

**Coventry and Warwickshire Duty to Cooperate**

**Sub-Regional Approach to Delivering the Housing Requirement**

## 1 Introduction

- 1.1 Through Duty to Cooperate, it is important that the total housing requirement (Objectively Assessed Need) for the Coventry and Warwickshire HMA (3750-3800 per annum) is delivered in full. This will support the growth ambitions of the C&W LEP and SEP as well as underpinning sound local plans for all the local authorities. It is also important to respond to pressures for housing growth arising from outside the Coventry and Warwickshire HMA (for instance from within the West Midlands conurbation).
- 1.2 A significant risk to the delivery of the Housing Market Area's (HMA<sup>1</sup>) Objectively Assessed Need (OAN) is whether each of the Councils within the HMA have sufficient site capacity within the boundaries to deliver their identified OAN. In particular there is a significant risk that Coventry City Council will not be able accommodate 23,600 dwellings (1180 dwellings per annum) within the City boundary.
- 1.3 In addition, there is a risk that authorities within the Coventry and Warwickshire HMA will be asked to accommodate a growth resulting from a shortfall of housing capacity in Birmingham. It is also possible that the SEP may generate additional housing need.
- 1.4 This paper suggests how the authorities within the HMA intend to work together to address these risks and prevent any further delay in preparing their current Local Plans/Core Strategies.

## 2 Recommendations

**That the Joint Committee recommends to all constituent authorities the following:**

- 2.1 **That the Joint Strategic Housing Market Assessment (JSHMA) is recognised as a robust piece of evidence to assess housing need within the Coventry and Warwickshire HMA and that an Objectively Assessed Need for the HMA in the range of 2750 to 2800 per annum is planned for.**
- 2.2 **That the preparation of a joint evidence base (as set out in detail in section 3 below) is supported as follows:**
  - 2.2.1 **Preparation of a Joint Green Belt Study, according to a timetable to be agreed**
  - 2.2.2 **Comparison of SHLAA methodologies**
  - 2.2.3 **A review of the implications of the Coventry and Warwickshire SEP, including implications for the overall housing requirement and the spatial strategy.**
  - 2.2.4 **A review of the housing implications for Coventry and Warwickshire of the emerging shortfall in Birmingham's housing provision**

---

<sup>1</sup> The Coventry and Warwickshire HMA covers Coventry, North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford-on-Avon and Warwick

- 2.3 That a sub-regional housing spatial strategy based on the current and proposed Local Plans and Core Strategies of the constituent Local Authorities is prepared which:**
- 2.3.1 ensures the HMA's Objectively Assessed Need is met in full**
  - 2.3.2 aligns the location of housing delivery with the sub regional growth agenda as set out in the Strategic Economic Plan, and**
  - 2.3.3 identifies broad locations for any additional development based on the evidence and taking account of existing provisions within the current and proposed Local Plans and Core Strategies of the constituent Local Authorities**
- 2.4 That the Joint Committee requests that each of the six Councils within the HMA commit in their Local Plans/Core Strategies to undertake a review of their Local Plan/Core Strategy according to a shared timetable (as set out in section 6 below) to ensure suitable specific sites are identified to deliver the strategy set out in 2.3 above.**
- 2.5 That the proposed Governance and Delivery structures set out in section 7 below are agreed and put in place**

### **3 A shared evidence base**

- 3.1 The seven Councils (Coventry, North Warwickshire, Nuneaton and Bedworth; Rugby; Stratford-on-Avon, Warwick and Warwickshire County) that make up the sub-region, have a long history of preparing joint evidence. However, the abolition of the Regional Spatial Strategies, combined with the requirements of the Duty to Cooperate, means that there is now an even stronger need for joint evidence to underpin the way forward in relation to some complex strategic issues.
- 3.2 One of the most important and complex of these issues is ensuring the delivery of the HMAs housing requirement. Underpinning this, the Councils worked together in 2013 to undertake a Joint Strategic Housing Market Assessment (JSHMA). This identified an overall requirement for 3750-3800 homes per annum within the HMA. It also provided valuable evidence regarding the mix of housing to be provided.
- 3.3 The Joint SHMA was commissioned by Rugby BC, North Warwickshire BC, Nuneaton Bedworth BC, Coventry City Council and Warwick DC. It also covered Stratford-on-Avon District and was prepared in consultation with both Stratford DC and Warwickshire CC. The work on the Joint SHMA was undertaken by GL Hearn which is a highly regarded consultancy in relation to demographics, employment forecasting and housing projections. The study was undertaken to ensure consistency with the National Planning Policy Framework and the National Planning Practice Guidance. As well as providing evidence of the Objectively Assessed Need for the HMA and each of the constituent local authorities, it also evidenced affordable housing needs and housing needs associated with specific sector of the population (such as elderly people).
- 3.4 Following on from the JSHMA, there are two further joint studies being undertaken at present:

