

## **Addendum to Duty to Cooperate Statement**

### **Purpose**

- 1 As part of its Local Plan submission the Council published a Duty to Cooperate Statement in January 2015. In May 2015 further information was then provided in the Council's Matter 1 Statement in response to the Inspector's initial issues and matters. This addendum provides an update on cooperation activities with regard to the Local Plan since May 2015.

### **Introduction**

- 2 Warwick District Council submitted its Draft Local Plan in January 2015. In May 2015 five days of initial hearings were held exploring the related issues of Duty to Cooperate; Overall Provision of Housing; and Supply and Delivery of Housing Land. Following these hearings, the Inspector issued a letter containing his initial findings on 1<sup>st</sup> June 2015. With regard to the Duty to Cooperate his key findings were:
  - the Council has engaged constructively, actively and on an ongoing basis in terms of overall housing provision and indeed other strategic matters.
  - the Council has complied with the duty to co-operate.
- 3 However, in considering the soundness of the Plan in relation to the Overall Provision of Housing, the Inspector found that "the agreement between the HMA authorities would leave what I consider to be a significant shortfall of unmet need. This is in the context of what is clearly regarded as a minimum figure for OAN. In addition there is insufficient justification for the specific contribution to unmet need proposed from Warwick District." He concludes "I consider therefore that in relation to overall housing provision, the Local Plan is not positively prepared, justified, effective or consistent with national policy. It is not sound."
- 4 So whilst the submitted Local Plan has passed the legal requirements of the Duty to Cooperate, the Inspector concluded that the cooperation had not given rise to an effective outcome in relation to addressing unmet housing need arising in Coventry and could not therefore be found sound.

### **The Coventry and Warwickshire Housing Memorandum of Understanding (HMOU)**

- 5 Following the Inspector's initial findings, the seven local authorities in Coventry and Warwickshire embarked on a process to address the Inspector's concerns. This process was agreed by the shadow Economic Prosperity Board (sEPB – also known as the Coventry, Warwickshire and South West Leicestershire Joint Committee) at its meeting on 6<sup>th</sup> July 2015 (see appendix 1). It set out four key tasks:

- Task 1: Develop proposals for the distribution of any unmet need arising in the HMA
  - Task 2: Confirmation of Housing Need across the HMA and at an individual local authority level and alignment with employment needs
  - Task 3: Confirmation of each authority's capacity for housing
  - Task 4: Identification of an aligned housing and employment need across the HMA alongside a proposed distribution of that need
- 6 This process was complete by the 29<sup>th</sup> September 2015 when a further report was considered by the sEPB (see DOC H31PM). This report sought agreement from the leaders of each of the Councils for a Housing Memorandum of Understanding (HMOU).
  - 7 The HMOU was based on a rational approach to ensure any unmet housing need arising in Coventry was redistributed fairly between the Warwickshire authorities (task 1). This approach focused primarily on functional relationship with Coventry as evidenced by commuting flows and migration patterns.
  - 8 In parallel with agreeing the approach, the authorities commissioned an "Updated Assessment of Housing Need in Coventry and Warwickshire" (Task 2) which was prepared by GL Hearn and built on the findings of the 2013 Joint SHMA and its 2014 addendum. The 2015 report provided up to date evidence on the scale of housing need in Coventry and Warwickshire and the need for each individual authority within the HMA.
  - 9 For those authorities that did not have an up to date Strategic Housing Land Availability Assessment, updated housing capacity studies were undertaken (task 3) (except in Nuneaton and Bedworth where resources did not allow for this at the time and an earlier SHLAA was initially used as a point of reference).
  - 10 This work meant the housing need and housing capacity of each authority was fully understood and meant that a fair and rational distribution of housing could be agreed (task 4).
  - 11 The conclusions from this work were set out in the HMOU (see Doc HO21PM). This MOU was supported by the Leaders of all the seven Councils, with the exception of Nuneaton and Bedworth Borough Council (NBBC), at the meeting of the sEPB on 29<sup>th</sup> September. It has since been endorsed by each individual Council (with the exception of NBBC), including Warwick District Council on 13<sup>th</sup> October 2015 (see Doc LP31PM).
  - 12 At that point, Nuneaton and Bedworth Borough Council had decided that they were unable to agree the MoU. This is because they had not yet completed work on their SHLAA and so did not know the housing capacity of the Borough. Work on their SHLAA has now been undertaken and initial findings

have been scrutinised by officers from all the Warwickshire authorities (including Warwick District). However following this work, NBBC have not indicated their final position with the regard to their capacity. The position with regard to NBBC and the HMOU therefore remains the same as set out in the Council's letter to the Inspector on 26<sup>th</sup> February (see Doc EXAM 29).

