the parties across the sub region. Similarly, NBBC accommodated 26 hectares of employment land to assist with a shortfall arising from Coventry.

Coventry City Council has just embarked on a review of its Local Plan – the Regulation 18 stage of the review concluded on 29<sup>th</sup> September 2023. Much work is yet to be undertaken on this plan and capacity levels are not yet fully understood in terms of whether a shortfall will still apply whereby the Council may need to engage with neighbouring authorities to assist with this. It is the Council's aim (as set out in its Regulation 18 consultation documents) to try and meet its needs as fully as possible within its own boundaries however this cannot be concluded at this stage. The reference to figures in the NBBC Regulation 19 plan as 'minimum' is therefore supported.

In terms of plan resilience and overall growth, it is noted that two strategic allocations from the current adopted plan (HSG4 and HSG7) are no longer proposed for allocation through the reviewed plan. Whilst it is understood from discussion that this is because they are now the subject of planning applications / have resolution to grant and therefore form part of the committed supply, they are not yet built out.

It is also noted that the Sustainability Appraisal in paras 8.2.6 - para 8.2.8 states *'The Council consider that these sites are not likely to form a reliable source of supply, but it is noted that there are planning applications submitted / developer interest in their release (whether partial or complete)..... Whilst these sites would not be required to meet housing delivery, they could deliver additional flexibility in the longer term should circumstances change'*.

Para 8.2.6 (2) of the SA references the need to test a 'higher growth' scenario as a 'reasonable alternative. It states:

*'The draft Plan plus existing allocations HSG4 and HSG7 (illustrated on Figure 8.2). This approach would retain all of the existing strategic housing allocations as well as identifying additional sites in the urban area that offer a different scale of development and range of choice. Given that there would be two additional sites, the overall scale of growth would be higher under this option compared to the draft Plan (i.e. any additional growth anticipated to come forward in the Plan period at HSG4 and HSG7).'*



It is also noted that the 'higher growth' option which retains the two strategic allocations HSG4 and HSG7 does not result in any major significant negative effects as assessed through the SA and the differences between the two growth scenarios appear minor.

Given that other plans across the Housing Market Area are at earlier stages of production, and that Coventry City Council has not at the time of writing undertaken detailed capacity work to enable it to conclude whether it has a shortfall in either housing or employment land supply which would enable it to absorb its own growth needs, it is important that more advance plans in the HMA provide sufficient flexibility to be able to adapt to changes in circumstances as they evolve. This is an issue which the SA has highlighted as set out above.

Whilst it is for Nuneaton and Bedworth Council to determine exactly which sites it wishes to include for allocation in its reviewed plan, it seems clear that the 'lower growth' of the two scenarios put forward (albeit the lower of the two being still higher than the 'minimum' growth levels set out in the joint sub-regional HEDNA) is intended purely to address local need and ambition for Nuneaton and Bedworth Borough. The plan still needs to include flexibility which could be accommodated during the plan period as explained in the paragraph above. Retaining allocations HSG4 and HSG7 would appear to provide a simple opportunity for such flexibility but other options could be considered if the Council felt these might be more appropriate: potential allocations as 'reserve sites' might be a possible alternative option in case additional growth – as yet undetermined – is required.

Notwithstanding the above, Coventry City Council would emphasise the importance of ensuring that there should be no coalescence between the settlements of Nuneaton and Coventry to retain their distinctive geographies and character and to prevent urban sprawl.

Coventry City Council re-iterates its commitment to collaborative working under the Duty to Co-operate which includes proactive working between Nuneaton and Bedworth Borough Council and Coventry City Council on matters relating to air quality and traffic management.

However, notwithstanding the ongoing work across the sub region, given the absence of a Statement of Common Ground at the point of writing we do not consider at this point that the Regulation 19 process is currently fully compliant with the requirements of the Duty to Co-operate.



**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	N/A
Policy	
Policies	N/A
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

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

4.(2) Sound?

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

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

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

<p><b>Issue 1. - The Duty to Co-operate</b> The Duty to Co-operate is a legal duty that must be complied with before formal submission of a local plan. If not done correctly it cannot be rectified retrospectively without the local plan being formally withdrawn or found to be unsound by the Local Planning Inspector. This Council (North Warwickshire Borough) raised concern that the DtC had not been adequately addressed.</p>
---

recommended that this is revised to reflect our adopted Local Plan and reflect that as this Borough sits not only in the Coventry and Warwickshire Housing Market Area (CWHMA) but also the Greater Birmingham Housing Market Area (GBHMA) a significantly larger housing figure is addressed by the North Warwickshire Borough Local plan. The MoU should reflect this situation to ensure a comprehensive picture is provided of the proactive work this Borough is doing in delivering homes for the much broader area.

