

MATTER 1: DUTY TO COOPERATE

Q.15

Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and regulation 4 of the 2012 Regulations been complied with, having regard to relevant national policy and guidance?

- For the reasons which are set out below, it is not considered that the Council has complied with the Duty to Cooperate

Q.16

Does the lack of agreement to date between NBBC and other local planning authorities within the Housing Market Area (HMA) regarding the capacity to accommodate the shortfall arising from Coventry in full qualify as a failure in the duty to cooperate?

- Firstly, it is important to note that the Duty to Cooperate is not a Duty to agree and we understand that discussions between those LPA's within the HMA have continued although clearly further details will be provided by NBBC in their answer to the above question. Furthermore, paragraph 47 of the NPPF, whilst advising that the Local Plan should meet the full OAN for the housing market area (HMA) in terms of both market and affordable housing provision, it does include a caveat in stating "as far as is consistent with policies in the NPPF". In the case of NBBC, clearly this could be applicable to release of unsuitable and unsustainable Green Belt sites.
- Again, the answer to the aforementioned question may shed further light on the matter, however information published to date suggests that the Council have not engaged constructively on this matter. For example, as is referenced elsewhere, the HMA has produced a Memorandum of Understanding (MoU) to deal with the unmet need for Coventry City and it is only NBBC who have refused to sign it or to accommodate the overspill from the City. As a result, there is a shortfall of 1,690 dwellings across the HMA. This matter has been raised on a number of occasions with NBBC by different parties however it currently remains unresolved.
- NBBC have not proactively sought to engage with the MoU and this is evidenced by the objections from the other HMA authorities. Whilst there may be sound reasons for not

accommodating additional growth, the Council have not engaged constructively in discussions to seek to resolve the matter. Evidence of joint working is not immediately apparent.

Q.17

What dialogue has there been with other HMA authorities between close of the 'Publication' consultation on 13 March 2017 and submission of the Plan on 6 June 2017?

This question is best answered in full by NBBC who will have been party to the discussions.

Q.18

Have Plan examinations elsewhere in the HMA identified increased capacities to reduce the need to re-distribute unmet housing need within other HMA authorities?

- Taking the examinations in turn:
- Stratford – the Local Plan was adopted in 2015. The figure within the adopted Plan is actually greater than that set out in the MoU however the Council did not adjust the figure as they also fall within the Birmingham HMA and therefore accommodated some of Birmingham's overspill also.
- Warwick – the Inspector's Report was published on the 28th July 2017. No allowance is made for any shortfall across the HMA caused by NBBC although the matter is referenced at paragraph 78, where the Inspector specifically excludes any increased numbers in Warwick
- Coventry – consultation on Main Modifications closed earlier this year. There is currently no proposal to review the capacity of the City to accommodate further development.
- Rugby – the plan has been submitted and the examination will commence in October 2017. No adjustments are proposed.
- North Warwickshire – the Draft Local Plan consultation was carried out earlier this year. No adjustments are proposed to the Plan to accommodate the unmet need and the Council are proposing to meet the MoU number plus accommodate growth from both Tamworth and Birmingham.
- As is evident, all other LPA's are working constructively to accommodate the HMA supply and in the case of North Warwickshire and Stratford, are accommodating growth from other HMA's

also.

Q.19

Nuneaton and Bedworth Borough Council did not sign the 2015 MOU citing capacity issues in terms of meeting all the assigned share of unmet housing need from Coventry (4,020 units). This position was maintained during the 2017 Publication stage for the Borough Plan although the submitted Plan provides for 2,330 dwellings from Coventry. Is the timing of the Council's position regarding its assessment of capacity the nub of the Duty to Cooperate issue within the HMA? Given the size and nature of the Borough is the capacity issue understandable?

- The issue is not only one of timing but the way in which the matter has been approached. Fundamentally, the relatively late decision of NBBC not to accommodate growth from Coventry has meant that there are no opportunities for this overspill to be accommodated elsewhere.

Q.20

Are all HMA authorities agreed that the 2014 based projections whilst comparable with the 2012 based projections at HMA wide level do not trigger a need to revisit individual authority OAN and the balance of HMA apportionments on Coventry's unmet need as part of this round of Local Plans?

- Barton Willmore (on behalf of Taylor Wimpey and others) have involved with all the HMA Plans and, yes this appears to be the view of the LPA's. Furthermore, as referenced earlier the Warwick Local Plan Inspector's Report was published last month and the Inspector also accepted this position.

Q.21

It is arguable that Nuneaton & Bedworth's demographic OAN has reduced by some 20% based on the 2014 projections and therefore is maintaining the higher 2012 demographic starting point is a more robust OAN or does it imply that NBBC would be potentially accommodating a greater share of Coventry's unmet need than set out in the MOU?

- The very purpose of the DTC is not to look at each LPA in isolation. In this, the issue at stake is the distribution of the overspill from Coventry City. Looking at the 2014 projections, whilst NBBC demographic OAN may have reduced, Coventry's has increased, and thus the issue remains and the overall numbers across the HMA have increased.

Q.22

Is there a review mechanism for the MOUs if the OAN across the HMA cannot be met through the current round of Local Plans?

- Yes – it is a three part mechanism:
 1. Every 3 years or upon the publication of new evidence.
 2. Persistent under delivery against the annualized HMA target over a 3 year period.
 3. If completion of SHLAA work (using the agreed methodology) identifies a shortfall in the anticipated delivery.

Q.24

Submissions have been made that housing site capacity in the SHLAA could be increased when applying the joint SHLAA methodology. Is that a fair assessment? Has any additional work been undertaken to review site capacity? Does the joint methodology allow for local flexibility on site assessment matters?

- We can only comment in so far as it relates to Taylor Wimpey's interests however in the case of Golf Drive, the current draft allocation is for 621 dwellings set against an estimated capacity of 650 dwellings. Therefore, the assessment in relation to this site (which is one of the larger sites) is relatively accurate (on such a large site). We consider that the Council's approach is both sensible and prudent. Being an LPA which has a significant quantum of Green Belt land, it is more appropriate to allocate sufficient land than over-estimate density and find that the necessary level of housing cannot be delivered (and cannot be rectified other than through another review of the Plan).

Q.25

Is there agreement that the joint approach to Green Belt (the 2015 LUC Study) is being consistently applied at Plan level across the HMA including Nuneaton & Bedworth? Are authorities pursuing separate review work to demonstrate Green Belt changes (removal and/or addition of land)?

- Having recently completed the Warwick Local Plan examination, the 2015 LUC study formed part of the Council's evidence base for the justification for the release of Green Belt land. The Inspector's Report makes no criticism of the study and whilst a small number of Green Belt sites were removed from the Plan by the Inspector, this was due to the level of housing need at the time of the examination rather than any disagreement with the conclusions of the report.