

**Homes in Multiple Occupation
Development Plan Document
Duty to Co-operate Statement**



Submission version
August 2023

1. Introduction

1.1 The duty to co-operate 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. The duty to co-operate was introduced in the Localism Act 2011 and under Section 33A of the Planning and Compulsory Purchase Act 2004 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.

1.2 In addition to the legal requirements set out above, 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.

1.5 This statement provides an overview of how Coventry City Council has worked actively and on an ongoing basis to fulfil its duty to co-operate throughout the plan making process.

2. Local Context

2.1 Coventry is bounded by five local authorities, these include Solihull, Nuneaton and Bedworth, Rugby, North Warwickshire and Warwick. The Council falls within the Coventry and Warwickshire Housing Market Area (HMA) which covers the local authorities of Coventry, North Warwickshire, Nuneaton & Bedworth, Rugby, Stratford-on-Avon and Warwick.

3. Duty to Co-operate Bodies

3.1 The duty to co-operate applies to all local authorities and county councils in England and a number of specified prescribed bodies. The prescribed bodies for which local planning authorities are to co-operate with are defined in Part 2, Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In relation to Coventry City Council and the associated scope of the HMO document, the following are considered to be neighbouring authorities and prescribed bodies:

County Councils:

- Warwickshire County Council

Unitary authorities:

- Solihull Metropolitan Borough Council

District/Borough authorities:

- North Warwickshire Borough Council

- Nuneaton & Bedworth borough Council
- Rugby Borough Council
- Stratford-Upon-Avon District Council
- Warwick District Council.

Prescribed Bodies:

- Natural England
- Historic England
- Environment Agency
- Homes and Communities Agency
- Highways England
- Sport England
- Network Rail
- Coventry and Warwickshire Integrated Care System
- NHS England
- Civil Aviation Authority
- Office of Rail Regulation
- Ministry of Defence
- Integrated Transport Authority – Transport for West Midlands
- HSE

3.2 Coventry City Council work collaboratively with all the authorities who fall within the HMA, including those not listed above who lie beyond the city's shared borders. In addition, although not defined by statute in the same way as the above prescribed bodies, Local Enterprise Partnerships and Local Nature Partnerships are bodies defined in the Regulations as bodies that local authorities have a duty 'to have regard to' in respect of Coventry.

3.3 Whilst many of the above bodies are engaged in active, on-going discussions with Coventry City Council, it is appropriate to contact each of the bodies with whom there is a duty to co-operate at each stage of the local plan preparation to ensure they are aware of the work being undertaken by the council and meetings have been held with relevant bodies, where necessary.

4. Preparation of the HMO DPD

4.1 Coventry City Council commenced work on its HMO DPD Issues and Preferred Options with consultation taking place between September and November 2022. The Council has since consulted on its Regulation 19 Publication Version in March 2023. At each of these

stages, communications were made to duty to co-operate partners seeking their views on the consultation document.

5. Mechanisms for co-operation

5.1 Coventry City Council is actively involved in a number of cross-boundary relationships that have informed the preparation of the HMO DPD. These relationships take different formats, many are formalised, regular meetings where a variety of topics are discussed, and some items have specifically addressed the HMO DPD.

5.2 These partnerships are an invaluable mechanism for facilitating duty to co-operate discussions and enable regular direct contact with a range of bodies. A number of these partnerships have actively engaged with the HMO DPD process, and it has been a frequent item on the agenda at meetings to discuss emerging evidence and specific issues.

5.3 The meetings that have specifically addressed the HMO DPD are set out in Appendix 1. As a result of the Regulation 18 and Regulation 19 consultations, the Council can confirm no representations were received from the DtC bodies which identified any strategic cross boundary issues in relation to the HMO DPD.

5.4 Notwithstanding the above, at the specific request of Warwick District Council officers, Coventry City Council officers provided a bespoke presentation to officers so that a greater understanding of any potential cross boundary issues could be considered and understood more clearly. The reason for Warwick District Councils request was that the University of Warwick straddles the Coventry administrative boundary, and a significant number of students live within Warwick District, in Royal Leamington Spa. As a direct result of this cooperation, Warwick District Council have confirmed they consider the HMO DPD will not give rise to any strategic cross boundary issues.

