

Appendix 1b:

Thank you for the opportunity to make representations on the emerging Borough Plan.

This is joint response to your Submission Draft Borough Plan consultation on behalf of the following Councils:

- Coventry City Council
- North Warwickshire Borough Council
- Rugby Borough Council
- Stratford-on-Avon District Council
- Warwick District Council
- Warwickshire County Council

These Councils are referred to as "The Councils" in the response below. This representation focuses specifically on the Duty to Cooperate and housing needs. The six Councils that are party to representation reserve the right to make further individual representations in addition to this one.

This response has been prepared collaboratively by the 6 Councils list above. This has included consultation with political leaders/portfolio holders and with the exception of Coventry City Council, can be read as the formal position of each of the Councils. In Coventry's case, this letter currently represents an officer view. However, a report to formally endorse the letter will be considered by the Council's Cabinet on 12th January 2016.

Duty to Cooperate and Housing Needs

- 1 The Councils recognise that over the last few years the Borough Council has taken part in a number of Duty to Cooperate activities with a view to engaging on an active, constructive and on-going basis with the other authorities in the Coventry and Warwickshire HMA. This has involved:
 - the development of a Joint Strategic Housing Market Assessment (SHMA)
 - the development of a shared SHLAA methodology
 - the formation of a joint Monitoring Group
 - scrutinising evidence regarding sub-regional employment land needs
- 2 These cooperation activities have taken place at both a political level (through the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity) and at a technical level (through the Policy Officers' Duty to Cooperate Group). There has also been cooperation through the Local Enterprise Partnership's Housing and Planning Business Group. As such, we are of the view that the Borough Council has satisfied the legal responsibilities under the Duty to Cooperate.
- 3 In this context, The Councils welcome the use of the most up-to-date SHMA for the Housing Market Area to help inform the Borough's Objectively Assessed Need for Housing. Furthermore, we support Para 5.8 of the Borough Plan (alongside other references in the Plan and supporting information) in recognising that Coventry is "unlikely to be able to meet the objectively assessed need for the city within their boundaries and so some redistribution within the HMA is likely to ensure housing needs are met". The Councils would

clarify however, that Coventry's ability to meet its objectively assessed need within the city boundary should not be described as "unlikely". Instead, it is an accepted fact that is recognised by all the Councils in Coventry and Warwickshire, including Nuneaton and Bedworth Borough Council.

- 4 You will be aware that all the other Councils in Warwickshire (with the support of City Council) have taken proactive steps to address Coventry's unmet housing need, including agreeing a Memorandum of Understanding (MoU) and working towards Local Plan/Core Strategy proposals which seek to provide for the shortfall.
- 5 Despite clear evidence of unmet need arising in Coventry, the Borough Plan only provides for Nuneaton and Bedworth's objectively assessed housing need and does not make any tangible attempts to address needs arising from outside the Borough nor does it provide clear up to date evidence to demonstrate that it cannot be accommodated. Instead it suggests a further round of "focused consultation" may be required subject to the completion of further work on the Borough's Strategic Housing Land Availability Assessment (SHLAA). It explicitly recognises (at Para 5.8 for example) that the evidence base which informs the Plan is incomplete and out of date. This relates most importantly to the SHLAA and the housing capacity of the Borough.
- 6 This not only raises significant questions regarding the Plan's housing requirement, but also creates real risks for other strategic aspects of the plan, most notably around infrastructure and potentially the Duty to Cooperate. It also creates issues around the testing of reasonable alternatives in terms of housing capacity and strategic sites. It cannot be confirmed with any degree of confidence therefore that the Sustainability Appraisal is complete and robust.
- 7 We also highlight the recent Memorandum of Understanding which was presented to the Shadow Economic Prosperity Board in September 2015. This proposed a robust and justified methodology for redistributing the City's unmet housing need. We note that the Borough Council has accepted the first element of this methodology in so far as it relates to the alignment of economic growth, demographic projections and objectively assessed housing needs, but has not yet agreed to the MoU. This MoU has been agreed by The Councils and we would encourage the Borough Council to review its current position with regard to the MoU once the SHLAA update is complete. We append a copy of the MoU to this letter for ease of reference.
- 8 The Councils understand that the lack of an up to date SHLAA is the reason why Nuneaton and Bedworth Borough Council has been unable to agree to the MoU at this stage. However we are disappointed that The Borough Council has chosen to publish the Plan in advance of completing such a fundamental part of your evidence base, particularly when the implications of the SHLAA are potentially so far-reaching.
- 9 The Councils would welcome the opportunity to continue working positively and proactively with the Borough Council to rectify the issues with the Plan. However at this point in time The Councils have no option but to object to the proposed housing requirement put forward in the Borough Plan on the basis that it is unsound for following reasons:

- a) Its housing requirement does not provide for the unmet housing need arising in Coventry. The Councils (in conjunction with the Borough Council) have prepared evidence to suggest that, to address Coventry's unmet need, Nuneaton and Bedworth's total housing requirement is 14,060 dwellings over the Plan period. The Plan provides for only 10,040 dwellings. At this time, the Plan is unable to identify how this gap will be addressed.
- b) It is not based on up to date evidence in relation to the SHLAA, with the result that the Borough's housing capacity is not known. It is premature to publish the submission draft Plan in the absence of such evidence.
- c) The Borough Council will need to continue to engage constructively with The Councils, to ensure the outcomes of the Duty to Cooperate are effective. Until the SHLAA is complete, effective Duty to Co-operate outcomes regarding the Borough's housing requirement cannot be achieved.

11 For the reasons set out above, it is with regret that The Councils are unable to support this version of the Borough Plan. There are simply too many known unknowns and we expect significant changes will be required in order for the plan to be found sound and robust. We therefore retain our right to provide further comments on specific policies and supporting text before the Plan is submitted to the Secretary of State for examination. In the meantime we look forward to continuing to work with the Borough Council to secure a plan which meets the soundness tests set out in national guidance.

12 The Councils hope that these comments are useful in helping the Borough Council continue the development of its Borough Plan and other documents. The Councils look forward to working with the Borough Council to continue discharging the Duty to Cooperate and move towards the positive adoption of Local Plans for all authorities within the Housing Market Area.