- Joint Employment Land Review: funded by the Local Enterprise Partnership, this is exploring the local employment land requirements of each of the Districts within the HMA as well as considering the need for major employment sites of sub-regional significance.
- Major sites review: alongside the Joint Employment Land Review and to support the work of the Coventry and Warwickshire LEP, work is being undertaken to look at existing and potential major employment sites to ensure that sites are and will be available to attract major investment

3.5 In addition to these completed and on-going studies, it is suggested that some further work needs to take place to ensure we have a robust sub-regional evidence base to support collaborative work on a sub-regional spatial strategy. This work will be planned collectively by the seven authorities, notwithstanding that specific circumstances may make it inappropriate that any individual piece of work should necessarily cover the whole sub-region.

3.6 This should include:

- A Joint Green Belt Study: the purpose of this is to assess green belt parcels against the green belt criteria set out in the National Planning Policy Framework. This will allow a fair assessment of all green belt land to be made so that the suitability of green belt across the HMA area can be compared.
- Comparison of SHLAA methodologies: each Council is required to prepare a Strategic Housing Land Availability Assessment (SHLAA) to identify sites that are suitable, available and deliverable. The SHLAA indicates the capacity for housing development within each District and is important evidence in demonstrating whether or not a Council's OAN can be delivered within the Council's boundaries. It will also be important in helping to identify where any shortfall could be located. To ensure a comprehensive picture of Housing Land Availability is developed, it is important that the methodologies used by each Council are common, as far as possible, and that the magnitude of implications of any differences are understood and adequately mitigated.
- An understanding of the Spatial Implications of the Coventry and Warwickshire SEP: The Coventry and Warwickshire Strategic Economic Plan (SEP), when finalised, will provide the strategic framework for supporting economic growth in the sub region and importantly will indicate where investment in infrastructure will be focused and how this will help to deliver growth. There may be implications of this for strategic planning and local plans including:
  - Consideration as to whether the scope and/or distribution of the Joint SHMA housing requirement should be reviewed to take account of the economic growth ambitions of the SEP
  - spatial implications based on a understanding of the relationship between new housing, economic growth and infrastructure investment
- An understanding of how the emerging housing shortfall for Birmingham City Council will impact on authorities in Coventry and Warwickshire: Birmingham City Council's Proposed Submission Draft of its Local Development Plan identifies an initial shortfall in meeting its OAN by around 29,000 dwellings. This figure is subject to review as part of the Greater Birmingham and Solihull<sup>2</sup>LEP Housing Needs Study. The need to engage in a constructive and on-going basis was thoroughly considered and objectively discussed in the Coventry and

---

<sup>2</sup> It should be noted that the Solihull Local Plan is subject to a current legal challenge, in part on the basis that the housing target set out within it is too low. This may have implications for Coventry and Warwickshire, but at this stage it is prudent to continue to keep a watching brief as concerns Solihull

Warwickshire Joint SHMA in order to satisfy the duty to cooperate. As a result, there will clearly be spatial implications of this, and it is important that these implications are fully understood, so that the needs of the GBSLEP Housing Market Area and the potential impacts on the Coventry and Warwickshire HMA are managed in the most sustainable way.

