

Coventry and Warwickshire and South West Leicestershire Joint Committee
8th March 2017

Local Plan Updates and Coventry & Warwickshire Housing Memorandum of Understanding

Purpose of this Report

- 1 Following the meeting of the Joint Committee on 27th January 2017, this report provides an update on the progress made in relation to the agreed process and timetable to address potential housing supply arising from Nuneaton and Bedworth's emerging Borough Plan. The report provides a basis for a decision about the way forward.

Background

- 2 At its meeting on 27th January the Joint Committee agreed a number of steps and a timetable to consider the implications for the sub regional HMA's housing supply (if any) in light of Nuneaton and Bedworth's emerging Borough Plan. Table 1 below provides an update on progress since that meeting:

Table 1

Step	Progress
Testing NBBC's SHLAA	<p>NBBC have published evidence relating to their SHLAA alongside the SHLAA spreadsheet. The other Councils have used this information to identify a number of sites and issues about which they need further clarification. Officers from NBBC have provided further clarification both in writing and at two officer meetings held on 1st and 17th February. Subsequent additional enquiries have been made and are currently being considered by NBBC.</p> <p>NBBC currently do not propose to amend its draft Plan. So, as it stands the Plan appears set to be submitted with the current housing allocations and with approximately 1,902 of Coventry's housing need still unmet.</p> <p>From the perspective of the other Councils there remain some concerns (see paras 8 and 9 below) and there are no shared conclusions about the capacity of the Borough to accommodate more of Coventry's unmet need.</p>
Options for the Way Forward	<p>Alongside the above, Officers have considered options regarding a joint position on the overall housing supply across Coventry and Warwickshire</p> <p>These options were discussed with the Members Reference Group which met on 28th February (see paras 13.14 and 15 below)</p>
Recommended Way Forward	<p>Based on the outcomes of the Members Reference Group, para 16 sets out the key steps for the way forward.</p>

- 3 As can be seen from the table above, the process agreed by the Joint Committee at its meeting in January has been followed and the outcomes inform the recommendations set out in this report.

Update on Local Plans

- 4 In the Autumn of 2015 the Coventry and Warwickshire Councils (with the exception of Nuneaton and Bedworth) agreed a Memorandum of Understanding (MOU) for the redistribution of housing to ensure the HMA's housing need was met in full and that a Local Plan Inspector was also happy. Since that time, the Councils have been progressing Local Plans in line with the MOU. Appendix 1 provides an update on each of the Local Plan's being prepared.
- 5 NBBC could not sign the MoU because the evidence available at the time indicated that there could be a significant shortfall in its ability to accommodate the 4,020 houses from Coventry that it was being asked to take. However, NBBC's evidence was out of date and a revised SHLAA was needed to establish whether enough additional capacity could be found in the Borough to absorb the full 4020 houses for Coventry. The MoU recognises that if it was the case that any authority could not take the housing as proposed in the MoU, then the MoU would be reviewed. However, the key issue at this point in time is whether NBBC have demonstrated to its partners that it **cannot** provide for all of the houses identified in the MoU. A review can only be considered after that test has been passed.

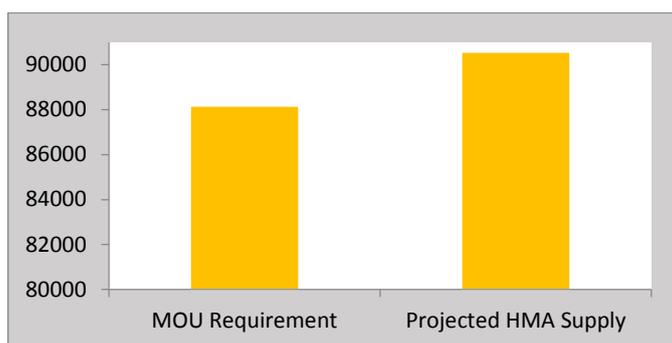
Implications of Nuneaton and Bedworth's Strategic Housing Land Availability Assessment (SHLAA)

