Inspectors Dillon, Ford and Glasin
Planning Inspectorate
c/o Programme Officer

Please ask for Neil Holly
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Dear Inspectors Dillon, Ford and Glasin

RBC14 updated Coventry and Warwickshire Memorandum of Understanding on employment land

1. This email provides RBC's comments on the implications of the updated Coventry and Warwickshire Employment Land Memorandum of Understanding (MOU).

2. The MOU will update and replace document SOCG16 which was signed in 2025. Several changes since the production of SOCG16, including a changed position on Coventry unmet need, mean the MOU needed to be updated.

3. The MOU shows that effective cooperation in line with 2024 NPPF paragraphs 24-28 is continuing and provides evidence of the alignment of plans to meet unmet need as required by paragraphs 27 and 28.

4. The council has had the benefit of reading the responses to the MOU in the Coventry Local Plan examination from three promoters of omission sites in Rugby Borough, Nurton, Prologis and Stoford. We anticipate that similar points will be made by them and others in the Rugby examination. In anticipation of that, the remainder of this letter responds to the main criticisms of the MOU set out therein. I don't address here arguments from objectors as to why overall strategic needs should be higher than is shown in the MOU, because those arguments have been responded to by the council previously.

Objector issue: the supply in the MOU can't be relied upon

5. It is argued that the MOU cannot be relied upon because the plans, except for Nuneaton and Bedworth's, have not yet been adopted and will face challenge and could be modified in examination. Coventry's examination, in which the Inspectors deleted parts of the claimed supply, is cited as a precedent for this.

6. This type of objection is specifically anticipated in NPPF paragraph 28, which states in relation to statements of common ground on cross-boundary matters: "Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or the plans of infrastructure providers. In such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.".

7. It is not desirable or possible to wait until all the plans are adopted before producing a statement of common ground. Conversely, it is reasonable in producing the MOU for the authorities to use the latest published information about the respective plans. In turn, it would be reasonable in line with paragraph 28 for Inspectors to use this MOU as the basis for an informed decision.

8. It is not the role of Rugby Borough Council to assess the veracity of criticisms of the site allocations or supply set out in the emerging plans of its neighbouring authorities. Nor will it be the role of the Inspectors examining Rugby's plan assess whether supply in the emerging plans of neighbouring authorities' plans is deliverable or whether their site allocations are sound. Similarly, it is not the role of the Inspectors examining Coventry's plan to comment on whether the supply identified in Rugby Borough's plan is sound.

Objector issue: the plan periods do not align

9. This is unavoidably the case and indeed paragraph 28 NPPF anticipates it. Table 5 of the MOU presents the need and supply position of each of the authorities based on their own published plans. The position in this table is therefore based on the varying plan periods.

10. However, paragraphs 3.2-3.4 of the MOU present a Coventry and Warwickshire wide position. This compares the identified supply across the FEMA to the gross need figures identified in table 2.5 of the Alignment Paper Addendum 2025 (SD6).

11. The gross Coventry and Warwickshire requirement shown in table 6 of the MOU derives from SD6 and is from a 2021 base date up to 2041, 2045 and 2050.

12. By contrast, the supply in Table 5 for North Warwickshire, Rugby and South Warwickshire is from a 2025 base date and for Coventry is from a 2024 base date. This is because those are the base dates for the authorities' plans.

13. To correct for this base date difference, paragraph 3.3 makes adjustments to include supply which isn't captured in the Table 5 numbers, principally because it was completed before the plan base dates, but which would contribute to meeting the gross 2021-2041/45/50 needs.

Objector issue: Baginton Fields

14. It is claimed in response to paragraph 4.2 of the MOU that there is an increase to employment land need for Coventry and Warwickshire because the supply from Baginton Fields has been reduced from 25ha to 9.8ha.

