

	Council 13th October 2015	Agenda Item No.
Title	The Local Plan – The Way Forward	
For further information about this report please contact	Dave Barber dave.barber@warwickdc.gov.uk 01926 456065	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	12 th August 2015 Minute number 65	
Background Papers	Submitted Local Plan (January 2015). Inspector’s Letter to the District Council (June 2015); Leaders letter to Inspector (August 2015); Inspectors Letter to the Council (August 2015); Reports to CWJCEGP (6 th July 2015 and 29 th September 2015)	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No
Not relevant at this stage.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	1/10/15	Chris Elliott/Bill Hunt/Andy Jones
Head of Service	1/10/15	Tracy Darke
CMT	1/10/15	Chris Elliott, Bill Hunt, Andy Jones
Section 151 Officer	2/10/15	Mike Snow
Monitoring Officer	1/10/15	Andy Jones
Finance	2/10/15	Mike Snow
Portfolio Holder(s)	2/10/15	Cllr Stephen Cross
Consultation & Community Engagement		
N/A		
Final Decision?	No	

1. **Summary**

- 1.1 This report updates the Council on the letter received from the Local Plan Inspector on 28th August (**Appendix 1**) and asks the Council to endorse the Memorandum of Understanding agreed by the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity (CWJCEGP) on 29th September 2015 (**Appendix 2**). It further sets out the way forward for responding to the Inspector and undertaking the work required during the suspension period should that be agreed.

2. **Recommendations**

- 2.1 That the Local Plan Inspector's letter of 28th August as set out in **Appendix 1** is noted.
- 2.2 That the Council endorses the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity (CWJCEGP) Memorandum of Understanding relating to the planned distribution of housing shown in **Appendix 2**.
- 2.3 That the Council agrees to write to the Local Plan Inspector to request that the Examination is suspended to address the concerns he has raised (including indicating the aspects of the Plan that are likely to require modification as set out in paras 3.11 and 3.12 below).
- 2.4 That the Council delegates authority to the Head of Development Services in consultation with the Portfolio Holder for Development Services to make representations to Nuneaton and Bedworth's forthcoming Borough Plan consultation with regard to the Plan's proposed level of housing provision and other relevant matters.
- 2.5 That the timetable of work to be undertaken during the suspension period be amended as set out in **Appendix 3**.

3. **Reasons for the Recommendations**

- 3.1 **Recommendation 2.1:** Following the Council meeting on 12th August, the Leader of the Council wrote to the Local Plan Inspector to request that the Inspector agrees to suspend the Local Plan examination (instead of withdrawing the Plan) with a view to recommencing the examination in Spring 2016. The Inspector replied to the Leader of the Council on 28th August 2015. His letter is shown in **Appendix 1**. In it he indicates that "in principle a suspension of the examination may be an appropriate way forward". However at this stage he has not formally agreed to suspension and states that he will review the situation following the CWJCEGP on 29th September 2015 and once we have provided him with other information. From his letter, it can be concluded that the sub-regional agreement (Memorandum of Understanding) reached on the 29th September regarding unmet housing need arising from Coventry will be central to the decision he reaches regarding suspension or withdrawal of the Warwick Local Plan.

