

Local Plan Review

Duty to Co-operate Statement



Regulation 19: Proposed Submission stage

1. Introduction	3
2. Process for engagement under the Duty to Co-operate	4
3. Addressing strategic issues	9
4 Summary	14

1.Introduction

The Duty to Co-operate (the 'Duty') is a legal and soundness test that requires cooperation between local planning authorities and other prescribed bodies to maximise the effectiveness of policies for strategic matters in Local Plans and Development Plan Documents. It was introduced by the Localism Act 2011 and is set out under Section 33A of the Planning and Compulsory Purchase Act 2004.

Relevant planning issues identified for consideration under the Duty include the development or use of land that would have a significant impact on at least two planning areas (and in particular on strategic infrastructure). Accordingly, all local planning authorities are required to engage constructively, actively and on an ongoing basis when preparing a local plan to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

In addition to Local Planning Authorities, the Town and Country Planning (Local Planning)(England) Regulations 2012 sets out a list of Prescribed Bodies to whom the Duty applies. For Coventry, the relevant Prescribed Bodies are:

- The Environment Agency
- Historic England
- Natural England
- The Civil Aviation Authority
- Homes England
- The NHS Coventry and Warwickshire Integrated Care Board (ICB)
- National Highways
- Transport for West Midlands (TfWM)
- Network Rail
- Warwickshire, Coventry and Solihull Local Nature Partnership

The National Planning Policy Framework (NPPF) emphasises the importance of joint working and maintain effective co-operation between authorities and other prescribed bodies on cross boundary issues and issues of shared interest.

As stated above **the Duty to Co-operate applies to the development or use of land that would have a significant impact on at least two planning authority areas.**

This statement provides an overview of how Coventry City Council has complied with the Duty in regard to strategic planning matters. It focuses specifically upon the requirements of the Duty: it should be noted that the process of developing a Local Plan also requires engagement of a much wider range of stakeholders (including statutory consultees). This work has also been undertaken and is evidenced throughout the plan review documentation (including the consultation statement) but sits beyond the scope of this paper.

This Paper is set out into two key sections: the operational process for engagement, and then the outcomes from collaborative working in terms of addressing strategic matters where these relate to at least two planning authority areas, and with whom the Council has engaged to address these.

2. Process for engagement under the Duty to Co-operate

It is important to note that all Duty to Co-operate bodies are included on the Council's consultation database and are kept informed of all consultations. This, of course is a bare minimum specifically relating to awareness raising rather than active co-operation. This paper therefore sets out how proactive engagement and resultant outcomes are achieved.

Engagement with Local Authorities

Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO)

Coventry, Solihull and Warwickshire Local Planning Authorities have a long history of working closely and co-operatively together on cross boundary matters. Through the previous round of plan-making this included Memorandums of Understanding regarding delivery of housing and employment growth, particularly focused upon

delivering housing and employment arising from Coventry which helped to inform Local Plan requirements across the sub region.

The Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO) predates the duty to Co-operate and comprises Planning Policy Officers from Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council, Warwick District Council, Warwickshire County Council and Hinckley and Bosworth Borough Council (a Leicestershire authority but with links to the north of the area particularly relating to the A5 corridor).

CSWAPO meets monthly and is the primary body for the Council to work with its partners in determining what strategic issues need to be addressed and the outcomes needed to achieve this through the plan-making process.

As a result of collaborative working through CSWAPO, the strategic issues for the Coventry and Warwickshire area have been determined to be:

- Growth Needs and Land Supply. This relates to the Housing Market Area (HMA) and Functional Economic Market Area (FEMA), covering the Coventry and Warwickshire Local Authorities, but not Solihull or Hinckley and Bosworth which sit outside of this scope.
- Critical Infrastructure. This relates to all CSWAPO authorities and its main priorities relate to energy and health infrastructure.
- Transport. This relates to all CSWAPO local planning authorities.
- Water. This relates to all CSWAPO local planning authorities.
- Natural Environment. This relates to all CSWAPO local planning authorities.

A series of workstreams involving relevant partners directly reflect these strategic matters. The outcomes of these workstreams are covered in section 3 in terms of how these have been addressed in relation to the development of the Coventry Local Plan Review.