In addition, limited meetings have been held directly between the two adjoining Borough Councils to discuss the emerging Local plan and Borough Plan review and address issues and concerns, which needs to be addressed before the N&BBC Plan review reaches examination stage.

(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.

Revise the Draft Memorandum of Understanding to address North Warwickshire's concerns and reflect the true nature of housing provision and delivery the Council is undertaking and included within the North Warwickshire Local Plan.

Arrange appropriate meetings to discuss the emerging Local plan and Borough Plan review and address issues and concerns to be addressed before the N&BBC Plan review reaches examination stage.

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



By email only:  
 Planning.policy@nuneatonandbedworth.gov.uk  
 Planning Policy Team  
 Nuneaton and Bedworth Borough

Please ask for  
 Direct Line  
 E-mail Address  
 Our ref

Date 16 October 2023

Dear Planning Policy Team,

**Nuneaton and Bedworth Borough Plan Review – Regulation 19 consultation response**

Please find below officer responses to the current consultation, on matters of relevance to Rugby Borough. These comments are officer views and are subject to any other views that may be expressed by Rugby Borough Council.

Rugby Borough, like most local authorities across the sub-region is in the early stages of reviewing its adopted local plan and has jointly commissioned evidence documents with our partners, including the HEDNA (referred to in Nuneaton and Bedworth’s Publication draft as the ‘sub-regional HEDNA’), and an ongoing West Midlands Strategic Employment Sites Study.

**Housing growth (DS3)**

The sub-regional HEDNA, while published, is yet to be formally endorsed by some of the councils that commissioned it, including Rugby Borough Council. As outlined in the publication version of the local plan review, the methodology the HEDNA adopts using more up to date information than the 2014-based household projections which underpin the standard method, resulting in a housing need for Nuneaton and Bedworth which is lower than using the standard method. The reverse is true for Rugby Borough – as noted in Table 2 on page 19 of the publication local plan.

We note the following from the information in the publication version of the local plan:

	Dwellings per annum figure
Standard Method	442
Sub-regional HEDNA	409
Preferred Options/local HEDNA	646
<b>Publication version (2021-2039)</b>	<b>545</b>

Rugby Borough Council, Town Hall, Evreux Way, Rugby CV21 2RR  
 Telephone: (01788) 533533 Email: contactcentre@rugby.gov.uk





As is shown in the table above, Nuneaton and Bedworth Borough Council proposes to plan for housing growth in excess of the standard method and (sub-regional) HEDNA figures, but less than that proposed at Preferred Options.

The proposed approach is explained in *Towards a Housing Requirement for Nuneaton & Bedworth* (November 2022, Iceni Projects). It is based on a jobs-based housing projection, providing housing to deliver an additional 8,500 jobs 2021-39 rather than the +5,000 jobs shown in the Cambridge Econometrics trends-based forecast. The additional jobs growth is proposed to result from the delivery of employment sites and town centre regeneration. The housing need arising from the planned economic growth scenario is calculated on the basis that there will be some improvement in the self-containment of the borough, i.e., a higher proportion of residents in work will be employed within the borough than at present.

It is noteworthy that Iceni state the following of the projected proposed 545 dwellings per annum target:

“The additional housing provision over and above the Borough’s local housing need figure of 409 dpa would provide ‘headroom’ to contribute to unmet needs arising from other areas in a context in which the additional jobs growth envisaged herein would still be accommodated within the overall housing need identified in the sub-regional HEDNA. This as a contribution to meeting unmet need from other areas would support workforce growth within the Borough and could therefore contribute to and support the Borough’s economic growth.”

At this stage, as explained above, Rugby Borough Council has not formally endorsed the HEDNA as the basis for future plan-making. However, we note that the number for Rugby Borough in the HEDNA (735dpa) is higher than the current standard method number (516dpa) and the average across the current Rugby Borough Local Plan 2011-2031 (620dpa). We have not yet assessed whether the higher number for Rugby Borough shown in the HEDNA would be deliverable. Therefore, at present we reserve our position on whether Rugby Borough Council will ask Nuneaton and Bedworth Borough Council to contribute to meeting its unmet needs.

### **Employment Land (DS3)**

In the publication local plan employment land policy requirements have been identified as follows:

Local industrial and warehousing	66.5ha (including 5.35ha replacement provision)
Office	2ha
Strategic B8	19.4

The proposed requirement for employment land in the borough is based on the Nuneaton and Bedworth Housing and Economic Development Needs Assessment May 2022 rather than the subsequently published sub-regional HEDNA, on the basis that the former included more up to date data on employment land completions and included strategic scale warehousing sites (i.e., sites for warehousing units of 9,000sqm+in floor area) which are dealt with separately in the sub-regional HEDNA as a Warwickshire-wide figure.

The requirement in the May 2022 N&B HEDNA (82.5ha) has been increased by 5.35ha to include replacement of specific sites that it is proposed will no longer be protected as employment land.