- 3.2 **Recommendation 2.2:** At its meeting on the 29th September 2015 the CWJCEGP considered a Memorandum of Understanding (MoU) to ensure the housing needs of the Coventry and Warwickshire Housing Market Area (the HMA) are met in full. The MoU was agreed to by the Leaders of Coventry CC, Warwick DC, Warwickshire CC, Rugby BC, North Warwickshire BC and Stratford-on-Avon DC. It was not agreed to by the Leader of Nuneaton and Bedworth BC. For Warwick District, the implication of the MoU is to increase the District's Housing Requirement from 12,860 dwellings between 2011 and 2029 (as set out in the submitted Local Plan) to 16,776 dwellings (see para 3.11 for more details).
- 3.3 The MoU provides a shared agreement that the Housing Need of the HMA is 85,540 dwellings (2011 to 2031). This compares with a minimum figure of 80,000 dwellings identified in the 2014 Joint SHMA Update. This is based on the report prepared GL Hearn on the Updated Assessment of Housing Need, August 2015. It should be noted that due to uplifts in Stratford District and North Warwickshire to balance housing with employment forecasts, the sum total of the need of the 6 City/Borough/District Council areas is 88,160 dwellings. This is set out in the MoU.
- 3.4 The recent GL Hearn report (**See Appendix 4** for a summary of this) also sets out the Objectively Assessed Need (OAN) of each of the six Councils within the HMA. It identifies an OAN of 600 dwellings per annum for Warwick District. This closely aligns with the findings of the 2014 Joint SHMA Update which identified an OAN of 606 dwellings per annum for the District. It identifies an OAN for Coventry of 2120 dwellings per annum (or 42,400 dwelling between 2011 and 2031)
- 3.5 The MoU specifically addresses the limited site capacity of Coventry City which means the City Council is unable to meet its housing need in full within the City boundary. Coventry City Council has undertaken a detailed housing capacity assessment (Strategic Housing Land Availability Assessment or SHLAA) during the summer of 2015 using a jointly agreed methodology. This focuses strongly on brownfield sites within the City (which combined with completions since 2011 provides for 17,500 dwellings) and identifies capacity from just over 7,100 dwellings on greenfield sites within the City's Green Belt. In total, the assessment indicates that the City has capacity for 24,600 dwellings. Warwick District Council officers (along with officers of all the Warwickshire districts and boroughs) have scrutinised the City Council's work on capacity and have been aided in doing so by the open book approach taken by the City Council. Officers are therefore satisfied that the City Council have undertaken a rigorous piece of work and that their findings are reasonable and robust.
- 3.6 The consequence of this is that the City has a shortfall of 17,800 dwellings between 2011 and 2031. The Duty to Cooperate requires all the Warwickshire planning authorities to work with the City to reach an effective solution to this shortfall and to act in a reasonable and constructive way. Whilst the Duty to Cooperate is not a Duty to Agree, the Inspector for WDC's Local Plan has made it clear that the submitted Local

Plan cannot progress unless and until the HMA's housing requirement is being planned for in full, including Coventry's shortfall.

- 3.7 The MoU sets out a rational and fair redistribution of the shortfall to the Warwickshire Councils. The approach set out in the MoU is based on an objective and equitable methodology that was developed by all of the Council's in the HMA. Further detail regarding this methodology is set out in the covering report to the meeting of the CWJCEGP on 29th September. This is shown in **Appendix 5**. Essentially, the agreed approach considers the functional relationship each District has with the City by looking at a two-way commuting flows and migration patterns. From this, conclusions were reached regarding the percentage of the unmet need that should be accommodated in each of the Warwickshire Districts. This methodology indicated that just over 37% of the shortfall should be accommodated in Warwick District. This amounts to 6,640 dwellings between 2011 and 2031. In total, and as a result, the District's housing requirement between 2011 and 2031 is 18,640. However, it should be remembered that the Plan Period for the submitted Local Plan is 2011 and 2029. The requirement needs to be adjusted to reflect this (see para 3.11 below).
- 3.8 As well as setting out the housing need and the proposed redistribution of the unmet need, the MoU includes a range of additional clauses to ensure consistency and enable the MoU to be reviewed in certain circumstances. This includes a commitment to for each authority to prepare a Local Plan to reflect the MoU. This is important to demonstrate ongoing commitment to a plan-led system and ensure a piecemeal approach to development is avoided.
- 3.9 Nuneaton and Bedworth Borough Council have decided that they are unable to agree the MoU at the present time. This is because they have not yet completed work on their SHLAA and so do not know the housing capacity of the Borough. Work on their SHLAA (in line with the joint methodology) is due to commence shortly and they have indicated an intention to complete by the end of November 2015. Once the work is complete, officers from all the Warwickshire authorities (including Warwick District) will closely scrutinise the methodology and findings of this work to ensure the Borough's capacity has been correctly identified and has been maximised. This will be particularly important if the initial findings indicate that Nuneaton and Bedworth do not have the capacity to meet their share of Coventry's shortfall in full.
- 3.10 It should be noted that clause 4 of the MoU allows for a review of the MoU to take place in the event that NBBC or any other Council is unable to meet its share of the shortfall because of capacity limitations.
- 3.11 **Recommendation 2.3:** The MoU has significant implications for the Local Plan. To take account of the MoU and to respond to other concerns raised by the Inspector in his initial findings the following areas are being assessed for modifications:

- **Policy DS2 Providing the homes the District needs:** this policy will need to be modified to reflect the fact that the Plan will be providing for, not just the District’s housing needs, but the additional needs of the City as well.
- **Policy DS4 Spatial Strategy:** this policy sets out the overall framework for determining the most appropriate locations for housing and other development within the District. The Policy has been tested to ensure it is still appropriate in light of the changed housing requirement (see “Strategy Check and Review” in the timetable set out in Appendix 3). In particular, officers have assessed alternative spatial strategies using both the sustainability appraisal framework and each of the clauses within the Policy. This work has demonstrated that the Spatial Strategy set out in DS4 remains the most sustainable approach and indicates that no more than minor amendments are likely to be required to the Strategy. This will continue to provide the basis for the Council bringing forward specific site proposals.

As described below (policy DS6), it will be necessary to provide an additional 3,916 dwellings to address unmet arising in Coventry. On top of that, additional sites will need to be allocated to address concerns about the windfall allowance and to provide a degree of flexibility (see policy DS7). As a result additional land for approximately 5,200 dwellings will need to be allocated. Work is ongoing to identify the specific sites to achieve this. However, in considering sites, it is important to take account of:

- a) The National Planning Policy Framework’s (NPPF) requirement to achieve sustainable development, including aiming to locate homes, services and jobs close together to reduce the need to travel
- b) The fact that the majority of the additional housing requirement arises from Coventry

These factors suggest that a reasonable starting point for identifying land for at least some of the additional allocations is to consider green belt releases in the vicinity of Coventry. Officers consider that such an approach would be entirely consistent with Policy DS4

- **Policy DS6 Housing requirement:** the submitted Plan provided for a minimum housing requirement of 12,860 (2011 to 2029). The new minimum level of housing growth will be 16,776 (2011 to 2029) - an increase of 3,916 dwellings (30% increase). The table below shows in more detail how this requirement is derived

	Warwick District Objectively Assessed Need (dwellings per annum)	Portion of Coventry’s unmet need to be meet in Warwick District (dwellings per annum)	Total annual requirement (dwellings per annum)	Total Requirement as set out in MoU (2011 to 2031)	Total Requirement for Local Plan Period (2011 to 2029)
Submitted Local Plan Jan 2015	606	108	714	14,280	12,860

MoU (September 2015)	600	332	932	18,640	16,776
Change	-6	+224	+218	+4,360	+3,916

- **Policy DS7 Meeting the housing requirement:** the submitted Plan included an allowance for 2,485 dwellings from windfall sites. The Inspector has indicated that he does not think that this level of windfalls is justified. This number will therefore need to be reduced. At present, work is still ongoing regarding a justifiable level of windfalls. However, officers estimate that (taking account of the increased housing requirement, the reduced level of contributions from windfalls and the Inspector's requirement that the Plan should provide for a level of flexibility over the requirement by several hundred dwellings), the site allocations in the Plan need to be increased by approximately 5200 dwellings. As part of this the housing trajectory (i.e the expected year by year delivery of housing) and the 5 year supply of housing will need to be reviewed including the buffer required for previous undersupply and making up the shortfall within a five year period. It will be necessary to maintain a 5 year housing land supply throughout. To achieve this, it may be necessary to consider the merits of granting planning permission for sites that are not allocated in the Local Plan.
- **Policy DS10 Broad Location of allocated housing sites:** In line with Policy DS4 and taking account of the detailed site assessment work described below (see Policy DS11), the number of dwellings to be allocated within each broad location will need to be revised.
- **Policy DS11 Allocated housing sites:** the submitted Local Plan proposes to allocate a range of sites for housing in line with the spatial strategy to meet the housing requirement of 12860 dwellings. Given that we will now need to modify the housing requirement, it follows that it will be necessary to allocate additional housing sites (to provide for approximately additional 5200 dwellings). Work is currently taking place to carry out detailed assessments of sites that could meet this need. These assessments are being carried out on the following basis:

 - Stage 1 - Identification of potential sites: potential sites have been identified by revisiting all the sites considered in the 2014 SHLAA to identify those where circumstances may have changed or where officers consider that the additional housing need may now outweigh other factors that had previously rendered sites unsuitable or constrained in terms of capacity. In addition a further call for sites is being carried out to explore whether there are any suitable sites available of which the Council is currently unaware.
 - Stage 2 – Technical and infrastructure assessment: each potential site is subject to a detailed technical assessment including factors such as access, flooding, landscape, ecology, heritage, infrastructure capacity and requirements, etc. This technical work will be undertaken either by the Council's own specialist officers or through the commissioning of appropriate work from other authorities, the County Council or consultants as necessary.

- Stage 3 – Policy compliance assessment: each site is assessed against its compliance with key aspects of the policy framework including its sustainability (as indicated in the NPPF), the Council’s spatial strategy (Policy DS4) and Green Belt (can exceptional circumstance be justified?).
- Stage 4 – Shortlist of suitable sites: using all the assessment evidence described above a shortlist of suitable sites will be identified. Taking account of the mix of scale and locations of these sites, this will be used to arrive at a final set of sites to propose to Council. This stage will involve careful consideration of overall viability, the delivery trajectory and the potential for the sites to deliver a 5 year housing land supply.
- Running throughout these assessments will be work on legally compliant sustainability appraisals so that when the modifications are published we can demonstrate that we have fully considered a range of alternative options and have arrived at reasonable conclusions regarding the sustainability of the overall strategy and the specific sites proposed for allocations.

It is not possible at this stage to indicate which sites are likely to come forward to meet the need for additional allocations. As set out in the timetable below, a further report will be brought to Council with formal recommendations for modifications upon which to consult.

- **Policy DS19 – Green Belt:** the submitted Local Plan includes this policy to ensure that details of amendments to the Green Belt boundaries are provided. It is possible that the additional housing requirement may require further green belt releases. This policy may therefore need to be modified to reflect this possible outcome.

3.12 As a result of the above work, it may be necessary to revisit some other aspects of the Development Strategy set out in section 2 of the submitted Local Plan. This reassessment could include:

- **Policy DS8 – Employment Land:** the implications of the additional housing requirement will need to be fully explained. This work will need to be done in close cooperation with Coventry City Council and other Councils in the HMA so that the approach to planning for the sub-region’s employment land requirements (to go alongside the HMA’s housing requirements) can be set out to demonstrate a strong alignment as required by para 17 of the NPPF.
- **Policy DS9 – Employment sites to be allocated:** see Policy DS8 above
- **Policy DS12 – Allocation of Land for Education:** Depending on which sites are allocated for housing and the infrastructure evidence associated with these sites, the need for additional land for education will need to be considered. However, it should be noted that some of the infrastructure assessment work will be undertaken with Coventry City Council, and it is possible that some of the education provision will be found within the City.
- **Policy DS20 - Accommodating housing need arising from outside the District:** Whilst it may not be necessary to significantly change the wording of this policy, the purpose and justification for the policy will change in light of the MoU. The “explanation” text accompanying this policy will therefore need to be reviewed.