West Midlands Development Needs Group (WMDNG)

This Duty to Co-operate group initially began as a group addressing the needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). However its scope has widened beyond that of the HMA, particularly in relation to addressing Strategic Employment needs and a range of other matters.

The WDMNG comprises a broad scope of planning authorities across the West Midlands including the seven Metropolitan Authorities of Birmingham, Sandwell, Dudley, Walsall, Wolverhampton, Solihull and Coventry (these seven are also the Constituent Authorities of the West Midlands Combined Authority (WMCA)). It also comprises Local Authorities from Warwickshire, Shropshire, parts of Staffordshire and Worcestershire, as well as attendees from the West Midlands Combined Authority including Transport for West Midlands (TfWM). It meets monthly.

West Midlands Regional Technical Advisory Body (WMRTAB)

The West Midlands Resource Technical Advisory Body (WMRTAB) is a group consisting of: Waste Planning Authorities (WPAs), primarily from the former West Midlands Region; representatives from the waste management industry; and other specialist parties including the Environment Agency, representatives of industry and environmental organisations.

WMRTAB meets twice a year and commits, through its annual business plan, to covering a range of strategic matters including monitoring the management of waste, identifying strategic matters in terms of its sustainable management, commissioning technical work, and formally responding, as a body, to the technical evidence base and policy documents of member authorities and other strategic and national consultations.

West Midlands Regional Aggregate Working Party (WMRAWP)

The West Midlands Regional Aggregate Working Party (WMRAWP) is established to identify issues of supply and demand, and the options for provision, pinch points, and

relative significances to inform priorities for action. The WMRAWP considers, prioritises and sets action plans to address strategic issues relating to provision for their areas and dependent areas. Action plans should identify data needs, potential partners, dialogue/liaison and related research requirements. The WMRAWP assesses the compliance of Local Aggregate Assessments (LAAs) regarding adequacy of provision but it does not engage in policy-making, but considers and addresses key issues that relate to minerals supply and demand issues. It meets three times a year.

Engagement with Prescribed Bodies

In terms of the Prescribed bodies, whilst all are actively encouraged to engage with the plan-making process the level of response and active engagement specifically through the Duty to Co-operate process is dependent upon the strategic matters which need to be addressed.

The following is a summary of where the Prescribed Bodies have been actively involved in strategic matters which directly relate to the scope of the Duty (see Section 1: introduction). As mentioned previously, these bodies are also engaged in other statutory functions relating to plan making which may be referenced in future representations or Statements of Common Ground, however this paper is focusing specifically on fulfilling the requirements of the Duty itself. As stated previously, all are consulted to ensure awareness. Notwithstanding this however, through the Regulation 19 consultation this will be discussed further with each Prescribed Body to seek agreement or to address any further issues raised. This will include the preparation of Statements of Common Ground where necessary and relevant.

The outcomes in terms of addressing specific issues are detailed in Section 3 of this paper.

- **The Environment Agency**

The Environment Agency (EA) made representations to the Issues and Options consultation. Comments which related to issues of a strategic matter included biodiversity, climate change, green (and blue) infrastructure and flood risk. The

EA has been directly engaged in CSWAPO joint evidence base work (Flood Risk Assessment and Water Cycle Study), and is also directly engaged in strategic waste planning.

- **Historic England**

Historic England (HE) made detailed representations to the Issues and Options consultation. However, Coventry City Council considers that the matters raised relate to localised matters (on which engagement has been ongoing) rather than strategic cross boundary matters which trigger the Duty. However, neighbouring authorities are in the process of updating their plans so the situation will be kept under review as plans progress.

- **Natural England**

Natural England (NE) responded to the Issues and Options consultation, and in terms of potential cross-boundary issues NE raised matters around the importance of green infrastructure, biodiversity, climate change (including flood management), green belt and landscape.

- **The Civil Aviation Authority**

No responses have been received to date from the CAA in relation to the Local Plan review and clarification will be sought to ensure that no strategic matters apply.

- **Homes England**

No response was received to the Issues and Options consultation however Homes England work closely with Coventry City Council on a range of issues including playing an active role in delivery, and delivery of housing is a strategic matter (see section 3).