15. This argument conflates need and supply. In the calculation of the gross Coventry and Warwickshire need numbers shown in Table 6 of the MOU, 25ha for Baginton Fields was assumed. This can be seen from document SD6 (the 2024 alignment paper) at paragraph 3.6 and table 3.3. Table 3.3 shows that Coventry and Warwickshire gross need is calculated by adding the 656ha of commitments listed in Appendix 1 of SD6 to the residual need presented in the WMSESS. Appendix 1 commitments include 25ha for Land at Baginton Fields.

16. Therefore, a reduction in supply from Baginton Fields does not alter need, it just alters supply, but adequate supply is identified across the FEMA to make this up.

Objector issue: presenting supply at Coventry and Warwickshire FEMA level contradicts the WMSESS and/or all Coventry unmet need should be met in Opportunity Area 7

17. This line of argument is used to support claims that all Coventry unmet need should be met in Rugby Borough and that the Coventry Gateway South and Baginton Fields (see above) reductions in supply should be made up in Rugby Borough. This argument misconstrues the role of the WMSESS evidence in three ways:

18. First, it seeks to elevate the WMSESS to the status of a regional plan. It seeks to frame the WMSESS consultants' "indicative apportionments" as fixed allocations to each opportunity area which should not be departed from. However, the WMSESS itself specifically disavows this approach, stating at para 1.31 of the indicative apportionments "This exercise is indicative as it will be for the Local Plan making process to identify the scale, suitability and achievability of sites and therefore the 'apportionment' strategy here is intentionally simplistic and high level.". Clearly the WMSESS authors anticipated that there would be variation through plan making to their indicative apportionments to opportunity areas. They were not seeking to produce an employment land SDS for the West Midlands, and the WMSESS should not be regarded as a de facto SDS, setting binding apportionments.

19. Second, the objectors seek to treat the WMSESS opportunity areas as functional geographies. It is argued that the need-supply position at the Coventry and Warwickshire FEMA doesn't matter, what matters is the need-supply position in each of the WMSESS opportunity areas. This seeks to read things into the WMSESS that aren't there. Figure 4.7 if the WMSESS (document SD4) shows three broad market areas across the study area. One of these, the "Coventry" broad market area, corresponds to the Coventry and Warwickshire FEMA which is the basis of the MOU. Section 4 of the WMSESS then discusses market dynamics for each of these broad market areas.

20. Below broad market areas are opportunity areas. The WMSESS at para 12.4-12.5 explains that the opportunity areas are road corridors/groups of junctions with reasonable access to labour and based on the junction assessment work potential availability of land. Importantly, the opportunity areas are (para 12.4 VI) "Locations contained in the main market areas, which reflect demand.". There is no evidence to suggest that the opportunity areas are themselves separate self-contained functional economic market areas which have their own endogenous need for employment land. Instead, they are exactly what their name suggests, groups of junctions on main routes near to urban areas where there is an opportunity to deliver supply to meet the wider needs identified in the study.

21. Third, the objectors seek to apply the WMSESS opportunity areas to employment land need (i.e. Coventry local need) that falls outside of the scope of the WMSESS study. As noted above, the opportunity areas are groups of junctions in which sub-regional West Midlands need for large sites could be met. They are used in the WMSESS as a means of indicatively apportioning the West Midlands need to different parts of the study area. There is no support in the evidence base for the argument that unmet 'local need' for Coventry, which is derived from the completions trend in the city, needs to be met in WMSESS opportunity area 7 M6 / A45/ A45/ M45. In principle, local need can be met in a wider range of locations and doesn't

need to be restricted to locations adjacent to SRN junctions as is opportunity area 7. Also, as explained above, Opportunity Area 7 is not a functional economic geography, the relevant functional economic geography is the Coventry and Warwickshire FEMA.

22. The accurate position is that the authors of the WMSESS made an indicative apportionment to opportunity areas which were in effect ‘areas of search’ for new large strategic sites. They did this to help inform plan-making, but it was always recognised that these indicative apportionments would change as plan-making progressed. There is no reason why the indicative apportionments should be treated as rigid fixed allocations when the MOU demonstrates that at FEMA/broad market area there is adequate supply to meet assessed needs. There is still less reason why the WMSESS opportunity areas should be used to determine where Coventry local need is met.



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