- Aside from the policies outlined above, other aspects of the Plan are likely to require relatively minor modifications, particularly the sections on “Duty to Cooperate and Strategic Planning” and “Local Plan Objectives”.
- Officers are of the view that modifications to these policies are likely to be relatively minor and will only be required to ensure internal consistency and coherence of the Local Plan in light of the changes to the housing requirement.

3.13 Whilst the modifications outlined in paras 3.11 and 3.12 above are significant in terms of the scale of additional housing required, they do not suggest or require a substantive change to the Plan’s overall strategy. With the exception of the additional allocations required to address the Inspector’s concerns regarding the windfalls allowance, the modifications are all associated with the additional housing requirement resulting from the MoU. The modifications will seek to provide a response to the MoU that is focused and that can be contained within the existing Local Plan strategy. Officers are satisfied that the amended housing numbers can align with the Plan’s overall strategy and that this offers a positive and co-operative approach.

3.14 It is proposed that the MoU, along with the scope of the modifications and the associated programme of work as set out above, forms the basis of a further letter to the Inspector. This letter will seek to demonstrate that a period of suspension is appropriate for the Local Plan examination and that there is a reasonable prospect that the Council can put forward a focused set of modifications within the timescale set out in appendix 3 to address the concerns raised by the Inspector in his letter of the 1st June. To achieve this, the letter will need to demonstrate that:

- a) The scale of the modifications is not so substantial that the Council should withdraw the current Plan and commence a new process.
- b) The necessary work can be carried out within a reasonable timescale.

3.15 It will also be important to explain in the letter, the implications of NBBC’s decision not to agree to the MoU. At the time of preparing this report, further work needs to be carried out with NBBC to fully understand the aspects of the MoU that they do support and those aspects where there are differences. From this it is hoped that areas of common ground can be clearly identified. This will enable the letter to the Inspector to clearly set out the differences and to explain the implications for Warwick District’s Local Plan.

3.16 Recommendation 2.4: Nuneaton and Bedworth Borough Council’s Cabinet approved a report on 30th September 2015 which recommended that the “Submission Version” of their Borough Plan be consulted on prior to submission to the Secretary of State. This represents a fairly advanced stage in the plan-making process. This stage is usually reached when the Council has completed the preparatory stages and are satisfied (subject to any representation received) that the Plan is ready for Examination. Whilst the recommendation of the report to NBBC’s cabinet does not explicitly state that this consultation is taking place under Regulation 19 of the 2012 Town and Country Planning Regulations, NBBC officers have confirmed that

this is the case and that this is the version of the Plan that the Council intends to submit.

- 3.17 In Policy NB2, the Borough Plan sets out proposals to provide for 10,040 dwellings between 2011 and 2031. Whilst this aligns with Nuneaton and Bedworth's local housing need, it makes no provision at all for the shortfall arising from Coventry. Paragraph 5.8 of the Plan provides some further explanation as follows:
"The NPPF requires the housing needs of the housing market area to be met in full. Coventry City Council has stated that they are unlikely to be able to meet the objectively assessed need for the city within their boundaries and so some redistribution within the HMA is likely to ensure housing needs are met. At the time of writing it is unclear what the total capacity of Nuneaton and Bedworth is to accommodate additional housing from Coventry and so work is on-going to update the Council's SHLAA using an agreed sub- regional methodology. The findings of this work may lead to the allocation of additional land to assist in meeting the needs of the Coventry and Warwickshire HMA. This will be the subject of a further round of focused consultation, if required."
- 3.18 Whilst this position is understood, it is considered premature to be consulting on a Submission Draft (under regulation 19) before work on the evidence base is complete and which will render this part of the Plan unsound. It is therefore necessary to object to Nuneaton and Bedworth's draft Borough Plan to ensure Warwick District Council can continue to underline the importance of having full regard to the housing need of the Housing Market Area and to ensure that NBBC's SHLAA work is carried out thoroughly and is subject to close analysis from this Council. In this way this Council can make representations to ensure that the capacity of Nuneaton and Bedworth is understood and fully utilised before any further redistribution is considered.
- 3.19 On this basis, this recommendation seeks to delegate the responsibility for agreeing representations to NBBC's Borough Plan to the Head of Development Services in consultation with the Portfolio Holder for Development Services. Further, it is suggested that their remit be extended to make representations in relation to other aspects of the Borough Plan, as they see fit.
- 3.20 **Recommendation 2.5:** In the letter that the Leader of the Council sent to the Inspector on 13th August, the Council outlined a programme and timetable which sought to address the Inspector's concerns by March 2016, enabling the examination process to recommence. The Inspector's response (letter of 28th August) expressed *"doubts regarding the realism of the timetable"*. Specifically he says *"I am also concerned that the process of identifying sites and potentially also broad locations for growth could well take longer than envisaged given the need to fully consider options and appraise them and the potential need for close working with neighbouring authorities for instance in relation to infrastructure provision"*.