#### **4 A sub-regional housing spatial strategy**

- 4.1 To ensure that the HMA's Objectively Assessed Housing Need is met, it will be necessary to prepare a bottom-up, collaborative strategy which balances the need from growth in the sub-region, with the challenges and constraints faced by specific areas. To comply with the Localism Act, it is important that this strategy is developed collaboratively through the Duty to Cooperate so that it achieves the support of representatives from across the whole sub-region and neighbouring HMA's as appropriate.
- 4.2 The purpose of the strategy will be to:
- ensure the HMA's Objectively Assessed Need is met in full
  - align the location of housing delivery with the sub regional growth agenda as set out in the Strategic Economic Plan, and
  - identify strategic spatial options for meeting the OAN and based on this broad locations for development based on the sub-regional evidence, but taking local evidence in to account
- 4.3 It is suggested that the starting point for the Strategy should be that each Council commits to meeting its Objectively Assessed Need within its own boundary unless it can be clearly demonstrated that there is a shortfall in available housing land within the Council area. This will need to be demonstrated through a transparent SHLAA methodology that is consistent with national advice and has the support of the Coventry and Warwickshire Planning Officers (CSWAPO) as being soundly prepared.
- 4.4 Where a shortfall can be clearly evidenced, a set of criteria will need to be developed and formally agreed (supported by the Joint Committee) to enable an objective assessment of strategic spatial options and a range of broad locations to deliver the shortfall. The precise nature of these criteria will depend on the scale and timing of the shortfall to be addressed. However examples of the criteria include impact on the green belt; impact on landscape, ecology, historic environment etc; infrastructure issues, proximity to transport infrastructure and opportunities and proximity to employment or allocated employment sites.
- 4.5 All reasonable alternatives for strategic spatial options for distributing the shortfall will be subject to a sustainability appraisal which will also need to be taken in to account in identifying broad locations for development.
- 4.6 Where neighbouring HMA's make an approach to a Coventry and Warwickshire authority with a view to meeting a proportion of their evidenced housing need, the same approach set out in Para 4.3-4.5 of this paper will be undertaken.

## 5 Local Plan/Core Strategy Reviews

- 5.1 It is recommended that the Joint Committee request that each of the 6 Local Planning Authorities commit to undertaking a review of their Local Plan/Core Strategy according to a coordinated timetable set out in section 6 below.
- 5.2 Once the Housing Spatial Strategy has been prepared, the support of the Joint Committee will be sought, so that its implications for each District's Local Plan/Core Strategy can be taken into account in Plan preparation and reviews. To minimise the risk that specific sites will not be brought forward at a local level to deliver the Housing Spatial Strategy, it is proposed that the Joint Committee requests that each of the Councils agrees to a policy statement within their Local Plan/Core Strategy that commits to reviewing the Plan to a joint timetable once the Housing Spatial Strategy has been prepared. This will also ensure that the implications of the Housing Spatial Strategy are given formal weight within the Planning system.
- 5.3 It is important that these Plan reviews are carried out in parallel so that each Plan review is aligned and that each authority has confidence that the HMA's Objectively Assessed Need will be met and that sites are brought forward in a coordinated way. It is therefore proposed that if required, each Council commits to a Plan review according to the timetable set out below. It is possible that not all the Councils will need to undertake a Plan review if there are no consequences of the Sub-Regional Housing Spatial Strategy for the existing Local Plan/Core Strategy. The need for a Plan review will therefore only apply where Councils need to identify specific sites or where other implications (such as infrastructure requirements) impact on existing local plans/core strategies

## 6 Timetable

- 6.1 The table below sets out the proposed timing of the three stages of work described above.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Compile Joint Evidence						
Prepare Sub-Regional Housing Spatial Strategy						
Undertake Plan Review						
Anticipated Date of Adoption						

- 6.2 The timetable reflects the need to ensure that:
- Each Local Authority is able to progress the preparation of current Local Plans/Core Strategies as quickly as possible and without having progress hindered by the progress of neighbours.
  - Housing sites can be brought forward in a coordinated way and at the time when they are needed. Since the main development pressures for cross-border housing provision are likely to arise predominantly from Coventry and the West Midlands conurbation, it is reasonable to plan to complete plan reviews by 2020 as both the City and the conurbation will be prioritising brownfield sites for the earlier part of their Plans and are unlikely to require cross border sites until towards the end of their Plan periods.

