



# Rugby Borough Council

## Matter 1

### Issue 1a: Duty to Co-operate

## **Issue 1a: Duty to Co-operate**

**Question 1-** In preparing the RBLP, has the Council complied with the requirements of the Duty to Co-operate, with particular reference to:

- 1a. The relevant strategic matters to which the duty applies as defined by S33A(4) of the Planning and Compulsory Purchase Act?**
- 1b. The relevant local authorities and prescribed bodies as defined by S33A(1) in terms of co-operating on these strategic matters?**
- 1c. Whether the Council has engaged constructively, actively and on an ongoing basis with these organisations on the relevant strategic matters?**

1.1 The Duty to Co-operate Statement of Compliance July 2017 (LP05) sets out the evidence demonstrating how the Council has engaged constructively, actively and on an ongoing basis with the relevant local authorities and prescribed bodies on the identified strategic matters.

1.2 This statement will demonstrate that the Council has worked with Councils and proscribed bodies across the sub-region to produce a joint evidence base addressing the relevant strategic matters, have reached agreements on levels and allocation of Objectively Assessed Need (OAN) and have established mechanisms for future cooperation.

1.3 The relevant strategic matters to which the duty applies are identified within LP05 Chapter 6 (Pages 17 to 21) and listed below:

- Homes needed in the area;
- Employment land and job creation in the area;
- Retail and leisure provision;
- Infrastructure;
- Provision of health, security, community and cultural infrastructure and other local facilities;
- Climate change mitigation and adaption;
- Waste management and the provision of minerals and energy;
- Conservation and enhancement of the natural environment and historic environment, including landscape; and
- Future partnership working.

1.4 In terms of cooperating on the above strategic identified matters, the relevant local authorities are identified in LP05 of the Duty to Co-operate Statement of Compliance on page 7 Housing Market Area (HMA) and page 13 (spatial relationships) and LP25 Statement of Community Involvement June 2015 (Pages 10-11).

1.5 The relevant local authorities within the Coventry and Warwickshire HMA are:

- Coventry City Council
- North Warwickshire Borough Council
- Nuneaton and Bedworth Borough Council
- Stratford-On-Avon District Council
- Warwick District Council
- Warwickshire County Council

1.6 Neighbouring authorities outside of the Coventry and Warwickshire HMA but adjoining Rugby Borough:

- Daventry District Council
- Harborough District Council
- Blaby District Council
- Hinckley and Bosworth District Council
- Leicestershire County Council
- Northamptonshire County Council

1.7 Adjoining the Coventry and Warwickshire HMA and with unmet housing need:

- Birmingham City Council

1.8 In terms of cooperating on the above identified strategic matters, LP05 Duty to Co-operate Statement of Compliance Chapter 5 (Pages 15-16) identifies the prescribed bodies as per below:

- The Environment Agency
- The Historic Buildings and Monuments Commission for England (Historic England)
- Natural England
- The Civil Aviation Authority (CAA)
- The Homes and Communities Agency (HCA)
- Clinical Commissioning Group (CCG)
- National Health Service Commissioning Board
- Integrated Transport Authority (N/A)
- Highways Authority (Warwickshire County Council and Highways England)

1.9 LP05 demonstrates how the Council has engaged constructively, actively and on an ongoing basis with the relevant organisations on the identified strategic matters. The Council considers that the joint evidence base detailed and the agreements reached provide evidence which demonstrates that the Duty to Co-operate has been met.

- 1.10 In the first instance, there have been no objections made to the Council with regards to the Duty to Co-operate from the partners named in LP05. This is in itself considered a strong indication of how the Council has engaged in a constructive manner.
- 1.11 Joint working has been ongoing over a number of years at regional and sub-regional level under the previous West Midlands Regional Spatial Strategy (RSS). Following on from the introduction of the 2011 Localism Act and the 2013 Coventry Core Strategy Inspector's Report suggesting a joint SHMA on a sub-regional level, pre-existing links have strengthened further.
- 1.12 The NPPF requires LPAs to use their evidence base to ensure that Objectively Assessed Need (OAN) is met in full across the Housing Market Area (HMA). A HMA is a geographic area that reflects the functional relationships between settlements. Rugby is within the Coventry and Warwickshire HMA, which is focused around Coventry.
- 1.13 The Coventry and Warwickshire HMA has prepared a joint evidence base (LP05 Chapter 4 pages 12-14). This has served as the starting point for key discussions around the identification and allocation of OAN across the HMA. The advantage of the development of a joint evidence base is that it has ensured consistency across the HMA to establish realistic assumptions about availability, suitability and viability of land to meet the requirements of NPPF paragraphs 159 and 160.
- 1.14 This evidence base has deemed all Coventry and Warwickshire authorities to be within the same Housing Market Area (HMA) owing to the functional relationship between the authorities. Chapter 3 of LP06 Strategic Housing Market Assessment (SHMA) Nov 2013 provides details of the Coventry and Warwickshire HMA. The examination of Local Plans for Coventry, Warwick, Stratford and North Warwickshire have accepted the principle of this HMA and as such is considered that the principle underlining the joint evidence base is robust.
- 1.15 The Council is a signatory to a Housing Memorandum of Understanding (HMoU) (29<sup>th</sup> September 2015) between the Warwickshire Authorities ensuring that housing need in the HMA is met in full and an Employment Land Memorandum of Understanding ELMoU (agreed on 21<sup>st</sup> July 2016). All need identified through the production of the joint evidence base has been fully allocated to the individual authorities across the HMA. Furthermore, LP05 Page 14 gives practical examples of the joint working that has taken place that further demonstrate the Council's case that the Duty to Co-operate has been complied with.

