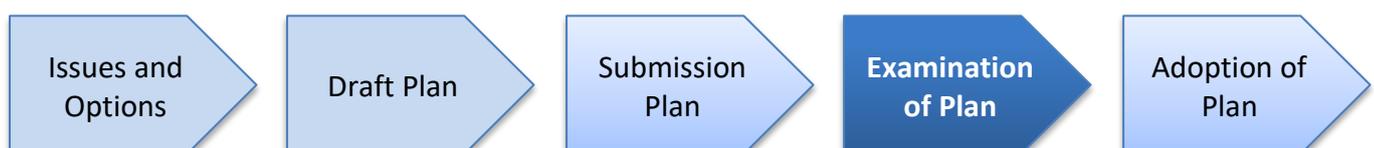


# Reviewing the Plan for Solihull's Future

Solihull Local Plan Review

## Submission Plan: Duty to Cooperate Topic Paper

May 2021



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## **1. Introduction**

1. This topic paper is one of a series of papers supporting the Council's Local Plan which has been submitted for examination. The topic papers look at the relevant national and local guidance that impact on the emerging plan. They also provide a summary of the evidence base and how it has been used to shape the local plan. The topic papers do not contain any policies, proposals or site allocations and should be seen as explanatory supporting documents.

## 2. Duty to Cooperate Requirements

2. This chapter sets out the duty to cooperate context at three levels:

- Statutory requirements
- Policy expectations
- Planning Policy Guidance advice

### Statutory requirements

3. These stem from section 33A of the Planning & Compulsory Purchase Act 2004 (which was inserted through the Localism Act 2011) which covers “Duty to co-operate in relation to planning of sustainable development.”

4. The requirements of the legal DtC can be summarised as follows:

- A LPA must co-operate with other LPAs in maximising the effectiveness with activities including the preparation of a development plan document so far as it relates to a strategic matter. A strategic matter is sustainable development or use of land that has or would have a significant impact on at least two planning areas.
- In particular, the duty requires the party to engage constructively, actively and on an ongoing basis in any process by means of which activities regarding the preparation of a development plan is undertaken.

5. Full text of the relevant section is set out in an appendix.

6. The nature of the DtC has been considered on a number of occasions by the Courts, including by Sales LJ in **Zurich Assurance Ltd v Winchester CC** [2014] EWHC 758 and Patterson J in **R (Central Beds Council) v SoS CLG** [2015] EWHC 2167 (Admin), who held *inter alia* that the Planning Inspector was required to reach a planning judgment on whether there has been an active and ongoing process of co-operation.

### Policy expectations

7. Under the heading “maintaining effective cooperation”, the NPPF includes the following:

*“24. Local planning authorities and county councils (in 2-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

*25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).*

*26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*

*27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency."*

8. At paragraph 35 (a), the NPPF indicates that plans are sound if they are:

*"Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;"*

### Planning Policy Guidance advice

9. Under the heading "maintaining effective cooperation<sup>1</sup>", the PPG advice includes the following:

*"How are plan-making bodies expected to cooperate?"*

*Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.*

*The National Planning Policy Framework sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process. Local planning authorities are also bound by the statutory duty to cooperate. Neighbourhood Planning bodies are not bound by the duty to cooperate, nor are they required to produce or be involved in a statement of common ground."*

### Summary

10. The Inspector must consider *inter alia* whether the DtC legal test has been met, and if so whether the soundness test has been met.
11. It is the Councils' view that the duty to cooperate can be broadly broken down into these components:
- Demonstrating that it has engaged constructively, actively and on an ongoing basis to with a view to maximising effective plan making to fulfil the legal test.
  - Demonstrating the plan has been positively prepared, is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so, to fulfil the soundness test.
12. The duty to cooperate is not a duty to agree. Provided that the Council is able to demonstrate that the legal duty to cooperate has been met, then the examination can

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<sup>1</sup> Reference ID: 61-009-20190315

proceed. This will allow the soundness of the duty to cooperate to be tested. And if the latter test finds the plan unsound then it is open to the Inspector to recommend modifications to address this.

### 3. Unmet Housing Need – The Key Issue for the Duty to Cooperate

13. It is clear from representations made on both the Draft Submission Plan, and earlier iterations of the plan, that the key duty to cooperate issue is the scale and distribution of unmet housing need within the Housing Market Area (HMA). This has been an issue raised by a number of stakeholders, not least other authorities in the HMA, and this will be the focus for this topic paper.