- 6 Nuneaton and Bedworth's Draft Borough Plan provides for a maximum of 13,374 dwellings. The Plan makes an allowance of 10% to allow for flexibility in the event that some of the sites do not come forward as anticipated. This means provision is made 12,158 homes plus 10% allowance of 1216 = 13,374. The Borough's housing need is for 10,040 dwellings and so subtracting this from 12,158 means that 2,118 dwellings are provided towards Coventry's unmet need. Against the redistribution of 4,020 dwellings put forward in the Housing MOU this leaves a shortfall of 1,902 dwellings.
- 7 It was agreed by the Joint Committee in January 2017 that Planning Officers from other Councils would scrutinise NBBC's draft Plan to establish any opportunities for the Borough to absorb more housing. Joint Committee agreed to do this at speed to meet the required timescales of the NBBC Plan.
- 8 In overall conclusion, NBBC has not seen any need from the process for it to amend its draft Plan. NBBC does acknowledge that it has not yet been able to convince other Councils of the position set out the draft Borough Plan and will need to continue dialogue with the aim of removing the remaining concerns. However, as it stands at present with regard to this scrutiny process, the Plan appears set to be submitted with the current housing allocations and with approximately 1,902 of Coventry's housing need still unmet.
- 9 Whilst Nuneaton and Bedworth have participated in Duty to Cooperate discussions and activities during the Plan preparation, there are concerns from the other Councils that the process has not been sufficiently transparent and that insufficient time has been provided by NBBC to allow for constructive dialogue to resolve complex issues regarding housing supply in particular.

- 10 In addition, there remain a number of specific unresolved issues regarding Nuneaton and Bedworth's SHLAA. In particular the following points of difference need ongoing discussion where NBBC's responses have not yet addressed the concerns raised to the satisfaction of other Councils;
- The potential to allocate some sites that have been rejected particularly where queries have not yet been addressed
 - The potential to increase densities and/or assumptions about site capacities
 - The approach taken to flexibility whereby the Borough Plan allows for 10% above the Borough's housing need prior to meeting any of the unmet need arising from Coventry.

Monitoring of Housing Supply

- 11 Following the agreement of the Housing MOU, officers have been monitoring housing delivery and potential housing supply (emerging from the Local Plans) across the HMA.
- 12 As can be seen from the graph below, the current round of Plans has the potential to deliver 90,558 dwellings against an MOU requirement of 88,160 even with an assumption that NBBC's supply is as set out in the Draft Borough Plan.



- 13 Whilst this is encouraging and shows that the MOU is still valid, in reality it offers a level of flexibility that is less than 3% of the minimum requirement. So, unless further supply can be identified, this data would suggest that all the Local Plan's in the HMA are at risk from variations in site delivery. This could mean Plans become out of date more quickly than had been intended unless additional supply can be added and in turn open them to challenge via appeals.

Options for the Way Forward

- 14 Officers have identified some broad options for the way forward which have been discussed with the Members Reference Group meeting on 28th February. Arising from these discussions, serious concerns were raised regarding both the Duty to Cooperate (insufficient engagement to date and insufficient time to allow issues to be addressed prior to submission) and the soundness of the Plan (with regard to the Borough's housing capacity in particular). NBBC officers present at that meeting maintained that NBBC has met the Duty to Co-operate and that their draft Plan is underpinned by sound planning principles that have been correctly applied. NBBC officers also recommend that, in parallel to the scrutiny of its own draft plan, all Councils should engage in constructive dialogue about opportunities to accommodate any outstanding housing across the

HMA in preparation for a review of the MoU and that failure to do this could generate complaints of a failure to comply with the Duty to Co-operate being made against other Councils. Paragraph 5 earlier in this report should be noted at this point.

- 15 The conclusions from this meeting were:
- a. As no members from NBBC were present, the officer attending on behalf of the Borough was asked to feedback to relevant officers and members regarding the strong concerns expressed during the meeting in relation to both Duty to Cooperate and soundness. In particular she was asked to feedback that there is a willingness from the other Councils to resolve issues (and address objections) by requesting more engagement in discussions from NBBC and by providing more time to resolve issues prior to the Plan being submitted.
 - b. Each Council will consider the approach it takes to objecting to NNBCs Borough Plan, taking account of a joint desire to find solutions prior to NBBC submitting its Plan. This is likely to mean raising objections, although in the event that NBBC agree to delay its submission to resolve the outstanding issues, it is hoped these objections can be resolved prior to submission.
 - c. Additionally and subsequent to the Members Reference Group meeting, it is considered that the Joint Committee should take a **joint** view, that in the event of NBBC declining to delay its submission of its Borough Plan to allow for outstanding issues to be resolved, whether this amounts to a failure to meet the Duty to Co-operate.
- 16 There are two areas of activity that will be important to continue, whatever option is agreed for the way forward:
- a. it will be necessary for all the Council's within Coventry and Warwickshire to continue on-going dialogue and cooperation to resolve issues.
 - b. Ongoing joint monitoring of housing delivery and supply will be important so that we are cognisant of the most up to date position at all times.

