EXAMINATION IN PUBLIC HEARING STATEMENT

In respect of

MATTER A: DUTY TO CO-OPERATE

On behalf of

BARRATT AND DAVID WILSON HOMES (MERCIA)

Ref: RCA043f

Date: December 2014
1.0 **MATTER A: THE DUTY TO CO-OPERATE IN RESPECT OF STRATEGIC MATTERS**

1.1 This Hearing Statement has been prepared on behalf of Barratt and David Wilson Homes (Mercia) in connection with the duty to co-operate in respect of strategic matters in relation to the Stratford-on-Avon District Core Strategy (2011 – 2031).

1.2 The Statement provides answers to the Inspectors questions as outlined in his guidance for the matters, issues and questions for discussion.

**Question 1** – In the presentation of the Plan, have the Council engaged constructively, actively and on an on-going basis with all those bodies with whom they are required to co-operate, in respect of (a) strategic housing matters; and (c) all other strategic matters?

1.3 In respect of 1(a) it is not considered that the Council have co-operated in respect of strategic housing matters. It well known that Birmingham City Council and indeed the Greater Birmingham and Solihull LEP area are unable to meet their own objectively assessed need within their administrative boundary.

1.4 Unfortunately, without the Regional Spatial Strategies in place it is now a duty that often fails to be discharged by many Local Planning Authorities. Continuous reference to the fact that the Duty to Cooperate is not a ‘Duty to Agree’ are regularly cited (and indeed this is cited by Stratford DC) in arguing the case for not taking more growth than there is an appetite for. The results of this approach could be disastrous – rather like ignoring the impact of migration into the District. Ultimately migratory pressures will result in inward migrants outbidding some of the existing population, creating displacement and economic polarisation – this is happening in the neighbouring Cotswold District, and to perhaps a lesser extent within areas of the District already.
1.5 The District Council sit within (we argue) multiple HMAs, including the Greater Birmingham and Solihull LEP area; South Worcestershire; Coventry and Warwickshire and North Cotswolds.

1.6 In the Birmingham Development Plan Duty to Cooperate Statement Update\(^1\), the following statement is made by Birmingham City Council in ‘addressing’ the Duty to Cooperate:

‘Stratford upon Avon District Council was not originally identified by the City Council as one of the authorities likely to be directly affected by the emerging housing shortfall. As work on the GBSLEP Strategic Housing Needs Study has progressed it has become clear that parts of Stratford District could be affected depending on the distribution of future growth and the potential impact from the rippling of migration.’\(^2\)

1.8 With the agreement to ‘continue working collaboratively’ in place, it is not clear how this growth is being accommodated within the District. It is felt that the evidence is lacking any detail and is merely a statement made to ‘cover’ the matter for the time being.

1.9 In respect of 1(c) it is not considered that strategic transport cannot therefore have been fully accounted for in the Strategy as presented. As at the statement published in September, it was identified by Warwickshire County Council (in response) that the highways authorities and Highways Agency should be ‘more involved to consider the transport implications of any emerging proposals and ensure that appropriate mitigation measures are identified to allow growth in these areas to come forward in a sustainable manner.’\(^3\) The consideration of these implications does not yet appear to have taken place.

**Question 2 – Why was the Council not a commissioning authority for the Coventry and Warwickshire Joint Strategic Housing Market Assessment, which**

\(^1\) September 2014, Appendix 1  
\(^2\) Ibid, page 9  
\(^3\) Ibid, page 17
gave rise to an objectively assessed housing need figure that it has subsequently adopted?

1.10 It is our view (as stated earlier) that the District sits within a number of overlapping HMAs and that it would be unwise of the District Council to adopt a figure from the Coventry and Warwickshire HMA as ‘definitive’ for SDC. This was an approach adopted within the emerging WMRSS, which identified housing market areas within the Region. It is not clear why this approach has now changed.

1.11 We are not sure why SDC was not a commissioning authority and just ‘engaged as a consultee’ – a status also enjoyed by Birmingham CC, Solihull MBC and the County Council.

1.12 The same consultants produced evidence for Stratford District (GL Hearn, which was subsequently reviewed by ERM) and perhaps it was considered that this would provide sufficient synergy between the two reports.

1.13 Para. 3.7 of the Coventry and Warwickshire SHMA states that ‘Warwick District was identified as in the Southern Housing Market Area (with Stratford upon Avon and the six Worcestershire districts). These areas were identified as having house prices which are more similar to Oxfordshire and Gloucestershire’. This suggests that the SHMA for Coventry and Warwickshire is potentially not the best source of evidence to inform the emerging development plan for Stratford District.