#### Housing Market Area

14. Solihull is one of 14 authorities that make up the Greater Birmingham & Black Country HMA, the others being:
- Birmingham CC
  - Bromsgrove DC
  - Cannock Chase DC
  - Dudley MBC
  - Lichfield DC
  - North Warwickshire DC (also located with the Coventry & Warwickshire HMA)
  - Redditch DC
  - Sandwell MBC
  - South Staffordshire DC
  - Stratford upon Avon DC (also located with the Coventry & Warwickshire HMA)
  - Tamworth DC
  - Walsall MBC
  - Wolverhampton CC
15. Through membership of the West Midlands Combined Authority, the following authorities also have a regional scale relationship with Solihull MBC that has the potential to include relevant cross boundary issues:
- Coventry CC
  - Nuneaton & Bedworth DC
  - Rugby DC
  - Shropshire C
  - Telford & Wrekin C
  - Warwick DC
  - Warwickshire CC

## 4. Current Unmet Housing Need

16. This chapter looks at where the current unmet housing need arises from. In this context, current unmet need relates to established unmet need known to occur from 1<sup>st</sup> April 2020<sup>2</sup> to 2031 – the end date of the Birmingham development Plan. A distinction has been made to reflect the difference in the established nature of the shortfall between up to 2031 and post 2031.
17. Essentially, the current unmet housing need that occurs across the HMA arises from Birmingham, and in particular the adoption of the Birmingham Development Plan (BDP) in January 2017.

### Birmingham Development Plan (2017)

18. The BDP was adopted on the basis that the city's housing needs could not all be accommodated within its boundaries. The plan established an objectively assessed housing need of 89,000 dwellings over the period 2011 to 2031. The plan (at policy PG1) notes an identified supply of 51,000 dwellings. It notes:

*“It is not possible to deliver all of this additional housing within the City boundary. The City Council will continue to work actively with neighbouring Councils through the Duty to Co-operate to ensure that appropriate provision is made elsewhere within the Greater Birmingham Housing Market Area to meet the shortfall of 37,900 homes, including about 14,400 affordable dwellings, within the Plan period. Policy TP48 provides further details on this.”*

19. Policy TP48 (Monitoring and promoting the achievement of growth targets) includes the following:

*The Council will also play an active role in promoting, and monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city. This will focus on:*

- *The progress of neighbouring Councils in undertaking Local Plan reviews to deliver housing growth to meet Birmingham's needs.*
- *The progress of neighbouring Councils in delivering the housing targets set out in their plans.*
- *The extent to which a 5 year housing land supply is maintained in neighbouring areas.*

*If it becomes clear that progress is falling short of the level required, the Council will undertake a review of the reasons for this, and if this indicates that it is necessary to reassess the capacity for housing provision in Birmingham, a full or partial review of this Plan will be undertaken.<sup>3</sup>*

<sup>2</sup> The base date of the Solihull Draft Submission Plan.

<sup>3</sup> This footnote is SMBC comment (ie not part of the BDP) – this is a clear implication that if other LPAs do not meet the unmet need, this needs to be addressed by BCC.

*Key indicators which would trigger this are:*

- *Failure of a relevant Council to submit a replacement or revised Local Plan, providing an appropriate contribution towards Birmingham's housing needs, for examination within 3 years of the adoption of this Plan.*

### **Examination of the Birmingham Development Plan**

20. Extracts from the Inspector's report are set out in an appendix to this topic paper. The relevant paragraphs are from 61 to 76, and from those it is worth noting that the Inspector found the plan sound on the basis that:

- The city's needs could not be accommodated within the city boundaries.
- To delay adoption of the BDP would be inconsistent with the NPPF to have up-to-date plans in place.
- Adoption of the BDP provides certainty as to the scale of the shortfall to be met elsewhere.
- Clear evidence was demonstrated of effective co-operation between LPAs with the aim of meeting Birmingham's needs
- There is an onus on Birmingham CC to monitor supply and delivery within the city and other LPA areas and to take an active role in promoting appropriate provision in other local plans.
- If the city's unmet needs are not met elsewhere, the fall back position is an early review (in full or part) of the BDP<sup>4</sup>.
- Comparison was made to the emerging position in Coventry with a MoU being bought forward to deal with Coventry's unmet needs in other Warwickshire authorities. In particular that the MoU set out the unmet need to be accommodated elsewhere before the Coventry plan was to be adopted. The Inspector noted the "more complex circumstances" of the Birmingham HMA, and did not believe a similar position was necessary for Birmingham.
- It was understandable that there should be a desire to see more rapid progress, but the NPPF objective of boosting housing supply would not be assisted by delaying adoption of the BDP until a MoU had been drawn up and signed by the 14 HMA authorities.
- The final point on this was the Inspectors view that *"In short, delaying adoption of the BDP at this point would hinder rather than help achieve the goal of meeting housing need."*

21. The Inspectors approach sets out some important principles that are applicable to Solihull's position, namely:

- That to enable the plan to be found sound, it is not necessary to have agreements in place (at the time the plan is adopted) that identifies a distribution all unmet need to specified.