Recommendations

- 17 It recommended that:
- a. That progress on Local Plans across Coventry and Warwickshire, as set out in Appendix 1, be noted.
 - b. The concerns set out in this report be noted.
 - c. That in the light of those concerns that NBBC be asked to delay the submission of its Borough Plan if necessary to allow for the outstanding issues raised on its SHLAA and Duty to Co-operate to be resolved and that a further report is then brought back to the Joint Committee on the outcome of those further discussions.
 - d. That the Councils, on the Joint Committee (other than NBBC), consider the submission of a joint objection to NBBC's Borough Plan (in addition to any that individual Councils may wish to make) before the consultation deadline on 13th March and that subject to the outcomes of the dialogue proposed in c) above, that objection may be withdrawn if issues are resolved.

Conversely, in the event that the issues are not resolved, then objections may be carried forward in to the Examination in Public.

- e. That the Joint Committee decide if the basis of the joint objection should cover Duty to Co-operate and/or Soundness issues.
- f. That officers continue regular and systematic monitoring of housing delivery and potential housing supply across the HMA. This monitoring should
 - i. manage progress towards housing delivery to 2031 (in support of the MOU); and
 - ii. provide data regarding 5 year land supply in the HMA on an annual basis.

Appendix 1

Local Plan Preparation Progress

Local Authority	Local Plan progress
Coventry	<ul style="list-style-type: none"> • Plan submitted April 1st 2016. • Developed in line with housing and employment MOU's. • Examination hearings July 2016 - Jan 2017 - positive response to MOU's and DTC. • Consulting on main modifications March 2017. • Hope to adopt late summer. • Monitoring uses 'stepped trajectory' to allow Plan to facilitate step change in housing delivery. • Increasing completions year on year
North Warwickshire	<ul style="list-style-type: none"> • Core Strategy adopted October 2014. • Draft Local Plan agreed 3rd August 2016. • Draft Local Plan aspires to provide housing and employment for both Coventry & Warwickshire and Greater Birmingham. • Closing date for consultation 31st March 2017. • Consultation on submission version - Summer 2017. • Adoption early 2018.
Nuneaton and Bedworth	<ul style="list-style-type: none"> • Borough Plan – Publication Draft: consultation until 13th March. • Will then be submitted to SoS in late Spring. • EIP expected Autumn 2017. • Adoption 2018 • Revised Publication Draft sought to respond to the needs of the MOU's although some shortfall remains due to capacity issues across the Borough. • Plan proposes significant release of development land from the Green Belt.
Rugby	<ul style="list-style-type: none"> • Emerging Local Plan developed in line with both MOU's. • Publication Consultation ended 11th January 2017 • 25 May: Councillors decide whether to submit the Local Plan • Mid-June: The draft Local Plan is submitted for public examination • August: Hearings • February 2018: Target date to adopt the Rugby Local Plan.
Stratford	<p>Core Strategy 2011-2031 (Adopted July 2016)</p> <ul style="list-style-type: none"> • Circa 16,500 homes to meet requirement for 14,600 homes • 35ha employment land, excluding land for Redditch <p>Site Allocations Plan</p> <ul style="list-style-type: none"> • Housing sites to meet 20% reserve <p>Supplementary Planning Documents:</p> <ul style="list-style-type: none"> • Gaydon Lighthorne Heath New Settlement (Adopted July 2016) • Long Marston Airfield New Settlement • Stratford-upon-Avon Canal Quarter Regeneration Zone Masterplan • Development Requirements
Warwick	<ul style="list-style-type: none"> • Local Plan submitted on 30th January 2015 – underwent period of suspension to allow more work on housing numbers to take place • Modifications developed in line with housing and employment MOU's. • Examination hearings held September to December 2016 • Consultation on Inspector's modifications anticipated March 2017 • Plan adoption anticipated summer 2017 • Inspector asked council to provide for a staggered approach to provision • Allows for increasing level of completions through plan period