3.21 His points have been noted, particularly with regard to the potential complexities surrounding infrastructure planning. As a result, officers have since been working up further detail regarding the required work and have reviewed the timetable. The outcomes from this are shown in **Appendix 3**. This revised timetable takes note of the Inspector's doubts and the fact that some of the work surrounding infrastructure planning is likely to be beyond the Council's direct control. The revised timetable therefore indicates that the Council's proposed modifications will be submitted to the Inspector in May 2016.

4. **Policy Framework**

- 4.1 **Submitted Local Plan** – The report seeks to ensure the successful progression of the submitted Local Plan through examination to adoption.
- 4.2 **Fit for the Future** – The Local Plan will need to align with and help deliver the Sustainable Community Strategy (SCS) and the Council's Fit for the Future programme where appropriate. It will also need to align with our partners documents, such as the Warwickshire Local Transport Plan.
- 4.3 **Impact Assessments** – During the preparation of the Local Plan an Equalities Impact Assessment has been undertaken. This looked at a wide range of potential impacts and concluded that three areas needed to be focussed on in addressing potential negative impacts: consultation; housing mix/affordable housing; and Gypsies and Travellers. The preparation of the Plan has addressed these three issues, with further extensive consultations in line with the Statement of Community Involvement; a clear and strong approach to affordable housing (see policy H2) and housing mix (see Policies H4, H5 and H6); and ongoing work to identify suitable site for provide for the accommodation needs of Gypsies and Travellers (see policies H7 and H8).

5. **Budgetary Framework**

- 5.1 At its meeting on 28th January 2015, the Executive approved a budget of £120,000 to be set aside from the Planning Appeals Reserves to support the Local Plan Examination. In the main this budget was to support the costs of the Inspector and the Programme Officer. In the event that the Inspector agrees to the suspension of the examination, this budget will still be required to support the completion of the examination, potentially along with the additional costs of £30,000 agreed by Council at the meeting of 12th August.
- 5.2 In the event that the Plan is withdrawn (either through a decision of the Council or because the Inspector adheres to his previous view that the Plan should be withdrawn), the additional costs are expected to be higher as it is probable that aspects of the evidence base will need to be updated to inform the preparation of fresh plan proposals. Although it is not currently known what the financial implications of withdrawal would be, it is estimated that the costs would be in excess £50,000.