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<sup>4</sup> SMBC comment – this does not state that Birmingham's unmet need needs to be met in full elsewhere.

- The benefit of allowing the plan that creates the unmet need to be adopted first gives certainty to the extent of the unmet need to be accommodated in the following plans.
- That this approach needs closely monitoring and underlines the importance of the 'on-going' nature of the duty to cooperate.
- The role an early review of the plan can have.
- The benefits of following a pragmatic approach in allowing a plan to be adopted, thus enabling a housing supply to come forward, even if it hasn't secured or set out in detail how all of the unmet need can be accommodated.

## 5. Future Unmet Housing Need

22. This chapter looks at where the future unmet housing need may arise from. In this context, future unmet need relates to potential unmet need that may occur from 2031 – the end date of the Birmingham development Plan. A distinction has been made to reflect the difference between the established nature of the current shortfall (up to 2031) and future shortfall (post 2031).

### Black Country

23. On the 4<sup>th</sup> August 2020 The Association of Black Country Authorities wrote to all members of the HMA regarding the challenges facing the Black Country Joint Plan review in so far as they related to matters of Housing and Employment land supply. This letter supports the ongoing duty to cooperate process in so far as it relates to the Black Country Joint Plan, but also plan preparation and review for recipient authorities (extent subject to stage of plan making).
24. The letter identified that the Black Country Authorities are preparing a Draft Plan for consultation in summer 2021, with an aim to produce a Publication Plan in summer 2022 and adopt the Plan in early 2024. Despite initial work around urban capacity and potential Green Belt release within the Black Country area, there remains a significant level of unmet need in the order of at least 4,500 - 6,500 homes and up to 292 ha-570ha of employment land up to 2039. Although it should be noted that the Black Country authorities are still to test the potential for Green Belt land release in their areas.
25. On the 12<sup>th</sup> May 2021, the Black Country authorities wrote to indicate that the Draft Black Country Plan (Reg 18) is scheduled to be published in August 2021. The communication also indicates that in advance of the consultation updates to the evidence base will be published including an urban capacity review.
26. This will be the next significant stage in considering and testing the nature and extent of any additional shortfall, and the 14 authorities in the HMA will continue to work together under the duty to cooperate to address the issue.

### Birmingham

27. It is noted that in December 2019 Birmingham City Council published an updated Local Development Scheme (LDS), which concluded that an early review [of the 2017 BDP] was not required. This stated that *“the Local Planning Authority will start scoping out the work needed to undertake this in 2020 and set out a timetable for any BDP update, if necessary, in the next version of the LDS by January 2022.”*
28. In arriving at this conclusion it is assumed that BCC do not believe that progress across the HMA in meeting their shortfall has not ‘fallen short of the level required’ – the test set out in policy TP48 of their plan set out in an earlier paragraph. This includes being satisfied that other LPAs are making sufficient and appropriate progress on their local plan revisions.
29. At this early stage Birmingham CC has not made any request to any LPA within the HMA to help with housing need beyond 2031, nor has it set out what any extent of shortfall beyond 2031 may be.

### New PPG

30. On the 16<sup>th</sup> December 2020 the PPG was amended to include an amended method for calculating Local Housing Need (LHN). This will be particularly relevant for the duty to

cooperate as it includes a new cities/urban centres uplift that will be relevant to two authorities within the HMA.

31. Whilst the amended method doesn't have any implications for how Solihull calculates its own LHN, it will be for authorities such as Birmingham and Wolverhampton which will be subject to the cities and urban centres uplift. This includes a 35% uplift as part of the calculation of the LHN to be applied when the authorities approach their plan making and calculation of five year land supply.
32. In relation to the question 'where should the cities and urban centres uplift be met?' the PPG advises<sup>5</sup>:

*"This increase in the number of homes to be delivered in urban areas is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations. In considering how need is met in the first instance, brownfield and other under-utilised urban sites should be prioritised and on these sites density should be optimised to promote the most efficient use of land. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live nearby the service they rely on, making travel patterns more sustainable."*

33. In the present context, the particularly noteworthy reference is the expectation that this need is met by the cities and urban centres themselves, rather than the surrounding areas i.e. Birmingham and Wolverhampton rather than Solihull.

### **Planning for the Future (White Paper)**

34. The White Paper published in August 2020 set out a package of proposals for the reform of the planning system. Whilst the PPG changes noted above have been brought into effect, the reforms under the White Paper are some way off and are subject to change. Nevertheless, whilst not a determining factor in their own right, they do add to the uncertainty given the intention to abolish the duty to cooperate. This is without any clear indication as to how strategic cross boundary issues can be adequately planning for, especially in the context of the advice in the PPG noted above.