The proportion of the industrial and distribution land requirement in the N&B HEDNA that can be counted as contributing to sub-regional need for strategic B8 identified in the sub-regional HEDNA is calculated based on the proportion of strategic B8 as a proportion of overall industrial and warehouse completions 2016-21.

It appears that no additional employment land allocations are proposed in the publication plan beyond those in the current Borough Local Plan 2011-2031.

We wonder whether a greater proportion of the larger consented/allocated employment sites at Faultlands (former EMP1, 26ha), Wilson's Lane (SEA2, 19.09ha), Coventry Road (SEA4, 9.59ha) and Bowling Green Lane (SEA6, 19.89ha) might be able to contribute to meeting the sub-regional strategic B8 need than is suggested by the 19.4ha figure.

It appears that the past completions data on which the 19.4ha figure was based may be influenced by a greater proportion of those past completions occurring on smaller sites which are less proximate to the strategic road network. As completions on larger, strategic sites are expected to form the mainstay of meeting employment land need in the new plan period, it seems likely that the proportion of development that is for strategic scale warehousing will increase.

We look forward to engaging with you further as the plan progresses into the examination process.

Yours faithfully



Nicola Smith MRTPI  
Chief Officer – Growth and Investment



**Comments- Housing and Dtc**

Policy DS3-Overall development needs states delivery of the following in the Plan period:

- 9,810 homes based on 545 dwellings per annum;
- 66.45ha of employment land for industrial and distribution/warehousing development (including 5.35ha for replacement provision)
- 2 ha of employment land for office use
- 19.4 ha of employment land for strategic B8 warehousing and distribution development (indicative).

The Plan notes that the 'standard method' figure for the Borough is 442 dwellings per annum. The trend-based projections in the sub regional Housing and Economic Development Needs Assessment (HEDNA) calculated a figure of 409 dwellings per annum.

The Council commissioned IcenI to undertake a bespoke report "towards our Housing Requirement" to consider the objectively assessed housing need set out in the HEDNA and other considerations which may affect the Borough's housing and employment requirement. That report modelled a planned economic growth scenario and suggested figure of 545 dwellings per annum. It can be considered that the Plan does meet the needs of its area based on most up to date information, and indeed proposes to deliver a greater number of dwellings than the sub-regional HEDNA.

There is currently no "known unmet need" from the neighbouring authorities making it difficult for the Plan makers to consider the accurate number that needs to be included in the Plan. Both Stratford and Warwick Councils have worked collaboratively with other Coventry and Warwickshire authorities including NBBC in preparing the HEDNA and continue to meet regularly as a part of Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO) group. The CSWAPO group meets to discuss key strategic and cross boundary issues including the DTC requirements.

Therefore, we note that the Council is willing to work with the neighbouring authorities on strategic matters and identify any cross-boundary issues. This approach is welcomed, and we hope that the authority is able to produce a Statement of Common Ground before the Plan is submitted to the Inspector. This commitment is noted in Paragraph 1.11 of the Plan which highlights the Council's commitment to Duty to Cooperate matters with relevant neighbouring authorities and willingness to prepare and agree Statement of Common Ground on key strategic issues.

**Comments- Employment and Dtc**

In terms of Employment needs the sub-regional HEDNA provides employment land needs for different types of employment land and sets out a figure for each local authority in the sub-region. It is pleasing to note that the Council seeks to meet the employment needs for both office and general industrial uses through the Plan Review.

However, the sub-regional HEDNA also indicates a requirement for 606 ha of strategic B8 employment land 2021-2041, and paragraph 2.17 of the Executive Summary states: "Chapter 11 within the HEDNA report provides guidance on identifying suitable locations for strategic B8 development, and key corridors within which IcenI consider development is likely to be focused. IcenI recommend that assessment of supply is coordinated at a sub-regional level to integrate relevant considerations including landscape harm, power capacity, access to labour and to seek to limit harm to Green Belt purposes. It would not be appropriate in our view to simply replicate past development patterns in respect of the spatial distribution of development by local authority."



The Towards a Housing Requirement for Nuneaton & Bedworth report has sought to identify an indicative figure for B8 uses of 19.4 hectares with paragraph 4.16 of that document stating that this strategic B8 provision is included “in line with past development trends in the Borough”. Whilst it is acknowledged and welcomed that NBBC are seeking to provide a proportion of the identified sub-regional strategic B8 need, the current approach appears contradictory to the advice in the sub-regional HEDNA that strategic B8 distribution should be coordinated at a sub-regional level and indeed that it would not be appropriate to replicate past development patterns.