- 1.16 Page 30-32 of the 2013 SHMA details the functional relationship in terms of migration flows and commuting between the largest settlements within the HMA. This demonstrates a strong functional relationship between Rugby and Coventry. Net migration flows from Coventry to Rugby were 220ppa (persons per annum) per 10,000 population between 2008-2011. Gross commuting flows between Rugby and Coventry were identified as 10,493 in 2011. The SHMA 2013 also identifies the house price differentials within the HMA.
- 1.17 The SHMA (2013) states: *“The Strong functional links in migration and commuting terms between Coventry and different parts of Warwickshire point towards the existence of a Coventry-focused housing market area...There are clearly however not a set of hard and fast boundaries, and there are functional relationships which exist beyond this area and indeed towards the edges of the county that are functional links (in housing market terms) with adjoining areas. These include...Links between Rugby towards Daventry to the South East, and between the north of the Borough and Lutterworth.”* (SHMA 2013, Page 33).
- 1.18 Rugby Borough has fully engaged these neighbouring authorities outside of the HMA. No objection has been received from Daventry District Council, Blaby District Council, Harborough District Council, Hinckley and Bosworth District Council, Leicestershire County Council and Northamptonshire County Council in relation to the Duty to Co-operate.
- 1.19 The MoU deals with need within the Coventry and Warwickshire HMA only although a HMA-wide approach would be taken with need arising from outside the HMA. Details on how any unmet need arising from Birmingham will be met within the Coventry and Warwickshire HMA are detailed within Issue 1a, Question 1e.
- 1.20 The relevant strategic issues and how the Council has engaged with the relevant organisations are detailed below.

**Strategic Issue: Homes needed in the area**

- 1.21 The development of a joint SHMAA (2013, 2014 and 2015) was the starting point for on-going discussions about the amount of housing to be delivered in each local authority and informed the development of the RBLP.
- 1.22 A Joint SHLAA across the HMA was rejected owing to differences in land constraints therefore a joint methodology was used to produce a standardised approach across the HMA. Coventry was found to have a housing shortfall of up to 17,800 dwellings. Based on the formula agreed within the HMA, Rugby is accommodating 2,800 dwellings of Coventry’s unmet need. The Council considers that Coventry’s unmet need has been met in full in a thorough manner

which is consistent across the HMA. Each Local Authority within the HMA and Rugby in particular has accepted a step-change to accommodate sub-regional need, as detailed within LP11 the Housing Background Paper. As housing need has been identified and distributed across the HMA with sufficient sites allocated, it is considered that the identified need has been met. It is therefore considered that no further work is needed but that mechanisms are in place to ensure that cooperation will be ongoing.

1.23 Extensive Duty to Co-operate discussions took place amongst Planning Officers, Chief Executives and Managing Directors resulting in a Coventry and Warwickshire Housing Memorandum of Understanding (MoU). Ongoing discussions have been undertaken in a similar manner in relation to Gypsy and Traveller provision, such as the commissioning of a Gypsy and Traveller Accommodation Assessment (GTAA) (LP37).

1.24 It is considered that there are two elements to meeting need: evidence demonstrating the capacity to meet need and commitment from Local Authorities to allocate sufficient land to meet identified need. The joint evidence base (namely the joint SHMA methodology and Green Belt review) demonstrate sufficient capacity and the Memorandum of Understanding demonstrates sufficient commitment.

#### **Strategic Issue: Employment land and job creation in the area**

1.25 Two sub-regional level employment land studies were undertaken in 2014 and 2015. Page 14 of the Duty to Co-operate statement details a key example of where liaison has taken place in relation to employment issues. Ansty and Ryton employment sites within Rugby Borough contribute to Coventry City's employment requirement, as set out in the Coventry and Warwickshire ELMoU.