### **Summary**

35. Given the timetable it is the view of SMBC that there remains a significant amount of work to be undertaken to evidence this shortfall and review the overall need in light of recent government changes to the Standard Methodology which, given the timeframes involved, will affect the continued development of the Black Country Plan, and any review of the BDP.
36. Any final shortfall will also be subject to testing through further consultation and public examination. SMBC therefore commits to continuing to work alongside the Black Country Authorities and other members of the wider HMA to review the evidence which supports the unmet need but notes that any outstanding need retains significant uncertainty and is also likely to be relevant towards the latter part of the Plan Period (post 2031 for example).
37. Given the likelihood of a Local Plan review within SMBC prior to 2031 the Council is of the view that this issue can be managed further as part of its next Local Plan review, and that at this stage the 'exceptional circumstances' test of NPPF (para 136) is not fully justified to

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<sup>5</sup> Reference ID: 2a-035-20201216

warrant further releases of land from the Green Belt (that would be necessary if its contribution to the shortfall is to be increased).

## 6. Progress Under the Duty to Cooperate

38. The HMA was effectively established & confirmed as an appropriate geography to work to through the preparation and examination of the BDP.
39. Authorities within the HMA have since meet regularly at officer level and there have been occasions when key Members from all authorities have also met together. These sessions are in addition to discussions and events that occur at multiple levels across slightly different geographies, for instance at the West Midlands Combined Authority and at Local Enterprise Partnerships.
40. Solihull MBC has been an active member of the HMA, since the group came together to meet on a collective basis in 2015<sup>6</sup>, and have contributed to all discussions relating to the delivery of unmet housing need with the HMA.

### Outcome from Duty to Cooperate

41. This has resulted in a number of HMA wide position statements being agreed amongst the relevant authorities, these were published as follows:
  - Position Statement no. 1 – February 2018
  - Position Statement no. 2 – September 2018
  - Position Statement no. 3 – July 2020<sup>7</sup>
42. This engagement has been ongoing and effective in so far as it has resulted in unmet housing need (to 2031) within the HMA being reduced from 37,572<sup>8</sup> dwellings in 2015 to 2,597<sup>9</sup> dwellings as at 2019.
43. The 2,597 shortfall noted above represents the position using land supply as at 1<sup>st</sup> April 2019<sup>10</sup>. This is a figure agreed and supported by all 14 authorities in the HMA.
44. This figure does not yet include contributions towards the shortfall from authorities that have published plans or emerging plans since then. This includes both Lichfield and South Staffordshire. These authorities have plans that are seeking to make contributions to the HMA of 4,500 (2018-40) and up to 4,000 (2018-38) respectively<sup>11</sup>. However it should be noted that these plans include provision beyond 2031.
45. To give an indication of scale, only Less than a third of this provision would need to be made by 2031 to see the overall HMA shortfall to 2031 having been dealt with.
46. Accordingly, on the basis of the adopted Birmingham plan, there is no unmet need for solihull to meet to 2031 (beyond the 2,000 units assumed to be provided by solihull).

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<sup>6</sup> Historically, the Council has worked collaboratively with its neighbouring authorities and other partners. Paragraph 1.4 of the Solihull Local Plan 2013 provides a summary of the collaborative working that took place in the development of the adopted plan. This was complemented by the Duty to Cooperate Background Paper published in November 2012 (SLP Examination library reference PSC4), which provided more detail of the processes and the outcomes of joint working undertaken at that time.

<sup>7</sup> Dated July 2020, but not published until September 2020

<sup>8</sup> Strategic Housing Needs Study Stage 3 (PBA August 2015)

<sup>9</sup> HMA Position Statement No. 3 September 2020 – Table 5 to reflect the position as of the Apr 2019 base date.

<sup>10</sup> Work across the HMA has commenced on 'Position Statement 4' which will provide an update to that published in 2020.

<sup>11</sup> HMA Position Statement No. 3 September 2020 – Appendix 2

47. Solihull MBC has made a longstanding commitment<sup>12</sup> to test accommodating 2,000 dwellings towards the unmet housing need for the HMA, but recognise that the final details of that contribution must be tested through a Local Plan process in accordance with national guidance. This is primarily associated with the need to release land from the Borough's Green Belt to support any contributions it makes. This 2,000 contribution has been taken into account in arriving at the 2,597 shortfall (as at April 2019) noted above

### **Strategic Growth Study (SGS) (Feb 2018) - GL Hearn**

48. The HMA Position Statement no. 1 was published alongside the study to explain the context and outline of the study. It noted:

*The 14 local authorities comprising the Greater Birmingham and Black Country Housing Market Area (GBBCHMA1) commissioned consultancy team GL Hearn and Wood plc to undertake the above study.*

*For the avoidance of doubt, this is an independently prepared, objective study and not a policy statement. It does not in any way commit the participating authorities to development of any of the geographic areas referred to (nor does it exclude the testing of alternatives), but it is a thorough evidence base to take matters forward through the local plan review process.*