Question 3 – Is there, as some representations have claimed, insufficient evidence to determine whether the duty to co-operate has been met?

1.14 We believe that simply ‘stating it as fact’ is not enough evidence to demonstrate that the Duty has been met.

1.15 The Planning Practice Guidance states that local planning authorities should ‘produce effective and deliverable policies on strategic cross boundary matters’
as a result of fulfilling their duty to cooperate\textsuperscript{4}. It is difficult to see how, despite the significant increase in housing numbers that the Greater Birmingham and Solihull (GBS) area cannot accommodate within their boundaries, that Stratford District have adequately met some of this within their own boundary. To that end, it is felt that whilst attending meetings and signing up to a high level agreement to continue to engage on this, there is no concrete commitment to assist in the delivery of the GBS housing growth that cannot be accommodated within its boundaries.

1.16 It is our view that this is a difficult decision that has simply been ‘put off’ for later consideration.

Question 4a – Would the Council’s approach, including the proposed new policy commitment (CS.xx) to review the plan provide an effective trigger to ensure that any unmet requirements from neighbouring authorities would be met at an appropriate point of need?

1.17 Potentially, but given the strict development strategy being adopted (a small new settlement plus some limited growth to the larger settlements), it is not clear where this unmet need could go – or indeed what quantum of development the District could accommodate in any case that would not then necessitate a green belt review.

1.18 The District have not undertaken a green belt review – and this could have yielded a lot more potential growth than just assuming that it must not be altered. We acknowledge that green belt must only be altered in exceptional circumstances – the review of the development plan is the only opportunity for this to take place and given the unprecedented growth being predicted for the area, we cannot understand why the District Council have chosen not to explore all options available to them.

Question 4b – Can it be characterised as a concrete action and outcome from the joint working?

\textsuperscript{4} PPG Duty to Cooperate, para 01
1.19 No, we consider that the approach taken so far has effectively allowed the District Council to ‘put off’ what is likely to be a significant obligation. Not only do we consider that the overall housing target for the plan period should be substantially increased, but there is absolutely no ‘room’ to accommodate any further growth from neighbouring authorities within the target chosen in any case.

**Question 4c – By way of example if one assumes that Birmingham has identified land for roughly half of its housing need and their plan runs from 2011-2031 can it be said that the need arises post 2021, which would allow sufficient time for a review of this CS?**

1.20 Given the length of time it has taken to reach this stage in the preparation of the Core Strategy (almost 7 years\(^5\)), we consider that SDC would have to begin a review almost immediately in order to put changes in place to accommodate further growth before 2021. Moreover, as we believe that the plan, as submitted, will be facing further delays as a result of a housing target that is too low – this will further exacerbate pressure to review the plan for 2021, and will put the overall strategy at risk.

**Question 5 – What mechanism would exist to ensure that the District took an appropriate share of the unmet objectively assessed housing need in the West Midlands?**

1.21 Of course a Regional Spatial Strategy would have been the ideal mechanism, however that is not an available option any longer.

1.22 What is an ‘appropriate’ share is down to the constraints of the District – one authority cannot require another (for instance) to undertake a green belt review\(^6\) in order to meet need from a neighbouring authority, according to Nick Boles MP. This is unfortunate. This approach will almost certainly create resulting unsustainable patterns of development.

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\(^5\) The first Issues and Options Paper was published in 2007
\(^6\) Ministerial Letter from Nick Boles, 6\(^{th}\) November 2014

1.23 Identifying broad locations for growth and an indication of capacity could create the flexibility within the Core Strategy to allow for further site allocations later in the plan period – rather than beginning an argument over the distribution or general development strategy again.

**Question 6 – Would it be reasonable or appropriate for the Council to delay the preparation of its own plan in order to take account of the objectively assessed needs of others?**

1.24 This would ensure that the plan was as robust as possible, going forward, provided the delay was reasonable (i.e. no more than 6 months).

1.25 Given that we consider the objectively assessed need figure will need to be looked at again before the EiP can make progress, the needs of neighbouring authorities could also be accommodated more readily during this process in any case.

Word Count: 1,646
APPENDIX 1: BIRMINGHAM DEVELOPMENT PLAN DUTY TO COOPERATE STATEMENT UPDATE