6. Risks

- 6.1 Section 7 of the report to Council on 12th August set out in some detail the risks associated with both withdrawing the Local Plan and a period of suspension. These risks remain valid.
- 6.2 It is particularly important to emphasise that there remain some real risks associated with pursuing a period of suspension:
- Limiting the range of site options that can be considered: whilst the work carried out to date indicates that the strategy of the submitted Local Plan continues to be justified and reasonable, it does inevitably limit the Council's ability to progress sites that align with other (less sustainable) strategic spatial options such as dispersal or a new settlement. This will inevitably limit that the range of site options that officers are able to put to members to meet the need for additional allocations. There is therefore a fine line to be trodden between providing sufficient sites to meet the new housing requirement at the same time as avoiding substantial changes to the Plan's strategy.
 - Satisfying the Inspector that the MoU is robust: the Inspector has indicated in his letter of 28th August the "much relies on the outcome of the joint working". The MoU provides concrete evidence of that joint working. However there remains a risk that the Inspector will be unconvinced by the ability of the MoU to ensure the HMA's housing requirement is met in full, particularly in light of Nuneaton and Bedworth's decision not to agree to the MoU at this stage.
 - Satisfying the Inspector that the proposed modifications do not represent a substantial change to the Plan's strategy: this has been discussed in paragraphs 3.13 to 3.15 above. Whilst steps are being taken to address this risk, the Inspector has made it clear in his letter that he is concerned about the extent of change with regard to the scale and distribution of housing, particularly given the significant proportion of the district covered by green belt and there remains a significant risk that the Inspector will still require the Plan to be withdrawn for this reason.
 - Satisfying the Inspector that the timeline set out in **Appendix 3** can be achieved and that the period of suspension will not be unduly long: this has been discussed in paras 3.20 to 3.21 above. Whilst the timeline in **Appendix 3** seeks to address the Inspector's concerns, there remains a significant risk that the Inspector will still require the Plan to be withdrawn for this reason. Further this risk would increase significantly if any of the key staff involved in delivering the programme of work are absent for a protracted period of time. It should be noted, that there is a particular pinch-point in the timetable during December and January when the Christmas period will coincide with a period when work will need to be completed on site assessments, infrastructure, the housing trajectory and other associated modifications to the Plan, so that a report can be prepared and presented to the Council by the end of January. To mitigate this risk officers are carrying out a detailed resource assessment, including contingency options.
 - Housing Trajectory and 5 year Land Supply: there is a risk that the evidence arising from the trajectory of housing delivery (based on the

timing of delivery for each site) will not deliver a 5 year housing land supply on adoption of the Plan, particularly given the significant increase in the housing requirement. As a result the Inspector could find the Plan unsound.

- Finally, there remains a risk that the Inspector will agree to a period of suspension, but subsequently will still find the Plan unsound. If the inspector does agree to a suspension, this in no way indicates that he thinks the emerging proposals are necessarily sound. Clearly such an outcome would lead to a substantial additional delay.

6.3 In reaching a balanced decision on the way forward, the risks outlined above need to be offset against the risks associated with a more substantial delay, as is likely, in the event that the Plan is withdrawn. Paragraph 7.2 below provides a reminder of some of these risks.

7. Alternative Option(s) considered

7.1 **Recommendation 1:** No alternatives

7.2 **Recommendation 2:** the Council could decide not to endorse the MoU. Although the MoU results in a substantial additional housing requirement for the District, this is not recommended for the following reasons:

- Duty to Cooperate is both a legal requirement and an important element in developing a sound plan. If the Council chooses not to endorse the MoU it will be hard to demonstrate that the Duty has been complied with. It will also make it impossible to progress towards a sound Plan as we will not be able to demonstrate that the HMA's housing requirement is being met in full nor that Warwick District is playing its part in this. The consequence would be that the Inspector asks the Council to withdraw the Plan.
- Failure to endorse the MoU will have consequences for the progression of all the Local Plans within the HMA which in turn will undermine the potential for the sub-region to grow and prosper
- Failure to endorse the MoU will inevitably lead to a delay in progressing the Local Plan. This would result in significant risks that have been set out in the report to Council on 12th August as follows:
 - **Delay in delivering Local Plan Housing Sites:** Any Local Plan housing sites in the Green Belt cannot be brought forward until the Plan is adopted. Withdrawal of the Plan will therefore hold up the delivery of all housing sites within the Green Belt including at Kenilworth and Lillington. This undermines the Council's ambitions to boost housing supply in line with the NPPF but will also mean that the community benefits that these developments are intended to bring will be delayed.
 - **Consequences for the sub-regional and other employment sites:** The proposed sub-regional employment site is currently within the Green Belt, this cannot be progressed until the Plan is adopted. This is likely to have implications for the supply of readily available large-scale employment land within the sub-region. Such delay will clearly hinder the recovery of the local economy slowing the growth of businesses and jobs and undermine the sub-region's Strategic Economic Plan. The same is true for the development of the University of Warwick campus,

for Stoneleigh Park and for the proposed employment land at Stratford Road, Warwick.