*It has been established that there is a shortfall in planned provision to meet housing requirements in the (GBBCHMA). The Birmingham Development Plan (BDP, adopted January 2017) quantified its shortfall as 37,900 (2011 – 31).*

*The BDP includes a policy requiring local authorities within the GBBCHMA to work together to address the shortfall and plans which preceded it included a commitment to review once its scale was confirmed.*

*Subsequently, the Black Country Core Strategy review Issues and Options document suggests there may be an emerging capacity shortfall of up to 22,000 dwellings (2016 – 36).*

*A series of technical studies have been undertaken culminating in the recent completion of this study. By means of summary the study:*

- *Refreshes the housing demand parameters*
- *Updates the collective housing capacity estimates*
- *Considers the scope for increasing residential densities*
- *Considers broad growth locations unconstrained by Green Belt policy*
- *Considers broad growth locations which would require a formal review of Green Belt*

*24 broad locations were identified in total, with 11 identified for further analysis. All locations have been subjected to high level sustainability and infrastructure assessments.*

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<sup>12</sup> Initially being included in the 2016 Draft Local Plan.

*This is a strategic study and considers ways to meet projected housing needs in terms of major developments, new settlements, urban extensions and 'proportionate' dispersal with developments of 500 dwellings or more. Large developments will take time to bring forward and there will be circumstances where smaller-scale developments might be accommodated in the Green Belt and where there would be pressure to deliver development to meet needs in the short to medium term. Thus, the study does not mean that only large-scale Green Belt releases should be considered, nor that only those authorities where strategic developments are proposed would need to review their Green Belts.*

*The table (below) sets out the revised supply and demand position. Whilst it is apparent that the overwhelming majority of need is being met on previously developed land and that higher densities might increase supply on identified sites by up to 13,000 (subject to testing through Local Plans), a significant shortfall remains, particularly up to 2036.*

*Since the abolition of Regional Strategies, local authorities have a statutory obligation to resolve cross boundary matters through the Duty to Cooperate. Government is also proposing to introduce Statements of Common Ground whereby more specific commitments are made as to how and when such matters are resolved.*

*Table: Greater Birmingham and Black Country HMA: Housing need, supply and shortfall:*

	<b>2011-31</b>	<b>2011-36</b>
<b>Minimum need</b>	205,099	254,873
<b>Coventry/Warks Contribution</b>	2880	3660
<b>Supply baseline</b>	178,829	197,618
<b>Minimum shortfall</b>	28,150	60,855

### **The Falling Nature of the Shortfall**

49. The shortfall identified in the BDP stood at 37,900 dwellings. This represented the difference between OAN and an identified supply for just the city as the BDP was being prepared. The plan was submitted for examination in July 2014, the inspectors report was issued in March 2016, and the plan was adopted in January 2017.
50. The SGS looked at comparing need and supply across the HMA as a whole, and to enable like-for-like comparisons to be made, the same approach to comparing need established by the SGS (at 205,099 dwellings to 2031) with an updated supply position has been followed in the subsequent HMA position statements. Using figures from the SGS (paragraph 4.140) and table 5 from HMA position statement no. 3 (July 2020 which uses 1<sup>st</sup> April 2019 as the latest base date for the supply) records the continuing fall in the unmet need and notes the following supply baseline and shortfalls as follows:

	Baseline Supply	Shortfall
<b>PBA Strategic Housing Needs Study – Stage 3 Report (Aug 2015)</b>		37,500
<b>SGS Minimum Shortfall (without uplift in supply from density increases)</b>	179,829	28,150
<b>SGS Baseline</b>	191,654	16,325
<b>2017 update (published)</b>	197,283	10,696
<b>2017 update (revised)</b>	199,238	8,741
<b>2019 update</b>	205,382	2,597

51. The SGS identified that the minimum housing shortfall across the HMA over the period 2011-31 of 28,150 dwellings (SGS table 29) could in part be addressed by increasing development densities<sup>13</sup> (adding 13,000 to the supply) and this would result in a residual minimum shortfall of 15,150 (SGS table 39) – broadly equivalent to the shortfall noted in the above table in the first row.
52. Paragraph 4.140 of the SGS provides the following commentary on the difference between the August 2015 PBA study and the SGS:

*“GL Hearn have arrived at a minimum shortfall of 28,150 dwellings to 2031 which differs from the shortfall identified by the PBA Strategic Housing Needs Study Stage 3 Report (August, 2015) of 37,500. This is a result of the following considerations which have been taken into account:*

- *As we understand it, the PBA studies did not accurately quantify the land supply fully across the 14 LPAs i.e. some Local Plan allocations were missed, therefore the supply was underestimated in 2015;*
- *Additional supply has been identified by a number of LPAs within the HMA since 2015 and now. Around 20,000 dwellings have been identified through further site allocations. This includes proposed allocations in emerging plans.*
- *We consider it is not reasonable to seek to exactly match total supply with the minimum need as this provides no flexibility and ultimately the HMA will likely under-deliver against it – therefore we have applied adjustments for non-implementation to provide a realistic global figure for the developable supply.”*