- **The NHS Coventry and Warwickshire Integrated Care Board (ICB)**

Coventry City Council works with the ICB on a range of health infrastructure matters. The ICB covers a range of disciplines, including the NHS Foundation Trusts, Local Authority Partners, Primary Care Networks and the Voluntary sector. NHS Property Services responded to the Issues and Options consultation (and call for sites consultations) however representations focused upon local site specific and developer contributions matters. Further active engagement with the NHS is ongoing, with key focus upon the requirement (by NHS England and introduced in March 2024) to develop a 10 year system-wide

infrastructure strategy that aligns to its clinical vision, delivers the NHS long term plan and sets out how the local estate will be used.

- **National Highways**

National Highways responded to the Issues and Options consultation identifying a range of matters where cross boundary working is pertinent (albeit these relate to existing allocations through the adopted local plan where work is underway rather than any new proposals). Engagement between the Councils transport team, Warwickshire County Council and Highways England is ongoing, regular meetings are held and the respective Local Plans form part of those discussions.

- **Transport for West Midlands (TfWM)**

TfWM provided a comprehensive response to the Issues and Options consultation, much of this related to policy refinement which is primarily a local focus. However section 3 details how TfWM and the Council are working together on strategic matters.

- **Network Rail**

No responses have been received to date from Network Rail in relation to the Local Plan review. However whilst clarification will directly be sought that there are no specific strategic matters Network Rail wish to raise themselves, it should be noted that Rail is also addressed by Transport for West Midlands (see above and chapter 3).

- **Warwickshire, Coventry and Solihull Local Nature Partnership (LNP)**

No response to the Issues and Options consultation was submitted by the LNP in its own right. However cross boundary strategic work is ongoing in relation to Green Infrastructure and biodiversity and this is set out in Section 3, and also in the Green Belt and Green Environment Background Paper.

3. Addressing strategic issues

This section sets out how Duty to Co-operate partners are addressing the strategic issues (set out in Chapter 1) to which the Duty applies.

Growth needs and land supply

CSWAPO partners have worked effectively together in commissioning a Housing and Economic Needs Assessment (HEDNA) with a base date of 2021, to inform plan making across Coventry and Warwickshire. This work determined that the appropriate HMA and FEMA related to Coventry, Nuneaton and Bedworth, Rugby, North Warwickshire, Stratford on Avon and Warwick administrative areas. This reflected the same HMA and FEMA geographies of the previous plan-making processes for CSWAPO authorities.

Housing growth

In terms of housing, clearly the new NPPF, Standard Method and wider reforms will have an impact, but matters have been discussed regularly at CSWAPO, with a sub-group of those authorities covered by the HMA and FEMA meeting separately to discuss the detail of the Duty.

Through Issues and Options and subsequent discussions at CSWAPO, Coventry has always been clear that it would be proceeding with a housing need number from the HEDNA which reflected local need but did not include the 35% Cities Uplift (a figure set by the previous Government as part of the Standard Method). Through CSWAPO discussion Coventry has always been clear that it did not expect any partners to deliver the cities uplift either as it would be arguing against this through the Local Plan process.

Coventry then commissioned further research (after Issues and Options), and the resultant report (The Review of Coventry's Local Housing Need, June 2024) concluded that the HEDNA still remained a reliable basis for plan making. These findings were shared and discussed with partners in the various Duty to Co-operate sessions: there was no disagreement expressed in regard to Coventry's approach at these meetings.

Employment Growth

As with Housing, the HEDNA was the starting point for assessing employment need. However, work was also ongoing across the wider West Midlands region in terms of assessing strategic site (ie 'big box') needs as this has different site and locational requirements to local employment provision. The West Midlands Strategic Employment Sites Study (WMSESS) was finalised in September 2024, the result of a partnership of those authorities engaging in the West Midlands Development Needs Group referenced earlier in this paper. This details 'opportunity areas' for further exploration, and for Coventry this relates to 'Area 7' which will primarily relate to further joint working with Rugby Borough. Coventry is highly constrained and has no new sites which would meet the criteria set out in the study therefore discussions will be required as Rugby progresses its local plan.

Because the HEDNA had been finalised two years before the WMSESS was completed, those CSWAPO authorities in the FEMA commissioned an 'Alignment Report' to ensure consistency and up to date information to inform plan reviews. As well as producing an explanation as to how the HEDNA and WMSESS was aligned on strategic employment matters, the Alignment report also provided updated figures for local need.