Paragraph 6.40 of the Plan states that the indicative figure of 19.4 hectares will act in lieu of growth figure to be established in the West Midlands Strategic Employment Sites Study (WMSESS). It is the intention that once the WMSESS is published, the outcomes and final figure included in that study will be considered by NBBC either in the submission document or at the examination depending on the timing of the publication of the Study. This will ensure that an appropriate locational distribution of strategic B8 sites is achieved across the West Midlands Region.

Paragraph 2.17 and 2.27 of the bespoke report have concluded that the Council will need to confirm what proportion of identified need for strategic warehousing it might accommodate, working with other authorities through the Duty to Cooperate. This strengthens the need for the Council to engage with other authorities and agree a position before the Plan examination starts.

#### **Conclusion**

Based on the above observations both Councils consider that the Plan can be considered to meet the tests of soundness and legal compliance given the Council is in active discussion with both Councils and is leading on the preparation of Memorandum of Understanding (MOU) which is currently being considered by both Stratford and Warwick Councils. Both Councils welcome NBBC’s desire to progress the Plan that meets the needs of its area. However, it may be considered that the submission can be considered somewhat premature given the distribution of B8 has not been resolved and any potential unmet housing need across the region is unknown.

### Warwickshire County Council

This representation was sent in email format so has been typed out for formatting purposes:

*“My colleague has made me aware that there are no pressing comments or concerns.*

*On a positive note, we would like to thank you for working with Transport Planning who I understand have been heavily involved in transport requirements relating to active travel, public transport and highways. We believe the Strategic Transport assessment considers the necessary infrastructure requirements to support the plan making process. I can assure you that WCC remains committed to working with the Borough to support the delivery of the Local Plan”.*

## Appendix E



North Warwickshire  
Borough Council

Nuneaton and Bedworth Borough Council  
Planning Policy Team  
FAO Jacqui Padbury

Sent via email

**Steve Maxey** BA (Hons) Dip LG Solicitor  
**Chief Executive**

The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Switchboard : (01827) 715341

E Mail : |

Website : [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

This matter is being dealt with by  
: Dorothy Barratt

Direct Dial : [REDACTED]

Your ref : |

Our ref : |

Date : 02/02/24

Dear Jacqui,

### North Warwickshire Borough Council

I am writing to confirm the work carried out between Nuneaton and Bedworth BC (NBBC) and North Warwickshire Borough Council (NWBC) for plan making purposes.

NBBC consulted NWBC at Regulation 18 and Regulation 19 stages of the production of the current proposed Local Plan. NWBC has made representations at all stages. Three issues were identified at Regulation 19 stage, these were Duty to Co-operate, Employment and Housing.

Members from both authorities have met, with the last meeting held on Friday 15 December 2023. A NBBC Member and officer explained the changes they had made to the previous version of their Local Plan and their plans to submit the Plan as soon as possible. In particular, there was discussion around the Statement of Common Ground, housing, employment and highways especially the A5.

In relation to Issue 1. - The Duty to Co-operate, the two local authorities have actively worked across the Coventry and Warwickshire area, primarily through the CSWAPO group (Coventry, Warwickshire & Solihull Association of Planning Officers). CSWAPO jointly commissioned the 2022 HEDNA as well as other work such as the Water Cycle Strategy. Previously a Memorandum of Understanding was agreed across the Coventry/Warwickshire area. Following the publication of the HEDNA a new Statement of Common Ground has been drafted and discussed with all authorities within the sub-region. It was this document that the representations related to.

In terms of the Duty to Co-operate, the NWBC recognises the work NBBC have done and we consider they have passed the legal test. Notwithstanding this, NWBC has not yet agreed to sign the Statement of Common Ground as drafted for the Coventry and Warwickshire area. We do not consider this to be a failure in the Duty to Co-operate, but the SoCG needs further changes to better reflect the pro-active work NWBC has been doing in delivering housing and employment growth for neighbouring authorities within the current adopted Local Plan. The draft SoCG will be the subject of a board report for consideration by the LDF Sub-committee and further comments will be forwarded in due course.

Although changes have been made to the NBBC local plan there remain some issues which will need to be considered by the Local Plan Inspector. These are:

- 1 Housing - NWBC understands the desire of NBBC to grow but does not understand the effect this may have on growth elsewhere and why the growth cannot be attributed to dealing with the housing needs of the wider area.
- 2 Employment - NWBC considers there should be provision of strategic employment sites included in the plan.

In addition, there is joint concern over speculative applications along the A5 and the continuing lack of investment for improvements along the route.

The two local planning authorities will continue to work proactively together, although this of course does not mean that there will always be agreement on the way forward.

Yours sincerely

*DM Barratt*

Dorothy Barratt  
Forward Planning & Economic Development Manager

Some changes were requested and are still required of the C & W SoCG as it is considered it needs to reflect the large contribution NWBC is making to the housing provision for neighbouring areas including Coventry, Birmingham and Tamworth.