- 13 Based on this work, the Council contends that the concerns raised by the Inspector in his letter of 1<sup>st</sup> June with regard to the effectiveness of the Duty to Cooperate have been fully addressed. As a result, the Council has been able to put forward modifications that are rooted in a rational and robust agreement to ensure that Coventry and Warwickshire's housing need is met in full.
- 14 Adopted and submitted Plans for North Warwickshire, Stratford-on-Avon and Coventry align with the HMOU and the proposals in Rugby's preferred options (December 2015) also align with the HMOU. There remains a risk that Nuneaton and Bedworth's emerging Plan will not align with the HMOU. However, (with continued delays regarding the evidence relating to the housing capacity and a lack of clarity with regard to their ability to meet the housing requirement indicated in the HMOU), there is a danger that if WDC waits until this issue is fully resolved before progressing its Plan, then significant delays with unfortunate consequences could result. WDC therefore intends to continue to work with NBBC to ensure the HMA's housing needs are met in full at the same time as progressing its Plan on the basis of the HMOU. If and when further evidence is published by NBBC, the Council will support steps to ensure the implications are taken in to account through the Examination process.

### **The Coventry and Warwickshire Employment Land Memorandum of Understanding (ELMOU)**

- 15 Coventry City Council's Employment Land Review (December 2015) identified an employment land requirement of 369 hectares over the Plan Period (2011 to 2031). The level of employment land need significantly exceeds the capacity of the City to provide employment land and results in a shortfall of 241 hectares.
- 16 Prior to this, the Coventry and Warwickshire local authorities had been working with the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) to ensure that the employment land requirements of the sub-region were being met in full. To this end the Councils had supported the LEP in commissioning two sub-regional employment land studies, the most recent of which was prepared by CBRE and was published in August 2015.
- 17 At its meeting of 17<sup>th</sup> November 2015, the Coventry and Warwickshire and South West Leicestershire Joint Committee (CWSWJC – formerly the shadow

Economic Prosperity Board) noted the CBRE report and agreed that work should be undertaken to ensure the employment land needs of the sub-region were being met in full in line with the evidence of that report.

- 18 Taking account of both the CBRE report and the most up to date Employment Land Reviews published by each authority, the overall quantum of employment land required in Coventry and Warwickshire between 2011 and 2031 is in the range of 630 to 660 hectares. Each of the Warwickshire authorities have put in place plans to meet the employment land requirements of the local area in full. However, it is clear that this is not possible for Coventry City Council.
- 19 As a result the Coventry and Warwickshire authorities are in the process of preparing an Employment Land Memorandum of Understanding (ELMOU). On 17<sup>th</sup> March the CWSWJC received a progress presentation on the ELMOU and agreed that it should be progressed with a view to bringing a completed MOU to the next meeting of the CWSWJC. That meeting is scheduled for 21<sup>st</sup> July. The seven local authorities, in conjunction with CWLEP, have already prepared a draft ELMOU. This will be considered by the Member's Reference Group in mid-June before being finalised in July.
- 20 Assuming the ELMOU is supported by the Joint Committee, the Council will seek to provide further information on its implications for the Local Plan after 21<sup>st</sup> July. However, it should be noted at this stage that the evidence underpinning the ELMOU and the draft wording of the ELMOU itself, suggests that the level of employment land set out in the Local Plan (66ha to meet local employment land requirements and over 100 hectares at the sub-regional employment site to meet sub-regional requirements – specifically Coventry's requirements) is appropriate. It is not anticipated that there will be any unmet employment land requirements in Coventry and Warwickshire once the ELMOU has been agreed.

### **Update on Other Duty to Cooperate Activities**

- 21 The consequences of the HMOU for Warwick District include the need to allocate a substantial amount of additional land for housing and a need to review the policy framework to support this additional housing. An inevitable effect of this has been the need to cooperate on a range of additional cross boundary issues.
- 22 **Green Belt:** Paragraph 5.4.4 of the Duty to Cooperate Statement – Jan 2015 explains the background to the updated Joint Green Belt Study for Coventry and Warwickshire. Stage 1 of this study, covering Coventry, Nuneaton and Bedworth, Rugby and Warwick District was published in summer 2015 and informed the site assessment work undertaken for the proposed modifications

to the Local Plan. The second stage of this study covering North Warwickshire and Stratford-on-Avon is currently being prepared.

- 23 **Provision of Infrastructure:** The Infrastructure Delivery Plan (IDP) has been updated in parallel with the assessment and publication of the proposed modifications. In assessing site suitability, the Council worked closely with a range of infrastructure providers to ensure that infrastructure can be provided to support the proposed new site allocations. Following the publication of the modifications, cooperation has continued to provide further detail and costs in relation to the infrastructure requirements.
- 24 The IDP provides further details of the proposed infrastructure requirements to support the Local Plan. It is evident from this document that the Council has worked closely with the following organisations:
- a. Warwickshire County Council: The Council has regular meetings with the WCC's Infrastructure Manager and also meets frequently with officers responsible for education, public health and transport. As a result, the IDP contains specific, costed and updated proposals for the provision of transport mitigation for all key transport corridors and school places. Specific proposals will continue to evolve as this cooperation continues through the development process.
  - b. Coventry City Council: a number of the newly allocated sites are close to the border with Coventry. For these sites the Council has worked with the City Council (as well as County Council) to ensure that infrastructure capacity in the City can accommodate the level of growth proposed. The City Council has been kept informed of the emerging development locations and has indicated support for these. The Strategic Transport Assessment undertaken by WCC takes account of the impact on the City and includes proposals which seek to mitigate impacts on the City's road network. The three Councils (WDC, WCC and CCC) have agreed to continue to work in partnership to support a comprehensive approach to the development areas to the immediate south of the City. It is intended for the three Councils to sign a shared vision and approach to bring forward development in this area.
  - c. Stratford District Council: It is accepted that the traffic impacts of specific strategic housing sites in Stratford District will put extra pressure on highway infrastructure in Warwick District. There is an agreed position between SDC, WDC and WCC (highways) that, as planning applications for these sites are approved, finance from S106 agreements will be apportioned/ directed to infrastructure improvements required in Warwick District.
  - d. The South Warwickshire Clinical Commissioning Group (CCG): The Council has regular meetings with the CCG. The CCG has recently completed a very detailed audit / assessment of their existing facilities and are currently formulating a detailed primary care estates strategy to identify specific