53. In terms of commentary on the falling shortfall from the SGS baseline to the 2019 update, the Position Statement no. 3 notes the following at paragraph 4.6 in terms of how the supply has increased:

*“Birmingham is by far the main source of this increase having identified capacity for a further 13,942 dwellings since 2017, a 27% increase. This is due to many previously*

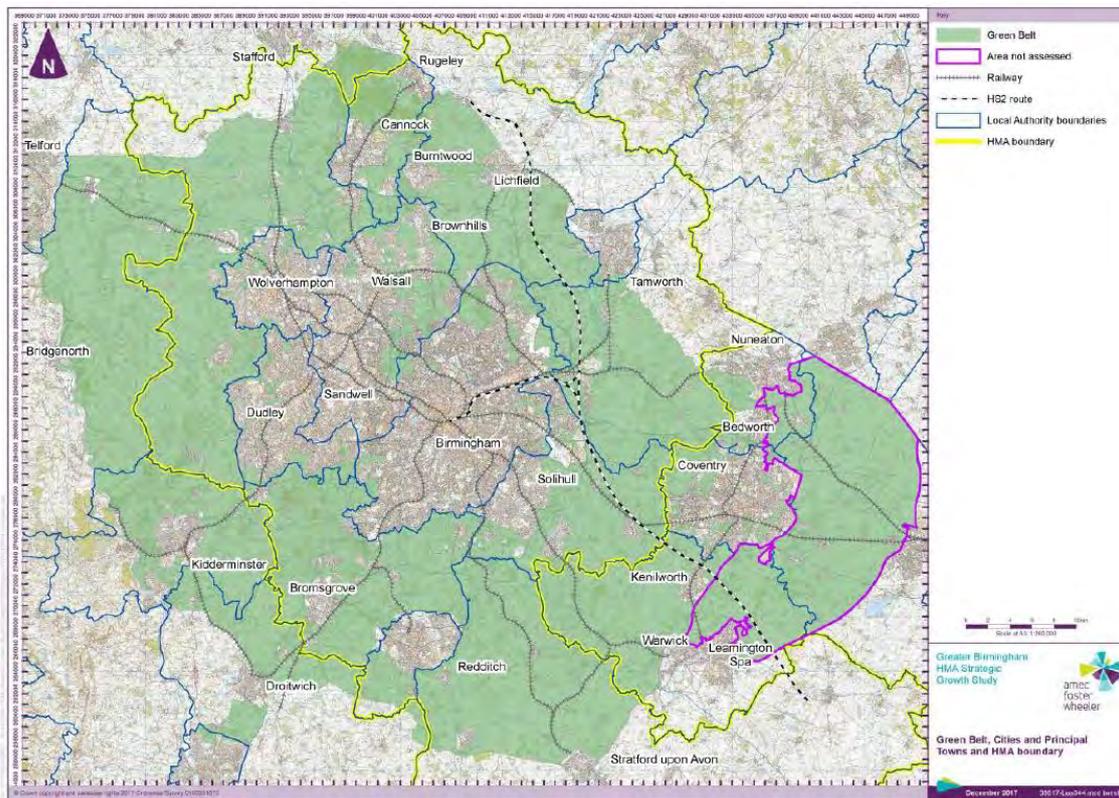
<sup>13</sup> To 40 dph in Birmingham and the Black Country and 35 dph elsewhere.

*unidentified sites coming forward and is consistent with the Birmingham Development Plan Inspector's report, which states that windfall estimates may be exceeded. Elsewhere, previously identified capacity has declined, this is particularly apparent in Sandwell where capacity for 5,106 dwellings has been removed following the Black Country Urban Capacity Review Update 2019. In the main, the sites identified are now expected to remain in active employment use rather than come forward for housing."*