## Appendix F

### Coventry City Council

FW: Borough Plan Review - SoCG & MoU

Sarah Matile  
To: Jade Bagley

Follow up. Start by 08 February 2024. Due by 08 February 2024.

From: Styles, Chris [REDACTED]  
Sent: Thursday, February 8, 2024 9:55 AM  
To: Sarah Matile [REDACTED]  
Cc: Eggington, Clare [REDACTED]  
Subject: RE: Borough Plan Review - SoCG & MoU

Good Morning Sarah, and apologies for the delay in coming back to you here in respect of the draft MoU.

Coventry City Council note the MoU and welcome the collaborative nature of its drafting to date. However given the draft MoU states a level of housing need that the authority are currently proposing to challenge through examination, notably in respect of the nationally imposed 35% urban uplift which informs the levels of need quoted at table one, we are unable to sign at this stage. We look forward with working to all parties in moving the MoU forward in due course once the levels of need have been established through the plan making process.

Kind Regards

C.Styles  
Head of Planning Policy and Environment  
Coventry City Council

### North Warwickshire Borough Council

*Please refer to Appendix E above.*

### Rugby Borough Council

Re: Draft MoU - Update

Neil Holly [REDACTED]  
To: Sarah Matile  
Cc: Jade Bagley

Draft MoU for comment.docx  
30 KB

Dear Sarah

Thank you for your email.

At present Rugby Borough Council is undertaking its first Regulation 18 'issues and options' consultation as part of preparing an updated Local Plan. That consultation closes on 2<sup>nd</sup> February 2024.

The approach that the borough council will take to planning for future housing and employment needs is one of the issues on which we are seeking the views of residents and other stakeholders. Planning in line with the HEDNA 2022, as detailed in the draft MoU, is one of the options outlined in our consultation document.

Until we have completed the current consultation and analysed the responses, the council will not be able to advance the MoU. We do not wish to predetermine the outcome of that consultation. We would then envisage that agreement to the MoU would need to be considered by our cabinet and council before we could be in a position to agree to it. This is most likely to happen after the May 2024 elections.

We plan to get the ball rolling on this at a meeting of our advisory Planning Services Working Party on 15 January 2023.

I will let you know as and when there is an update to the position.

Regards,

# Stratford-on-Avon District Council and Warwick District Council

The screenshot shows an Outlook email window titled "NBBC - draft SoCG and draft MoU - Message (HTML)". The ribbon includes "File", "Message", and "Help". The "Message" ribbon has various actions like "Delete", "Archive", "Reply", "Reply All", "Forward", "Share to Teams", "Create New", "Move", "Tags", "Editing", "Immersive", "Translate", "Zoom", "Reply with Scheduling Poll", "Send to OneNote", "Report Message", and "Viva Insights".

**NBBC - draft SoCG and draft MoU**

**AC** Andrew Cornfoot [Redacted]  
To: Sarah Matile  
Cc: Jo Bozdoganli; Jade Bagley

Follow up. Start by 06 February 2024. Due by 06 February 2024.

Hi Sarah,

I write to provide an update on WDC and SDC's response to the draft MoU and the draft SoCG.

As officers we have drafted responses to both and are just in the process of agreeing the final officer versions (as you will appreciate this takes a little more time working across two councils). We will then require political sign off for the SoCG and also need agreement from our Leaders on our response to the MoU.

Unfortunately, neither will be ahead of your proposed submission date of 7<sup>th</sup> February and we apologise that we haven't been able to meet your deadline. However, we endeavour to get these joint South Warwickshire responses to you at the earliest opportunity. Once I have clarity on timescales I shall update you.

Regards,

Andrew.

**Andrew Cornfoot**  
**Planning Policy & Major Sites Delivery Manager**  
Place, Arts & Economy  
Warwick District Council  
Town Hall, Parade,

Mon 05/02/2024 11:14

## Appendix G

### Environment Agency

Dear Sir/Madam

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

Thank you for consulting the Environment Agency at the Regulation 19 stage of the Development Plan Document (DPD) Review.

Despite being included within Appendix 2 (Schedule 1) of the Statement of Consultation (September 2023), based on our records we do not appear to have received the Issues and Options or Preferred Options stages consultations. However, we have commented on the Strategic Flood Risk Assessment (SFRA) scoping request in our letter dated 10 February 2022 (reference UT/2007/101886/SF-02/PO1-L01).

In light of the above, we offer the following comments on the Publication draft version of the DPD at this Regulation 19 stage. We note from the consultation email that this consultation differs from previous stages as it no longer seeks views on alternative options, and instead requires specific focus on certain key issues. Whilst this is acknowledged, based on our previous involvement, we have included suggested policy wording amendments and brief commentary on the evidence base documents. We would be happy to engage further on such matters, perhaps through a statement of common ground.

