

NOTE ON UNMET NEED AND THE USE OF EARLY REVIEW POLICIES

Paragraph 47 of the Framework states LPAs should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. That policy is sometimes represented as meaning a plan cannot be found to be sound unless the FOAN has been identified for the relevant HMA and an agreement reached as to how that need will be distributed between each LPA. That interpretation of the Framework is incorrect.

In North Warwickshire, the preparation of the draft Core Strategy was overshadowed by uncertainty about the extent to which the borough might be required to accommodate the unmet needs of Birmingham and Tamworth. However, in the light of North Warwickshire's constructive collaboration with each of those authorities, the inspector who examined the Core Strategy concluded it ought to be found sound, subject to a main modification which committed the Council to continue working collaboratively with its neighbours and to an early review of the Plan. The inspector specifically found that "it would be wrong, in my view, to penalise the Council by suspending the examination until the specific needs of others are known (whenever that may be)." [IR paras 13-15].

A similar approach was adopted in Lichfield. There a review policy was incorporated into the draft Local Plan through a major modification to ensure the district will contribute to meeting needs arising in the area of the Birmingham and Solihull LEP. The inspector recognised the policy would have teeth: failure to carry out a review would render the Plan's housing policies out-of-date. [IR paras 18-21]. The same incentive to actually carry out a review was recognised in *Grand Union Investments Limited v Dacorum Borough Council* [2014] EWHC 1894 (Admin) at 54 and 55. In that case, the inspector who conducted the examination of the Local Plan found the Council had not established the FOAN. However, he concluded that a main modification to introduce a review policy would allow any shortfall to be made up later whilst putting a plan in place as soon as reasonably practicable. Before the court it was conceded on behalf of the Council that, "There is a strong incentive for it to get on with its review of the Core Strategy. If it does not do so it will find it more and more difficult to rely on its adopted policies for meeting housing need when making decisions on planning applications for planning permissions."

A review policy may also be appropriate even though it must be put into effect very soon after a Plan is adopted. By way of example, in March 2015 the inspector who conducted the examination of the North Somerset Core Strategy's housing requirement policy (which had previously been quashed and remitted by the High Court) recommended a main modification that requires "clear and firm commitments to a review of the policy by the end of 2018".

The situation in Warwick District resembles key facets of each of the cases that have been cited. The FOAN for the Coventry and Warwickshire HMA, and the extent and distribution of Coventry's unmet need, has not been established. However, there is an imperative to put a plan in place. The District Council has collaborated closely with Coventry City Council. It is committed to accommodating a significant part of the City's unmet need. Draft policy DS20 provides assurance that a review of the Local Plan will contribute to meeting the balance of Coventry's further unmet needs once the city's capacity to provide new homes within its boundaries, and the most appropriate distribution of any "overflow" to neighbouring authorities, has been settled. It matters not that a review might be required in the relatively near future to address that issue. Nor is there any real risk that the Council will fail to carry out a review. In the circumstances, it is unnecessary to penalise the Council by suspending the examination until the final distribution of Coventry's full unmet need has been resolved. That could jeopardise the District Council's ability to manage development until 2019.