

Written Statement 1

Nuneaton and Bedworth Borough Local Plan Review Examination

ON BEHALF OF CEG

June 2024

Contents

1. Matter 1 – Compliance with statutory procedures and legal matters	3
Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended?	3
<i>Q1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?</i>	3
<i>Q2. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters? In particular has effective engagement taken place in respect of housing and employment needs and provision in a cross border context?</i>	3
<i>Q3. Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?</i>	5

1. Matter 1 – Compliance with statutory procedures and legal matters

Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended?

Q1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?

- 1.1 In order to comply with the Duty to Cooperate (DtC), Nuneaton and Bedworth Borough Council needs to demonstrate that it has, and remains, in proactive engagement with Coventry City Council and the other neighbouring authorities around the issue of the housing and employment requirements. We are aware that the examination of both the Shropshire and Charnwood Local Plans have faced significant delays due to, amongst other matters, a lack of clarity and information on effective cross-boundary cooperation with neighbouring authorities.
- 1.2 Following the Regulation 19 Consultation, the Council published its Duty to Cooperate Compliance Statement (ref CD4) which seeks to set out how they have complied with the DtC in preparing the Borough Plan Review (2021-2039). Despite the publication of the Compliance Statement, CEG still have significant concerns that the DtC has not been fully met. The Council acknowledges Coventry's unmet needs within CD4, and also refers to the Memorandum of Understanding (MOU) that is being prepared. However, whilst it is acknowledged that the extent of unmet needs arising from Coventry is still currently unknown, the joint Housing and Economic Development Needs Assessment¹ ("HEDNA") covering the whole of the Coventry and Warwickshire Housing Market Area (CWHMA) was completed in 2022 and Coventry City Council are progressing their own local plan review, which includes an updated assessment of housing land supply (Housing and Economic Land Availability Assessment, 2023 (HELAA)). Therefore, information is available to allow all the partner authorities to have a clear understanding of the level of unmet need arising from Coventry which can inform an updated MoU that will set out a clear distribution of housing and employment land within the component authorities.
- 1.3 It is also relevant to note that in progressing the MoU, to ensure the approach is sound and capable of withstanding scrutiny at future local plan examinations, Coventry City Council should be looking at unmet needs in the context of their full local housing need, including the 35% uplift established through the standard method.
- 1.4 As such, an MoU with the relevant partner authorities must be established as a matter of urgency. This should clearly set out the extent of Coventry's unmet needs and an agreement from neighbouring authorities, including Nuneaton and Bedworth, as to how this will be accommodated and distributed throughout the CWHMA. Until this is complete, the evidence base submitted cannot be considered sufficiently robust to the extent that the DtC can be concluded to have been met.
- 1.5 It is critical that this is resolved as it could have far reaching implications on the Local Plan Review.

Q2. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters? In particular has effective engagement taken place in respect of housing and employment needs and provision in a cross border context?

- 1.6 The DtC plays a crucial part of the plan-making process, especially in Local Authorities within the CWHMA where they will need to work together to ensure any unmet needs, most notably from Coventry, can be appropriately met

¹ The HEDNA states that as a minimum the Coventry City Council Local Plan review should be planning for 39,280 dwellings over the plan period 2021-2041, which equates to 1,964 dwellings per annum over the 20 year plan period 2021-2041.

through local plans. When plan making, Paragraph 35a of the National Planning Policy Framework (“the Framework”) (2023) states plans should be positively prepared so that that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. In fulfilling its statutory DtC, the Council should readily be willing to work with adjacent authorities to address its unmet housing needs.