infrastructure necessary to serve the expanding population that will come forward as the Local Plan progresses. It is envisaged that this detail will be quantified and added to the IDP shortly.

- e. South Warwickshire NHS Foundation Trust (SWFT): The Council has worked with SWFT to establish a strategy and specific infrastructure requirements for acute healthcare provision. This is a combined strategy to serve South Warwickshire and finance from both Warwick and Stratford District Council development proposals is being targeted/ provided for additional hospital infrastructure and service provision at both Warwick and Stratford hospital sites.

**25 Transport:** the Council has worked closely with Warwickshire County Council (and through WCC with Highways England) to assess the transport implications of the new site allocations. Specifically WCC has prepared an updated Strategic Transport Assessment showing the likely impacts of new development and the mitigation required to support this. This has informed the selection of sites for allocation and has also informed the IDP (see above). Highways England has raised no objections to the modifications in their representations, other than to ask that WDC continues to cooperate with them as the sites to the south of Coventry come forward for development.

**26 Flood Risk:** WDC has worked very closely with the EA to ensure that its policies are consistent with current research and development and in line with the monitoring of flood situations carried out by that organisation. The Council has taken advice at each stage of plan preparation from the EA for consistency with current guidance and have agreed a statement of common ground (See Doc SCG02PM).

**27 Natural and Historic Environment:**

- a. Warwickshire County Council (Landscape and Archaeology): Advice has been sought from the Landscape team with regard to the proposed new development sites. Where there have been any concerns these have been discussed and acted upon resulting in either reduced numbers of dwellings where appropriate or enhanced landscaping. In some cases, future site layout schemes will need to take account of particular views or landscape constraints and this will be dealt with through planning applications. With regard to archaeology, the heritage assets assessment for Kenilworth sites to the south of the town (Thickthorn and beyond) has been carried out by the team at WCC; this area having a scheduled monument at Glasshouse Lane (the site of a Roman settlement) and adjacent listed buildings. Advice has also been sought with regard to the HER information for sites. This has influenced the decision on where it may not be advisable for development to take place or where measures will need to be taken through conditions on subsequent planning applications to ensure that no buried remains are damaged, are taken into account or go unrecorded.

- b. Heritage England (HE): HE has been consulted on the emerging additional site allocations. With two exceptions, the Council has now reached agreement with HE regarding all the proposed allocations. These exceptions relate to the area south of Gallows Hill and Woodcote House, Leek Wootton. Discussions regarding these two sites continue with a view to identifying how best to mitigate the heritage impacts.
- c. Natural England: Natural England has agreed that the HRA requirements have been satisfied. With regard to the SA, Natural England has recommended an area action plan approach be taken to development immediately south of Coventry and were pleased to see references to green infrastructure in the location; it has also noted that increased housing could have a negative impact on areas of Best and Most Versatile agricultural land.

28 **Affordable Housing**: Coventry City Council and WDC have prepared a draft agreement for a redistribution of Affordable Housing in recognition that part of Coventry's overall housing need will be met within Warwick District. This agreement is still to be formally endorsed by each Council. It recognises that the relationship between affordable housing need and overall housing need is complex. Despite this the table below provides a useful guide as to how affordable housing could be redistributed between the two areas.

		CCC	WDC
A	Total OAN (excluding economic uplift) (Per Annum)	2120	600
B	Affordable Housing Need (Per Annum)	600	280
C	% of OAN that is affordable	28.3%	47%

D	Coventry unmet housing need to be met in Warwick (Per Annum)		332
E	Coventry % of OAN that is affordable		28.3%
F	Coventry Affordable Housing Need to be met in Warwick (Per Annum)		94

G	Total Affordable Housing Requirement for Warwick (Per Annum) (B+F)		374
H	Total Housing Requirement(Per Annum) (A+D)		932
I	% of overall requirement that is affordable		40%

- 29 The draft agreement also recognises that nomination rights to affordable housing between the two areas is complex and will need a detailed review to reflect the redistribution guidelines.
- 30 It is intended to seek formal endorsement of the draft agreement from each Council by July 2016.