#### **Strategic Issue: Infrastructure**

1.26 Neighbouring authorities such as Daventry District Council and prescribed bodies such as Highways England have been engaged throughout the Local Plan process. As a two-tier council, Rugby Borough Council has not only worked with neighbouring authorities but has worked closely with Warwickshire County Council in the development of the RBLP and its key infrastructure.

1.27 A key example of the Council engaging prescribed bodies, neighbouring authorities and Warwickshire County Council on strategic matters is in relation to infrastructure and the proposed Lodge Farm allocation. Discussions have been ongoing with Daventry District and Northamptonshire County Council in relation to Lodge Farm to ensure any highway impacts identified from the site can be mitigated. The updated STA (June 2017) reflects discussions that have taken place with Northamptonshire County Council (NCC).

### **Other Strategic Issues**

- 1.28 Other strategic issues where the Council has engaged with relevant local authorities and prescribed bodies is detailed in LP05, pages 18-20. Among the joint strategic evidence commissioned was the Joint Green Belt review. This applied a consistent methodology to assessing the Green Belt across the HMA.
- 1.29 The joint working detailed in LP05 and outlined here demonstrates that high-level cooperation has been ongoing within the HMA. In relation to future co-operation, the Council will continue to work closely with neighbouring authorities, and those in the wider region and Local Enterprise Partnership (LEP) area, on all identified strategic cross-boundary planning matters and will continue to collaborate with infrastructure providers. Following the examination and adoption of the Local Plan, there will remain a need to maintain co-operation and collaboration with others, both those named within the Localism Act and wider bodies with a statutory or other role in implementation, to deliver the Strategy.
- 1.30 Monitoring of the MoU will be important to ensure the housing requirements it sets out are delivered. The Coventry and Warwickshire local authorities have already established a monitoring group which seeks to ensure consistent and effective monitoring across the sub-region and which is providing data to support sub-regional planning, including the Coventry and Warwickshire LEP. This group, under the supervision of the Policy Officers' Group, will be responsible for establishing the indicators that will be used to monitor the HMoU.
- 1.31 To reiterate, a joint evidence base has been produced across the HMA, OAN has been agreed and fully allocated across the HMA. Furthermore no objections have made to the Local Plan with regards to Duty to Co-operate from the partners named in LP05 Duty to Co-operate Statement of Compliance.
- 1.32 Therefore with consideration of the above, the Council considers that it has engaged constructively, actively and on an ongoing basis with the relevant local authorities and prescribed bodies on the identified strategic matters.

### **Question 1d- What is the current position of Nuneaton and Bedworth Borough Council in respect of the Memoranda of Understanding on unmet needs from Coventry?**

#### **Housing**

- 1.33 As detailed above during 2015 work began on a HMoU on the distribution of housing across the HMA and was signed by all sub-regional authorities with the exception of Nuneaton and Bedworth Borough Council NBBC. At that time NBBC cited capacity issues in terms of meeting all of the assigned share of the unmet housing need from Coventry (4,020). This position was maintained in the

2017 Publication Borough Plan. However, at that stage the Local Plan did make provision for 2,330 dwellings from Coventry's unmet need.

- 1.34 A joint response from all the other authorities in the HMA was submitted to the consultation on the Publication Local Plan that raised Duty to Co-operate concerns with the approach. A separate Duty to Co-operate objection was also raised by Rugby Borough Council.
- 1.35 NBBC submitted their Borough Plan for Examination in Public in July 2017, with the housing target unchanged. However, following the Publication consultation NBBC embarked on dialogue with the other five Councils in the Housing Market Area to establish that the housing land supply could be updated with the potential to ensure an adequate supply is identified to meet the Borough's requirement as set out in the MOU.
- 1.36 Hearing sessions were held between 30 August 2017 and 1 September 2017 into matters of procedural compliance, the Duty to Co-operate, the full objectively assessed housing need and, at a strategic level, housing land supply capacity.
- 1.37 Following the above work with DtC HMA authorities to identify further capacity, at its meeting on the 6<sup>th</sup> of September NBBC Cabinet considered those additional sites to contribute towards the overall housing target to meet the HMoU requirement.
- 1.38 Following the Stage 1 Hearings the Inspector provided NBBC with Post Hearings Advice, published on the 19 September 2017. In this the Inspector determined that *whilst the Council has yet to sign a Memorandum of Understanding in relation to unmet needs in the HMA, sufficient progress was made between publication and submission on matters relating to the housing requirement; and that the evidence before me indicates that the legal duty to cooperate has been met.*
- 1.39 However the Inspector required NBBC to clarify the revised housing requirement of the Plan through the production of a topic paper; and to update the Council's position on the unsigned HMoU.
- 1.40 The subsequent housing topic paper stated following the update at the end of the 2016 to 2017 monitoring year, a total of 15,223 dwellings could be provided before the end of the Plan period. In this paper NBBC also stated willingness to sign the HMoU.
- 1.41 The HMA authorities welcomed this position and on the 7 December 2017 asked NBBC when the HMoU is likely to be signed. Although a response has not yet been received NBBC have shown a clear commitment to ensuring the full



housing needs of the HMA are met and to fulfil their role as identified in the HMoU.