5.5 On 27 June 2023, the Council and the Environment Agency (EA) convened a meeting to discuss the issues associated with the policy approach as a direct result of the EA representation submitted at the Regulation 19 stage. This endeavour demonstrates the commitment from both organisations to explore and fulfil their respective responsibilities in accordance with the Duty to Cooperate.

5.6 On 6 July 2023, the Council and Warwick District Council officers convened a further meeting as a direct result of an advisory meeting between the Planning Inspectorate and officers at Coventry City Council prior to submitting the plan. The outcome of this meeting resulted in both organisations agreeing that the HMO DPD policy approach would not give rise to any cross boundary strategic issues. This endeavour demonstrates the commitment

from both organisations to explore and fulfil their respective responsibilities in accordance with the Duty to Cooperate.

5.7 For a full schedule of meetings and conversations that were made throughout the preparation of the HMO DPD, please refer to Appendix 1.

6. Conclusion

6.1 Coventry City Council has actively engaged with neighbouring authorities, stakeholders and partners throughout the preparation of the HMO DPD and discussed all relevant strategic matters. This statement together with the Consultation Statement demonstrate how the Council has complied with its Duty to Co-operate. Given the lack of strategic issues raised through this engagement, the Council has determined there is no benefit in producing a SoCG.

Appendix 1: Coventry, Solihull & Warwickshire Association of Planning Officers (CSWAPO)

Monthly Duty to Co-operate meetings involving the following:

- Coventry City Council
- Warwickshire County Council
- Warwick District Council
- Stratford on Avon District Council
- Rugby Borough Council
- North Warwickshire Borough Council
- Solihull Metropolitan Borough Council
- Hinckley and Bosworth Borough Council
- Coventry and Warwickshire Local Economic partnership (before it was disbanded)

The first six Authorities form the Coventry and Warwickshire Housing Market Area as evidenced through the recently published joint HEDNA <https://www.coventry.gov.uk/downloads/download/7374/coventry-and-warwickshire-housing-and-economic-development-needs-assessment-hedna>

Solihull and Hinkley and Bosworth are part of other Duty To Co-operate discussions discussed at CSWAPO (e.g. economy, green infrastructure, transport etc) as they sit in other HMAs. All Duty to Co-operate bodies are included in the Planning Policy database and all are therefore formally consulted on stages of plan making in addition to matters being raised at the monthly CSWAPO meeting.

In terms of when the DPD was raised and discussed at CSWAPO:

- June 8th 2022 – made aware that an HMO DPD being produced alongside a HMO Article 4 Direction.
- August 10th 2022 advised that would shortly be consulting on a HMO DPD and A4 Direction.
- September 14th 2022 advised the would shortly be consulting on a HMO DPD and A4 Direction consultation to launch 20 September.
- November 9th 2022 advised that the Reg 18 consultation on HMO DPD ends on 15th November.
- December 14th 2022 advised that the Reg 18 consultation on HMO DPD ended on 15th November
- January 11th 2023 advised that the HMO DPD (Reg 19) would go to Cabinet in March.
- February 8th 2023 advised that the HMO DPD (Reg 19) would go to Cabinet in March.
- February 27th 2023 – a bespoke presentation given to Warwick District Council exploring HMO DPD including a discussion regarding potential cross boundary strategic matters.
- March 8th 2023 advised that the HMO DPD (Reg 19) would go to Cabinet in March.
- July 6th 2023 a focused discussion with Warwick District Council regarding the DtC as a result of the Planning Inspectorates advisory visit report recommendations.

Further to this, all CSWAPO members then received their consultation emails for the Regulation 19 Plan and no representations were received (nor had they done so at Regulation 18).

A follow up email was sent to the CSWAPO members on Friday 21st April 2023. No concerns were raised as a result of this.