### Natural England

**Duty to co-operate**

Natural England can confirm that the local plan largely incorporates the areas of Natural England's concerns such as:

Water quality and quantity, air pollution, biodiversity and geodiversity, landscapes, both nationally designated and local landscape character, green infrastructure including priority habitat creation, climate change, soil, waste, strategic mitigation solutions and biodiversity net gain .

### Warwickshire County Council (Local Highway Authority)

This representation was sent in email format so has been typed out for formatting purposes:

*“My colleague has made me aware that there are no pressing comments or concerns.*

*On a positive note, we would like to thank you for working with Transport Planning who I understand have been heavily involved in transport requirements relating to active travel, public transport and highways. We believe the Strategic Transport assessment considers the necessary infrastructure requirements to support the plan making process. I can assure you that WCC remains committed to working with the Borough to support the delivery of the Local Plan”.*



## National Highways (National Highway Authority)

### Duty to Co-operate

We acknowledge the reference in the Publication Version of the Local Plan to the legal requirement for the Council to engage in the duty to co-operate process. It is stated in the document that the Council has positively engaged with partner organisations, such as statutory consultees and other relevant local authorities and that collaboration between the Council and partners will be documented through Statements of Common Ground (SoCG). We would welcome engagement with the Council in the development of a SoCG and will continue to work positively with the Council under the 'Duty to Co-operate' as the Local Plan progresses.

For any developments which have an impact on neighbouring local authorities, we advise a joined-up approach in which National Highways, NBBC and the other local authorities attend joint meetings with the future developer or applicants. This will ensure all parties interests are protected and a combined solution is derived. We have noted below the key SRN schemes listed in the Council's IDP that are relevant to the Plan area and are likely to cross into other local authority areas:

- *A5/Woodford Lane Scheme* – the works at this site fall into the North Warwickshire local authority area.
- *M6 Junction 3 Interim Scheme* – the works at this site border the Coventry City Council area.
- *Redgate Roundabout Scheme* – the works at this site fall into the North Warwickshire local authority area.

## Appendix H

### Warwickshire County Council (Lead Local Flood Authority)

This representation was sent in email format so has been typed out for formatting purposes:

*“My colleague has made me aware that there are no pressing comments or concerns.*

*On a positive note, we would like to thank you for working with Transport Planning who I understand have been heavily involved in transport requirements relating to active travel, public transport and highways. We believe the Strategic Transport assessment considers the necessary infrastructure requirements to support the plan making process. I can assure you that WCC remains committed to working with the Borough to support the delivery of the Local Plan”.*

### The Canal and River Trust

This representation was sent in email format so has been typed out for formatting purposes:

*“Thank you for consulting the Canal and River Trust on the Publication Version of the Borough Plan Review.*

*I can confirm that the Trust has no comments to make on the Plan at this stage”.*

### Warwickshire Wildlife Trust

This representation was sent in email format. Therefore, the text relating to the Duty to Cooperate has been typed out for formatting purposes:

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

## Appendix I

### SHA2 – Arbury

#### *Coventry Uplift and Shortfall*

Arbury Estate has recently submitted representations to the Coventry Local Plan Review Regulation 18 – Issues and Options consultation. Within these representations we have made the point that Coventry should be planning for the 35% uplift, as required by the Standard methodology for calculating housing need<sup>1</sup>.

This shortfall will likely need to at least in part be dealt with by neighbouring LPAs. NBBC should be planning for this eventuality now, rather than looking to progress a plan based on its own needs only, failing to engage suitably with neighbouring LPAs, and therefore failing to comply with the legal Duty to Cooperate.

### SHA4 – Hospital Lane

#### **Duty to Cooperate**

3.17 The Publication Draft includes a section titled “Duty to Cooperate” at Paragraph 1.11.

3.18 The Duty to Cooperate was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework (NPPF) (2023) confirms that local planning authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries<sup>5</sup> and identify relevant strategic matters that need to be addressed in their plans<sup>6</sup>. Paragraph 26 confirms that:

*“Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”*

3.19 The NPPF and Planning Practice Guidance (PPG) confirm that early engagement with strategic policy making authorities and public bodies is required and that a Statement of Common Ground (SoCG) is required to provide a written record of progress made in addressing cross-boundary issues. The Inspector, as part of a Local Plan examination, will assess compliance with the duty to cooperate taking the submitted SoCG into consideration. Paragraph ID 61-010-20190315 defines this as:

*“...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."*

- 3.20 Furthermore, the PPG clarifies that authorities are expected to have due regard to the Duty to Cooperate when undertaking a review of a plan to assess if new evidence is available to inform the review<sup>7</sup>.
- 3.21 NBBC form part of the Coventry and Warwickshire Sub-Region authorities<sup>8</sup> and have a well-established track record of preparing joint local plan evidence base work including collaborative approaches to the Duty to Cooperate. Iceni were instructed to prepare a Sub-regional Housing and Employment Development Needs Assessment (HEDNA), which was published in October 2022.
- 3.22 As set in Paragraph 6.18 of the Publication Draft, the Sub-regional HEDNA utilises the latest Census data which was released in June 2022 and looks across a 10-year economic cycle. Table 2 of the Publication Draft identifies that the figure calculated for NBBC was 409 dwellings per annum (dpa), whilst for Coventry City Council (CCC) it was 1,964 dpa.
- 3.23 A similar sub-regional assessment of housing development need was undertaken to support the adopted Borough Plan. Through the plan-making process, CCC demonstrated that it was unable to accommodate its full housing need and as a result, NBBC agreed to deliver 4,020 additional dwellings in line with the Duty to Cooperate, which equated to 201 dwellings per annum (dpa).
- 3.24 Paragraph 10.7 of the Nuneaton and Bedworth HEDNA (2022) confirms that there "is a reasonable prospect that an unmet need will again arise" in CCC, which "given the strong functional relationship between Nuneaton and Bedworth and Coventry" maybe "an important consideration in considering overall housing provision within the Borough Plan Review".
- 3.25 Table 2 of the Publication Draft sets out the minimum housing requirement for the six Coventry and Warwickshire authorities, as established using the standard method, with the 2023 affordability uplift. CCC has the highest annual minimum housing requirement figure at 3,247 dwellings and as referenced above, there is a reasonable prospect that the remaining five authorities will again be required to take on additional housing delivery to comply with the legal duty to cooperate.
- 3.26 CCC undertook an Issues and Options Regulation 18 consultation during summer 2023, concluding on 29 September.
- 3.27 The consultation document addressed the matter of housing needs and included the following table within Chapter 3, setting out the various alternatives at Table 1.

**Table 1: summary of housing need alternative calculations**

	Government default Standard Method (using the 2014 Population projections)	HEDNA method (using the 2021 Census data)	HEDNA method with 35% uplift removed
Dwellings per annum	3,188	1,964	1,455
Total need over the 20 year plan period 2021 - 2041	63,760	39,280	29,100

- 3.28 CCC's preferred scenario is number 3 and is of the view that this represents the true need and is based on the best available evidence. On this basis, no reference is made within the consultation document to neighbouring authorities meeting unmet needs.
- 3.29 The Briefing Note provided at Appendix 1 of this representation was prepared by Lichfields on behalf of a Consortium, which includes Richborough. This seeks to consider how the unmet housing needs of the Coventry and Warwickshire Housing Market Area could be sustainably distributed amongst the constituent authorities, based upon the functional relationships between the authorities.
- 3.30 It considers the Sub-regional HEDNA (2022) and the Consortium's alternative assessment of Coventry's projected household population and housing need, set out in their Housing Needs Assessment (HNA), which is appended to the Note.
- 3.31 The Consortium contends that CCC's approach, whereby the 35% uplift should be discounted fundamentally lacks any justification. It is argued that this is at odds with the HEDNA, and the evidence produced by the Consortium, which suggests that, in all likelihood, the Coventry's OAHN is between the HEDNA's 1,964 dpa and the HNA's 2,529 dpa.



3.32 Given that CCC has historically been unable to meet its needs in full, Richborough is of the view that it is likely that there will be significant unmet housing needs arising from Coventry up to 2041. The Briefing Note contends that based on Coventry's current land supply it is likely that there will be an unaccounted for shortfall of between c.14,100 and c.39,780 dwellings up to 2041 - or c.25,420 under the HNA's alternative projections.

3.33 Lichfields has also considered how this unmet need could be distributed amongst neighbouring authorities based upon the functional relationships between those authorities. The model provided at Appendix 1 of the Note indicates that a reasonable distribution would see NBBC take 40% of Coventry's unmet needs up to 2041, which would equate to a contribution between c.5,650 and c.15,910 dwellings. This would be in addition to the requirement identified in Policy DS3.

3.34 Richborough is therefore of the view that the current approach taken within the Publication Draft is not sound as it is not positively prepared, justified, effective or consistent with

national policy. Additional allocations are required so as to allow a sufficient buffer that will ensure the unmet needs arising in Coventry are addressed.

3.35 The examination into the Charnwood Local Plan was adjourned in summer 2022 due to the failure to meet Leicester's unmet need through the submitted plan. The examination was ultimately suspended for a significant period of time so as to enable the Inspectors to consider the apportionment as well as to allow Charnwood to identify how additional supply could be accommodated and the implications for the Plan. A similar situation should be avoided here, and the Regulation 19 consultation should be undertaken once the sub-regional housing and employment needs are finalised and discussions between the six Coventry and Warwickshire authorities have taken place and a Memorandum of Understanding is agreed.