### **Employment**

1.42 As detailed in response to question 1 above an ELMoU was developed through 2016.

1.43 The ELMoU was agreed by all six local authorities at the meeting of the Coventry, Warwickshire and Hinckley and Bosworth Joint Committee for Economic Growth and Prosperity, with a commitment by all to commit to the ELMoU by the end of October 2016. As part of the MoU there was a caveat for Nuneaton and Bedworth as they were undertaking further assessment work due to be completed in the autumn.

1.44 NBBC confirmed in their Housing and Employment Needs Background Paper which forms part of their Local Plan Examination Library confirmed their signatory of the ELMoU although this document itself is not in their Examination Library.

### **Question 1e- What discussions have taken place with authorities in the Greater Birmingham HMA with regard to unmet needs from Birmingham and how has this been resolved?**

1.45 The Birmingham Local Plan (BLP) was adopted by Birmingham City Council in January 2017. Policy PG1 of the BLP sets out the overall levels of growth and states:

*“Birmingham’s objectively assessed housing need for the period 2011 to 2031 is 89,000 additional homes, including about 33,800 affordable dwellings. It is not possible to deliver all of this additional housing within the City boundary. The City Council will continue to work actively with neighbouring Council’s through the Duty to Co-operate to ensure that appropriate provision is made elsewhere within the Greater Birmingham Housing Market Area to meet the shortfall of 37,900 homes, including about 14,400 affordable dwellings, within the Plan period.”*

1.46 Paragraph 4.7 of the accompanying text confirms the statement in Policy PG1 that the City Council will work collaboratively with neighbouring authorities and that the focus will be on the Greater Birmingham HMA which comprises Birmingham itself, the Black Country, Bromsgrove, Redditch, Solihull, North Warwickshire, Tamworth, Lichfield, Cannock Chase, South Staffordshire and parts of Stratford-on-Avon.

- 1.47 Paragraph 4.7 continues that in 2014 the Greater Birmingham and Solihull Local Enterprise Partnership and the Black Country authorities jointly commissioned a study to assess future housing requirements within the two areas and to identify scenarios to provide for additional housing to meet any shortfall, including any unmet needs within Birmingham. The study area covers the majority of the Greater Birmingham HMA. The final phase of the study, together with additional work in relation to employment and sustainability, will provide a basis for a strategy to be agreed to accommodate additional housing provision to meet the shortfall arising in Birmingham and any other shortfalls within the study area. In the case of the Greater Birmingham and Solihull LEP, this will be reflected in the LEP Spatial Plan for Growth. The outcome of this will then be taken forward through revisions to individual Local Plans, where this is necessary, to ensure that additional land is allocated for new housing.
- 1.48 Paragraph 20 of the Rugby Borough Local Plan Duty to Co-operate Compliance Statement (July 2017) (LP05) confirms that the Memorandum of Understanding between Coventry City Council and the five Borough/ District Councils in Warwickshire and Warwickshire County Council relating to the planned distribution of housing within the Coventry, and Warwickshire Housing Market Area deals directly with the housing needs arising from within the Coventry and Warwickshire HMA only. It does not address any shortfall arising within the Greater Birmingham HMA. It is noted that although work to assess the shortfall from the Greater Birmingham HMA is progressing, at the time of writing the Duty to Co-operate Compliance Statement it was not clear to what extent any unmet need will have to be met within Coventry and Warwickshire and in particular Stratford-on-Avon and North Warwickshire. It is recognised that this could add further pressures to provide additional housing within the HMA but until more is known that cannot be effectively addressed, nor can it form part of the formal agreement between the Coventry and Warwickshire authorities.
- 1.49 Any Greater Birmingham HMA unmet need that is identified to be accommodated in the Coventry and Warwickshire HMA would firstly be fed in at the Coventry and Warwickshire HMA level and then would be distributed by agreement between the individual local authorities in the Coventry and Warwickshire HMA having regard to the fact that North Warwickshire and Stratford-on-Avon districts are in both the Greater Birmingham and Coventry and Warwickshire HMAs.