On this particular issue, the total local need figure for Coventry for the period 2021-41 was calculated to be 105 hectares. From this Coventry had a supply of 60 hectares and a residual need of 45 hectares. Despite repeated Call for Sites, Coventry has made its partner authorities aware through the Duty to Co-operate discussions that it is unable to accommodate a 45 hectare shortfall. It has also made them aware that a Green Belt site (11 hectares developable to the east of the city) is being promoted but that it has been rejected through site assessment.

Discussions are ongoing through CSWAPO and with the linked duty to Co-operate Group and associated Local Authorities in regard to this matter, but this currently remains an outstanding issue that has not yet been resolved. In part this is because most partner authorities are at earlier stages of plan preparation. In Nuneaton and

Bedworth Borough Council's case, they are in examination and at the time hearings were underway the extent of any shortfall details from Coventry were unknown.

The authority is continuing to work to develop an MoU with partners and working to establish Statements of Common Ground.

Site Assessment methodology

The CSWAPO authorities have also worked together on a shared methodology for assessing sites. This was developed using the methodology in the Planning Practice Guidance but then provided further elaboration and guidance to reflect local context. Each partner authority has adopted this through their governance processes, for Coventry this was approved by Cabinet on 15th March 2022. This has formed the basis for the Call for Sites form and for the site assessment process (see the Housing and Economic Land Availability Assessment for further detail).

Critical Infrastructure

In terms of critical infrastructure the key strategic matters for Coventry and Warwickshire have been identified to be energy, and health (noting that other infrastructure matters including Green and Blue Infrastructure, Water and Transport are covered by different workstreams).

Energy generation and network distribution strategies are consulted on by the Energy Companies and Distribution Network Companies (Scottish and Western Power and National Grid). Presentations and discussion have been undertaken with CSWAPO to raise awareness of consultations and engagement and to ensure that the Companies are aware of strategic growth plans and respond to their consultations accordingly.

In terms of addressing health matters, these are addressed through engagement with the Integrated Care Board (see section 2) rather than being a matter for CSWAPO per se.

Transport

Coventry City Council's Transport Planning Team engage on a regular basis with Warwickshire County Council, Highways England, Transport for the West Midlands and a range of other transport providers and the Local Plan development is a standing agenda item. Statements of Common Ground will be developed to evidence the outcomes of joint working in relation to the Local Plan.

CCC is a Constituent Member of the West Midlands Combined Authority (WMCA) who have the statutory responsibility for producing a Local Transport Plan (LTP) for the whole region. There is an adopted Core LTP and there will be a series of Area Strategies, which are still in development including an area strategy specifically for Coventry. It is anticipated that the Area Strategies will be adopted in 2025.

CCC has its own Transport Strategy, which was approved in 2022, but this is not a statutory document. It has been developed to align with the LTP and Local Plan policy has been developed in accordance with this. The Transport Strategy is a 15-year vision, accompanied by a more detailed Implementation Plan, which includes a pipeline of capital schemes. The Implementation Plan will be reviewed and updated regularly.

Transport modelling evidence to inform the Local Plan has been prepared with engagement from neighbouring authorities.

Further detail is set out in the Transport Background Paper.

Water

The CSWAPO Water Workstream has worked together to commission and oversee the development of the joint Coventry and Warwickshire Strategic Flood Risk Assessment (SFRA) and Water Cycle Study evidence base which have been published and are being used in the preparation of Local Plans. In addition to each Local Planning Authority, this workstream group has included the Lead Local Flood

Authority (i.e. Coventry City Council and Warwickshire County Council) and active engagement from Severn Trent Water and the Environment Agency.

Natural Environment

The Natural Environment Workstream has overseen the update of the Sub Regional Green Infrastructure Strategy which was finalised in 2024 and is being used to inform Local Plan development and the development and implementation of more localised Green and Blue Infrastructure Strategies and Action Plans.

It should also be noted that work is actively ongoing with the West Midlands Combined Authority to develop a Local Nature Recovery Strategy.

4 Summary

This Duty to Co-operate paper sets out how the Duty is actively being applied in relation to the development of the Coventry Local Plan Review, and will be updated post Regulation 19 as Statements of Common Ground are prepared.