6.3 It is almost certain that N&BBC will need to allocate additional residential sites to accommodate Coventry City Council's evidenced unmet need; the same duty to cooperate with neighbouring authorities applies now as it did when the Borough Plan was adopted.

#### SEA4 – Coventry Road

##### *Coventry Uplift and Shortfall*

Arbury Estate has recently submitted representations to the Coventry Local Plan Review Regulation 18 – Issues and Options consultation. Within these representations we have made the point that Coventry should be planning for the 35% uplift, as required by the Standard methodology for calculating housing need<sup>1</sup>.

This shortfall will likely need to at least in part be dealt with by neighbouring LPAs. NBBC should be planning for this eventuality now, rather than looking to progress a plan based on its own needs only, failing to engage suitably with neighbouring LPAs, and therefore failing to comply with the legal Duty to Cooperate.



## SEA6 – Bowling Green Lane

### **Duty To Co-Operate**

Opus support the Council's commitment (at 1.11 of the BPR Reg19 Plan) to positive engagement with relevant bodies on strategic matters that cross administrative boundaries.

It was noted at the BPR PO stage in the response of Coventry City Council ("**CCC**") and North Warwickshire Borough Council ("**NWBC**") that they were concerned regarding the absence of a Memorandum of Understanding between the authorities and that obligations under the Duty to Cooperate were not being met.

Pegasus Group have had sight of the Home Builders federation Draft Reps to the Reg19 submission Local Plan and note that there continues to be an absence of evidence of compliance with the Duty to Cooperate, specifically regarding addressing the unmet needs of Coventry and more widely the absence of a signed Statement of Common Ground between the Council and neighbouring authorities.

Opus are concerned that in the absence of these key aspects of evidence, the Duty to Corporate test will not be met and the Plan will be found unsound. It is important that this is addressed of a matter of urgency as it may clearly have implications for the quantum of development which the Plan is aiming to deliver.

It is noted that the main change in the evidence base between the BPR PO and the BPR Reg19 is the Icen Projects' sub-regional Housing and Economic Needs Assessment (the "**Sub-Regional HEDNA**") for Coventry and Warwickshire, published in November 2022. Opus welcome the incorporation of this key piece of evidence to feed into the housing and employment requirements for each of the Coventry and Warwickshire authorities, updated to include data from the 2021 Census, and will assist in the identification of any unmet needs that will need to be addressed across boundaries.

- 3.18. Whilst Opus are supportive of the alignment of employment growth and residential growth, it is considered that the Reg19 Plan does not provide sufficient housing growth to address the needs of the Borough and its obligations under the Duty to Cooperate. Moreover, if housing delivery is increased then there should be a commensurate increase in employment allocations to meet the requirements from the increased population.

## CEM1 – Land north of Marston Lane, Bedworth

*The Archdiocese of Birmingham's representations, submitted to the Publication (Regulation 19) consultation, state that they do not believe the Borough Plan Review complies with the Duty to Cooperate. However, justification is not provided in relation to this.*



# Appendix J


## Representations 133, 134 and 135

RE: Regulation 19 consultation - Borough Plan Review - Message (HTML)

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RE: Regulation 19 consultation - Borough Plan Review

 Mitchell Barnes  
To: Jade Bagley

You forwarded this message on 14/12/2023 16:00.

**Subject: Regulation 19 consultation - Borough Plan Review**

Dear Mr Barnes (on behalf of Cartwright Homes)

Nuneaton and Bedworth Borough Council has been reviewing all the representations received, to the Regulation 19 consultation, over the last few months. We are contacting you regarding your three separate representations.

We have noted that you ticked 'No' to 'Complies with the Duty to Cooperate' on Representation Form B but from reviewing your representations, the main comments do not provide justification as to why the Local Planning Authority has not fulfilled its legal Duty to Cooperate requirement, in accordance with Section 110 of the Localism Act 2011. Please could you confirm if you maintain your representations and could provide a reason for why you believe the Plan does not comply with the Duty to Cooperate, or if this was an error and you do not object to the Plan on Duty to Cooperate grounds.

We thank you for your participation in the Regulation 19 consultation and welcome further conversation and engagement with you.

Yours Sincerely,


**Jade Bagley**  
Planning Policy Officer  
Follow us: @nbbccouncil

RE: Regulation 19 consultation - Borough Plan Review - Message (HTML)


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RE: Regulation 19 consultation - Borough Plan Review

 Mitchell Barnes  
To: Jade Bagley

You forwarded this message on 14/12/2023 16:00.


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Dear Jade

Thanks for your email. Apologies for any confusion – we do not object to the Plan on Duty to Cooperate grounds.

Kind regards,

Mitchell Barnes  
BA(Hons), MSc, MRTPI  
Associate Director



Oriel House  
42 North Bar  
Banbury