### **Housing Opportunities in the Urban Area or Beyond the Green Belt**

54. Paragraph 137 of the NPPF requires that before concluding that exceptional circumstances exist to justify changes to the Green Belt, authorities should demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This includes discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through statements of common ground. This section gives some commentary to this context.
55. From the onset of the Boroughs Local Plan Review in 2015 it has been clear that significant housing pressures existed across the HMA, and beyond. Prior to the onset of the Plan review, SMBC notes that the development and examination of the BDP which, following the publication of the Inspectors report in 2015, confirmed a significant shortfall in housing need that was required to be met within the wider HMA. In part of reaching this decision BCC were deemed to have demonstrated exceptional circumstances to justify the release of Green Belt land. In the proceeding 5 years SMBC have also noted the development and examination of other Local Plans across the HMA (for instance Bromsgrove) that exceptional circumstances were demonstrated to justify the release of Green Belt land to meet housing needs.
56. In addition, SMBC are active members of the Coventry, Solihull and Warwickshire Planning Officers Group and engaged actively with the respective authorities in relation to the development and adoption of their Local Plans and the Memorandum of Understanding that underpinned them. This is a further important step as each authority demonstrated exceptional circumstances to justify the release of land from the Green Belt to meet the housing needs of the HMA. In the case of Stratford and North Warwickshire (where this matter remains subject to a live EIP), active proposals are also made to support the GBBC HMA.
57. Notwithstanding the above approximately 67% of the Boroughs land area is covered by Green Belt with significantly limited brownfield opportunities within the urban area or the rural settlements. As part of developing the Solihull Local Plan the Borough have been active participants in the HMA Strategic Growth Study, which included looking at options of density and brownfield land as a primary option ahead of releasing land from the Green Belt. In this respect SMBC have sought to maximise the efficiency and deliverability of land within its existing urban areas.
58. Lastly, the plan below shows the extent of Green Belt coverage across the West Midlands Area. SMBC are mindful that a key part of the NPPF, and draft proposals for the future national planning system, is the principle of Sustainable Development and conversely the importance of meeting development needs as close as possible to where they arise. The above summary therefore clearly demonstrates that it would be unsustainable and inappropriate not to plan positively for meeting local housing needs within the Borough and

where possible, and practical, any of the unmet need within the wider HMA. This therefore provides part of the justification for exceptional circumstances in Solihull and demonstrates how SMBC have engaged with and supported the wider HMA in considering the most sustainable options for meeting development needs.



The West Midlands Green Belt and Greater Birmingham HMA (Figure 24 from Strategic Growth Study (GL Hearn Feb 2018)).

## 7. Comments on Solihull's Approach

59. Of the 13 other authorities in the HMA, 8<sup>14</sup> have made comments on the Solihull's plan relating to the scale of the contribution it is making to accommodate the HMA shortfall. A summary of their comments is provided below. The other 5<sup>15</sup> have not commented on this issue and it is assumed they are content with Solihull's approach, or at least don't have any objections to it.
60. To clarify matters further with the eight authorities, statements of common ground have been pursued.

### Main Issues Raised by HMA Authorities

#### *Birmingham*

61. Situation beyond 2031 is currently emerging, but envisaged shortfalls will continue beyond 2031, with the BC evidencing a shortfall of 29,260 dwellings between 2019 and 2038 through its 2019 Urban Capacity Review.<sup>16</sup> However, SMBC notes that the Black Country authorities have not yet tested the extent that this shortfall can be accommodated within their Green Belt.
62. Welcomes contribution of 2,105, but unclear why only this level. They point to the SA of the plan that doesn't identify any further significant effects of accommodating 3k compared with 2k (above LHN).
63. They believe that there is scope to maximise contribution without compromising sustainability, but potential to clearly justify why not more remains.
64. Given other emerging contributions from elsewhere in the HMA, Solihull's figure is **disappointing**, especially given the location close to where the need arises thus being more sustainable.
65. SMBC needs to commit to an early review, possibly triggered by adoption of the BC plan or progress in reviewing the Birmingham plan - to the point where any housing shortfalls are fully identified and established.

#### *Black Country*

66. BC expect a shortfall in the BC of 27,000 homes to 2038, and a shortfall of employment land of between 287-567ha.
67. BC previously commented that SMBC's previously stated contribution of 2,000 was disappointing. Contribution to the HMA should be to 2036, not just to 2031.
68. The 2,105 contribution is **disappointing**, given the strong physical and functional relationship of Solihull to the conurbation, and in the context of the Strategic Growth Study (SGS) that identified options (for further exploration) south of the airport and for a new settlement at Balsall Common
69. 2,740 dwellings in the UKC appears a proportionate response to the SGS, but 1,615 at Balsall Common is short of being a 'new settlement'. Not explained how limits of the environment

<sup>14</sup> Birmingham, Black Country (Dudley, Sandwell, Walsall & Wolverhampton), Lichfield, South Staffordshire & North Warwickshire.

<sup>15</sup> Bromsgrove, Cannock Chase, Redditch, Stratford & Tamworth

<sup>16</sup> It is noted BCC do not indicate any shortfall figures for the city beyond 2031.

and attractiveness of the Borough prevent allocation of further housing, and not all reasonable alternatives have been explored.

### ***Lichfield***

70. Solihull Council is **not committed** to fully addressing the HMA shortfall and this is particularly significant given the geographic context and transport links between Solihull Borough and Birmingham.
71. SMBCs contribution to HMA lower than others (eg N Warks<sup>17</sup> & Lichfield<sup>18</sup>) and therefore further sites should be released from the Green Belt.