- **Applications for development on unwanted sites:** Whilst the Council does not have a Local Plan in place there is a risk that applications for development on non-Green Belt sites which fall outside our spatial strategy, will receive planning permission through appeals. This is particularly the case when there is not a 5 year supply of housing land, something which can best be remedied in a controlled way through the adoption of the Local Plan. This may have particular implications for the Asps appeal (900 houses) and the Gallows Hill appeal south of Warwick (450 houses).
- **Outdated Plan Policies:** The policies in the emerging Local Plan (for instance those covering retail, economy, flooding, healthy communities, housing etc.) cannot be given weight in the event that the Plan is withdrawn. This would mean that decisions on a whole range of planning applications would have to be based on policies in the extant Local Plan that are long in the tooth or on national policy that does not reflect local circumstances and issues in Warwick District.
- **Infrastructure Delivery:** The delivery and funding of Infrastructure will be more difficult to achieve for two reasons. Firstly, the Council will be at risk from applications on unallocated sites for which infrastructure requirements have not been fully assessed and planned, making it harder to identify and justify developer contributions. Secondly, a delay to the Local Plan adoption will also delay the Council's ability to adopt a Community Infrastructure Levy (CIL) Scheme. This will increase the risk that Section 106 contributions cannot be justified for all infrastructure requirements due to "pooling restrictions".
- **Government Intervention:** Although specific details have yet to emerge, the Government has announced that if Plans have not progressed by early 2017 then it may intervene (see paragraph 7.1.6) and "*arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan*" which can also be taken to mean that development and its location will be imposed on the District irrespective of the Council's views.

7.3 **Recommendation 3:** The Council could choose to withdraw the submitted Local Plan and commence work on a new Local Plan. This would be a reasonable option to take and would provide opportunities to fully explore alternative options for distributing the District's housing requirement. However it would potentially lead to a substantial delay in achieving an adopted Plan with the resulting consequences set out in paragraph 7.2 above. For this reason, officers consider that the balance of argument weigh in favour of continuing to pursue a period of suspension.

7.4 **Recommendation 4:** The Council could decide not to object to Nuneaton and Bedworth's Borough Plan. However in the event that NBBC then submitted their Plan, this would limit this Council's options for participating in the Examination and for influencing their Inspector. Equally importantly this would mean a missed opportunity to influence NBBC itself before the Plan is submitted.

- 7.5 A further alternative would be to seek approval from Executive for any representations. Whilst this would be possible, this would appear to be an unnecessary administrative step and in view of the fact the NBBC's consultation period is likely to be 6 weeks, there is a risk that the Committee Timetable would not allow this.
- 7.6 **Recommendation 5:** One alternative would be to adhere rigidly to the timetable agreed by Council on 12th August. However, the Inspector has indicated some doubts regarding this timetable and, in particular the point he raises with regard to infrastructure is important. It is therefore suggested that including some contingency within the timetable is prudent and provides a more realistic approach. This reduces the risk that the Council will fail to meet the published timetable, which would have consequences for the whole examination process and would undermine the Inspector's need to plan ahead as well as raising doubts for the Inspector regarding the Council's ability to deliver other aspects of the Plan. A second alternative would be to set out a substantially extended timetable. This would have the advantage of reducing the risk that the timetable will not be achieved. However, at best, it would result in a longer than necessary delay to the Plan and potentially it could raise doubts for the Inspector about the length of the suspension and would therefore increase the risk that the Inspector would recommend that the Plan is withdrawn.