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## **Nuneaton & Bedworth Local Plan Examination: Matter 1 Statement**

(Response on Issue 1 only)

The Duty to Cooperate requirement is in the Planning & Compulsory Purchase Act 2004, inserted by the Localism Act 2011, at S.33A.

Under Schedule 7 of the Levelling Up & Regeneration Act 2023, sections 15 to 37 of the PCPA 2004 are replaced with new clauses in that Schedule. The Duty to Cooperate clause S.33A ceases to have application when Schedule 7 of the LURA is brought into effect.

This has not yet happened, so S.33A remains in force. That the LURA when fully brought into operation deletes it makes its significance less and its role limited.

Application of the Duty to Cooperate to influence or change a housing requirement in a Local Plan has been changed by the Secretary of State's policy statements of December 2023 and the revised wording in the NPPF of that date.

Extract from **Written Ministerial Statement by Secretary of State HCWS161**  
19 December 2024

<https://hansard.parliament.uk/commons/2023-12-19/debates/23121949000022/Long-TermPlanForHousingNextStage>

### *Exporting Housing Need*

The standard method was amended in 2020 to include an uplift in need for the 20 most populated English cities and urban centres. This urban uplift supports the Government's objectives, as outlined above, to make the best use of previously developed land and locate more homes in our larger towns and cities, where

development can help to reduce the need to travel and contribute to productivity, regeneration and levelling up. The updated NPPF now makes it clear that this uplift should be accommodated within those cities and urban centres concerned rather than exported to surrounding areas—except where there is a voluntary cross-boundary agreement to do so, or where this would conflict with other policies in the NPPF. This complements the repeal of the duty to co-operate through the Levelling-up and Regeneration Act, which will shortly come into effect.

Extract from **National Planning Policy Framework** Dec 2023, Chapter 5  
‘Delivering a sufficient supply for homes’:

Para 62: The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework (footnote 27).

Footnote 27: In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

The policy now stated above applies irrespective of whether the Duty to Cooperate remains in the legislation.

The relevance of this is that the one potential challenge to the Local Plan under Duty to Cooperate is that the Plan does not meet any claimed unmet housing need from the city of Coventry. Coventry is one of the 19 cities and urban areas to which the ‘urban uplift’ applies. If the City Council is arguing that under Duty to Cooperate, Nuneaton & Bedworth should provide land for some of this ‘uplift’ housing, this is not required of N&B unless it makes an agreement itself to accept such housing. The uplift should be accommodated within those cities and urban centres themselves.

Coventry City Council is not able to show that it is unable to meet its own housing needs. It has issued an Issues & Options consultation paper (2023), responses to which are still under review. It has not reached Reg.18 Draft Local Plan stage. Until it does that, it cannot show what housing provision it is making.

Coventry's population growth was seriously overestimated in projections used for its adopted Local Plan. The 2021 Census showed that the projections of the population of Coventry were too high by around 40,000 in 2021, comparing what the Local Plan was assuming for that year with the actual recorded population. (See Representation by Cllr K Kondakor Oct 2023 on Policy DS3, p3/4)

The City Council will not be able to assess its household growth for its Reg.18 Local Plan until the first ONS Sub-National Household Projections post-2021 Census are published. The ONS 2022-based SNHP is due out in early 2025.

No provision should be made for any Coventry housing requirement in the N&B Local Plan. The Council is correct not to do so.