## **7 Governance and Delivery**

### Joint Committee

7.1 The Joint Committee will be responsible for :

- Endorsing the jointly prepared evidence base
- Working in a collaborative way to ensure the Duty to Cooperate is fulfilled on an ongoing basis
- Considering the Sub-Regional Housing Spatial Strategy

### Chief Executive's Group

7.2 The Chief Executive's Group (CEG) will be responsible for overseeing the process described above and for ensuring that resources are provided to support the process. The CEG will be responsible for preparing and advising on reports to be considered by the Joint Committee. They will also ensure that the Duty to Cooperate is addressed effectively across the sub-region and will advise the Joint Committee on risks associated with different courses of action.

### CSWAPO

7.3 The Coventry, Solihull and Warwickshire Planning Officers group will be responsible for commissioning and preparing technically sound evidence and will provide professional planning advice to the Leaders Board and Joint Committee to ensure a fair and balanced process is used to develop the Sub-Regional Housing Spatial Strategy and to ensure that the outcomes of this process are soundly based and clearly justified.

### Each Council within the HMA

7.4 It is recognised that as the Joint Committee does not currently have powers to make binding decisions, the process described in this paper is a collaborative bottom-up approach. The decision making powers regarding the Plan Making process continues to lie within each of the six Local Planning Authorities in line with their constitutions.

## **8 Background Information**

8.1 The Duty to Cooperate and demonstrating delivery of housing requirements are being given increasing emphasis within the Local Plan/Core Strategy process. Over the last year, 46 out of 52 Councils that have sought to progress their Plans to Examination have failed to have their Plans found sound either because they have failed to demonstrate they have fulfilled the Duty to Cooperate or because they have failed to demonstrate that they are meeting Objectively Assessed Need.

8.2 Locally, Coventry City Council's Core Strategy was withdrawn for these very reasons. As a result of that, questions were raised about how effectively all the Councils within the sub-region were meeting the requirements of the Duty to Cooperate. Since then the Joint Strategic Housing Market Assessment has been prepared. This provides not only strong evidence to show we understand the HMA's Objectively Assessed Need, but also provides a good starting point in demonstrating the Duty to Cooperate.

- 8.3 However, the Act is clear that the Duty to Cooperate should be an ongoing process. The process described in this report seeks to address this in relation to the key issue of housing provision, by providing a clear and long term process.
- 8.4 The Joint SHMA states that “The Duty to Cooperate does not end at the boundaries of the HMA and there are relationships to adjoining areas. Against this context continuing engagement with adjoining authorities and housing market areas will be important. In particular the current evidence suggests that there may be a need to engage with the Birmingham HMA and to consider the implications of any residual shortfall in housing provision within the Greater Birmingham and Solihull LEP Area should this remain following work on the Joint Strategic Housing Needs Study”. This clearly highlights the importance of continuing to engage with neighbouring HMA’s in relation to housing needs.
- 8.5 Whilst the JSHMA is a vital starting point, there are likely to be significant challenges arising from it that will have an impact on the whole sub-region – notably the challenges that one or more Councils may have in meeting their local OAN within their administrative boundaries. Where such a scenario arises, this is an issue not just for the Council with a shortfall, but for all the Councils within the sub-region. If we are not able to demonstrate that we are actively cooperating and constructively trying to find solutions to cross-border issues such as this, then each of our individual Local Plans/Core Strategies face a significant risk of failing the Duty to Cooperate or being found unsound. The option of not participating in a joint process (along the lines described above) is therefore a highly risky one for any Council. So, the key message that arises from recently failed local plans is that a problem for one Council in the HMA, is likely to be a problem for all.
- 8.6 At present none of the Councils in the HMA have formally identified a shortfall. However as SHLAA work is ongoing in a number of Councils there remains a significant likelihood that such a shortfall will arise in due course, particularly as the JSHMA identified increased housing numbers for all the 6 local authorities in comparison with previously published numbers. The difficulty is that Government Ministers, supported by the Planning Inspectorate, are strongly encouraging Councils to move as quickly as possible to submit Plans. This, combined with significant development pressures in many areas, means that progress needs to be made on Plans at a time when there is significant uncertainty about cross border pressures.
- 8.7 The approach described in this report seeks to enable Plans to be prepared as quickly as possible, at the same time as building in future flexibility to ensure that issues can be fully addressed through a future review of Plans based on a shared sub-regional housing strategy.
- 8.8 It is important to note that the Duty to Cooperate is not confined to housing. Similar processes will need to be followed with respect to other strategic matters such as infrastructure major infrastructure, employment land, minerals and waste etc.