Examination of Stratford-on-Avon Core Strategy 2011-2031

Statement on Matter A: Duty to Cooperate.

Matter A: Have the Council Complied with the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004 or does the failure to comply mean that the Examination should not proceed?

1. Miller Homes and Taylor Wimpey Homes (MH&TW) do not consider that the Council has complied with the statutory requirements under the Duty to Cooperate and object to the examination proceeding. MH&TW consider that the Council has not met its statutory Duty to Cooperate in preparing a Development Plan that fully considers accommodating the full unmet need arising within the Strategic Housing Market Areas (SHMA) of Coventry and Warwickshire SHMA and the Greater Birmingham SHMA. Instead the District seeks to accommodate only what it believes to be its own objective assessment of housing need for Stratford District alone.

Inspectors Question 1) In the preparation 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; (b) strategic employment matters; and, (c) all other strategic matters?

2. There is no clear evidence that the Council has engaged constructively, actively and on an ongoing basis on strategic housing matters. The Council’s Duty to Cooperate Statement (September 2014) [ED.3.3] sets out at section 4.4 that there are established mechanisms to promote strategic co-operation and joint working within the Coventry and Warwickshire Sub Region at both member and officer level. It then goes on to outline that this includes the commissioning of a Strategic Housing Market Assessment (SHMA) [ED.4.3.6] which has been used as a starting point for ongoing discussions about the quantum of housing to be delivered in each district.

3. However, as is observed from the SHMA and the Council’s position, the Council were not a commissioning authority for the SHMA and while endorse the findings of it, continued to commission independent advice on housing need that resulted in different conclusions to that of the SHMA.

4. The position in defining the objectively assessed need for housing (OANH) is that it should be established through the preparation of a SHMA and that once defined, the full OANH should be met unless to do so would conflict with or be inconsistent with policies contained within the National Planning Policy Framework (NPPF) where harm would be such that it outweighed the benefit of meeting need. In this context, the OANH according to Table 97 of the Coventry and Warwickshire SHMA for
Stratford District is 570dpa (dwellings per annum). The Council has, however, determined that its own OANH is not 570dpa but is 540dpa. This is referred to in Paragraph 1.6.4 of the ERM Update to the Review of Housing Requirements [ED.4.3.2], a further study commissioned by Stratford Council. The Council is therefore not meeting its full OANH according to the 2013 SHMA as required by Paragraph 47 of the NPPF resulting in an undersupply of 600 dwellings against the full OANH of 570dpa.

5. Given that Stratford is planning for a lower level of housing need than indicated within the SHMA in its OANH, there is a residual loss of 600 dwellings within the Housing Market Area and no Duty to Cooperate arrangements in place to identify how this shortfall will be met.

6. Furthermore, there is evidence that both Coventry City and the Birmingham City are both locations that will have unmet housing need to be met outside of their administrative areas within their wider SHMA boundaries. On this basis Stratford has a key role in providing for unmet housing need from both of these locations and no policy or cooperative action has been made until at Submission of the Plan where a policy introducing a review mechanism for addressing housing need has been proposed. This is considered a late recommendation and demonstrates that the Council has failed to have regard to this necessity until the Plan is at examination. It has not therefore been ongoing engagement.

7. It is evident therefore that the Council has not actively engaged with the wider Coventry and Warwickshire SHMA authorities, nor the Greater Birmingham Local Enterprise Partnership (LEP) authorities with whom it shares its housing market, to deliver a positively prepared outcome.

Inspectors Question 2) Why was the Council not a commissioning authority for the Coventry & Warwickshire Joint Strategic Housing Market Assessment, which gave rise to an objectively assessed housing need figure that it has subsequently adopted?

8. The Council is best positioned to answer this question, however, MH&TW consider that the authority was not a commissioning authority for the reason that it did not wish to be held accountable for the findings.

9. It is noted that the Council has not adopted the OANH figure within the SHMA. It has sought to adopt a lower figure than that recommended by the SHMA. This demonstrates the authorities reluctance to adhere to the findings of the SHMA.
Inspectors Question 3) Is there, as some representations have claimed, insufficient evidence to determine whether the duty to co-operate has been met?

10. There is insufficient evidence to demonstrate that the Duty to Cooperate has been met. While there is evidence presented on engagement activities, there is no evidence on demonstrable outcomes.

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

11. It is not considered that the proposed policy provides any effective trigger to ensure that unmet requirements from neighbouring authorities will be met. The evidence already illustrates that there is an increasing need for new homes within Stratford District (2014 SHMA Addendum) and yet the Council is failing to acknowledge this already, in addition to not acknowledging that the level of need in the 2013 SHMA is already higher than it is planning for. Therefore, while there is some merit of inclusion of a policy indicating a review of the Plan will occur, there is no action to accommodate its own need now in this Plan preparation process, and as such it cannot be seen as to how the Council will actively plan to accommodate additional development through a review trigger.

b) can it be characterised as a concrete action and outcome from the joint working?

12. It cannot be characterised as a concrete action and outcome from the joint working. There is no evidence submitted that it will be actioned.

c) by way of example if one assumes that Birmingham City Council 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?

13. The Examination of the Birmingham Plan has already examined the phasing arrangements of the Plan on the basis set out in the above question and found that it is not supported by evidence. As such the need for new homes in Birmingham will arise within the earlier periods of the Plan and remain constant and continuous throughout the Plan Period. As such the need for new homes exists now, as much as it does in 2021.
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?

14. The Council should first meet its full OANH. After this, it should have proactive measures within the Plan to meet the needs for both the Coventry and Warwickshire and the Birmingham City SHMA areas through making provision in the Plan now for additional land for development. The review of a Plan is a lengthy process and could take a number of years, which will exacerbate housing need across both SHMA areas. The authority can make provision for future flexibility by including allocations of land to meet future needs arising now. Land can be identified within the Plan to come forward under such circumstances without having to wait for Plan review and it is strongly suggested that this approach is adopted.

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?

15. The Authority is required to actively prepare a Plan and to have this in place as soon as possible. However, preparing a Plan that does not address the fundamental component of housing need is an unsound Plan. It is established within the Birmingham Plan examination that Stage 3 of the GBSLEP Needs study and recommendations will be available in the Summer of 2015. As such the accommodation of these findings into this Plan, through delay, will be more rewarding than adopting a Plan now (notwithstanding MH&TW objection to its soundness) that is not fit for purpose in the long term.

16. The Plan is being prepared over a 20 year Plan period, and yet it is evidenced that as soon as 2015, the Plan will be out of date from the evidence from Birmingham and Coventry City. As such, the Plan is only a short term Plan as currently prepared.