- 1.7 Moreover, paragraph 35c of the Framework states plans are sound if they are effective i.e. deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been **dealt with rather than deferred (emphasis added)**.
- 1.8 It is acknowledged that the Council are leading on the preparation of the MOU which reflects that all Local Authorities within the CWHMA are different stages of reviewing their Local Plans but CEG have considerable concerns that this engagement has not been effective and the key cross-boundary issue of the extent to Coventry’s needs is being deferred rather than dealt with at this point in time.
- 1.9 Coventry City is an authority which has had longstanding issues with meetings its housing requirements within its boundary and, as the main urban centre within the sub-region, is therefore highly likely to still have a significant unmet need that will need to be appropriately distributed within the housing market area.
- 1.10 Despite this, Coventry are intending to take an approach which seeks to remove the 35% uplift without clear justification. This has the effect of ostensibly shrinking the housing requirement across the sub-regional HMA, therefore giving a false position whereby any unmet need from Coventry is potentially significantly lower than it actually would be. This approach has the potential to create issues for the Nuneaton and Bedworth Council as without an accurately identified unmet need from Coventry, it is difficult for the Local Plan Review to adequately address this issue and accommodate an appropriate portion of this unmet need, informed through effective cross-boundary working via the DtC.
- 1.11 As detailed in response to Q1. paragraph 1.2, it is clear that the through the HEDNA and the HELAA, the information is now available to allow all the partner authorities to have a clear understanding of the level of unmet need arising from Coventry, which can inform an updated MoU. Despite this, the current draft MOU ostensibly defers this cross-boundary strategic matter relating to Coventry’s unmet needs. The Statement of Common Ground between Nuneaton and Bedworth Borough Council and Coventry City Council (CD6.1) states:
- “The draft Memorandum of Understanding is being prepared to reflect all local authorities represented within the Coventry and Warwickshire HMA 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 future joint working and amendments to the draft memorandum of Understanding once unmet needs are identified and Plans progress.”*
- 1.12 Therefore, in view of the above, the engagement undertaken to date cannot be considered effective insofar as paragraph 35b of the Framework is concerned, as the plan is deferring its ability to address any of Coventry’s unmet needs. There is therefore a considerable risk to the soundness of the Local Plan Review with the absence of clarity about the level of unmet at this point in time. Moreover, as the ‘front-runner’ local plan in Coventry and Warwickshire, the decisions taken around potential unmet need, the relationship with Coventry and a method for distributing levels of associated housing and employment growth will set the direction for future plans in the CWHMA to follow, therefore it is imperative that the approach taken now is effective and robust.
- 1.13 It should also be flagged that the Charnwood Local Plan Examination ran into a number of issues in relation to Leicester and Leicestershire’s housing and employment land needs because that plan sought to proceed ahead of a clear understanding of Leicester’s unmet need. Simply deferring the issue until the precise scale of unmet needs was

known was not an appropriate approach in that case, and caused significant delays during the examination. It is important that the issue in respect of Coventry's unmet need is addressed as soon as possible through effective cross-boundary working via an updated MoU which provides certainty to all the partner authorities.

- 1.14 For the reasons above, the engagement carried out to date with neighbouring authorities is not considered to be effective which runs counter to paragraph 85c of the Framework, therefore, the plan is not considered to be sound.

Q3. Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?

- 1.15 Please refer to the above responses for Q1 and Q2 regarding Coventry City's unmet needs. It is the view of CEG that these cross-boundary strategic matters are resolvable and must be done so at the earliest opportunity to allow the Nuneaton and Bedworth Local Plan Review to progress. The information via the evidence base for the Coventry Local Plan Review is now available, this should enable all the partner authorities to have a clear understanding of the level of unmet need arising from Coventry. It is therefore requested that the examination be paused to allow further work to identify Coventry's unmet need (based on their full local housing need under the standard method). This can then inform production of an updated MOU for agreement between the relevant neighbouring authorities. Once agreed these unmet needs can be distributed throughout the CWHMA providing the certainty for local authorities regarding their future plans and appropriate levels of growth. Only from this point can the DtC be considered to have been fully met, allowing examination of the plan to then proceed. Subsequently, this will enable a robust test of the soundness of the development strategy within the plan. At present, the likely scenario is that the strategy will need to be reviewed and additional land for housing and employment identified.

Nexus Planning

Birmingham
Interchange Place
151-165 Edmund Street
B3 2TA

T 0118 214 9340

nexusplanning.co.uk