### ***North Warwickshire***

72. SMBC only making a modest contribution to HMA, despite the clear and significant links and relationships that Solihull has with the Greater Birmingham area and the longer term need (post 2031) that still needs addressing. This is in context of N Warks making a 3,790 contribution to the shortfall despite Solihull's greater functional relationship with Birmingham.
73. N Warks has **serious concerns** to lack of adequate response to shortfall, including post 2031 need. This is considered a potentially **serious failing** in the Plan in terms of adequately addressing the "Duty to Co-operate"

### ***South Staffordshire***

74. Reiterate the **concerns** which we have previously expressed about the scale of the contribution being proposed by Solihull Metropolitan Borough Council towards meeting the housing shortfall identified in the GBHMA. It is considered that continuing with this approach risks the plan **failing** in meeting statutory requirements. Specifically, South Staffordshire considers that the post 2031 shortfall should be considered as part of this present Local Plan review rather than being deferred.

### **Notes on Issues Raised by HMA Authorities**

75. All HMA authorities making representations on this issue have specifically confirmed that Solihull's approach to the duty to cooperate has met the legal test. Thus agreeing that Solihull has engaged constructively, actively and on an ongoing basis in seeking to maximise the effectiveness of its plan making.
76. It is often noted that the duty to cooperate is not a duty to agree, and in this instance, where there are differences in views between Solihull and other authorities, this is around the soundness test, and particularly whether it has been demonstrated that Solihull's plan accommodates unmet need **practical** to do so.

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<sup>17</sup> 3,790

<sup>18</sup> 4,500

## 8. Solihull's Contribution

77. Solihull has made a long standing commitment to test the incorporation of a 2,000 contribution to the shortfall.
78. At the time this was initially suggested, and then incorporated into the Draft plan in 2016, there was no HMA wide agreed mechanism or methodology for agreeing such a contribution. In the absence of such a mechanism a figure was selected using planning judgement that was considered to (a) make a reasonable contribution to reducing the shortfall (which was already begging to fall, (b) would be deliverable and (c) would not result in an unsustainable pattern of development in the Borough.
79. In the continued absence of an agreed HMA wide mechanism Solihull's contribution is the result of the difference between an identified supply that creates a sustainable pattern of development and the Councils LHN.
80. This judgement is guided by the Sustainability appraisal, Green Belt Assessment, Landscape Character Assessment and individual assessments of all sites considered to be available. This is a judgement about accommodating unmet where practical to do so. This has resulted in a reasonable and informed position.
81. Dealing with our own need over the plan period and an HMA contribution to cover need to 2031 represents a pragmatic approach to dealing with the established shortfall to 2031 bearing in mind the uncertainties beyond 2031
82. SMBC committed to an earlier review, if required, as more certainty emerges regarding post 2031 HMA shortfall.
83. Although recognise that others seeking more, the Council is not shying away from difficult decisions – the plan includes a substantial release of Green Belt land – some 574 ha (para 421 of the plan)
84. As Solihull is such a constrained area, including by the GB, without GB releases there will not be a housing supply coming forward - to hold up Solihull's plan making would not held boost the supply of housing, and to paraphrase the BDP inspector *"In short, delaying adoption of the solihull plan at this point would hinder rather than help achieve the goal of meeting housing need."*
85. This represents an appropriate strategy

## APPENDICES

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## A. Relevant Notable Events/Timeline

### 2013

86. December – Adoption of the Solihull Local Plan (which includes a commitment to an early review)

### 2014

87. November – Publication of the Strategic Housing Needs Study Stage 2 (Peter Brett & Associates (PBA)). This study considered both geographies and needs/supply across the study area and was commissioned by the Greater Birmingham and Solihull LEP<sup>19</sup> and the 4 Black Country authorities.

### 2015

88. January – Inspectors interim report into the Birmingham Development Plan confirming the appropriateness of the HMA geography.
89. August - Publication of the Strategic Housing Needs Study Stage 3 (PBA). This provided an update to the stage 2 study and noted the BDP Inspectors comments on the HMA geography. The housing need/supply balance across the HMA was noted to result in a shortfall of 37,572 dwellings<sup>20</sup>.
90. September – HMA Housing Conference (hosted by SMBC at the NEC). The conference was attended by representatives of all 14 HMA authorities and typically included a relevant Cabinet Member, Director/Head of Service and Heads of Policy. It was agreed:
- That the housing shortfall (37,500) is a shared problem for the HMA authorities;
  - To collaborate as part of our duty to co-operate to find a solution;
  - To share resources, expertise and provide mutual support towards a solution;
  - To establish HMA Technical officer group.

91. November – SMBC publishes Scope, Issues and Options consultation.

### 2016

92. January - HMA Housing Conference (hosted by SMBC at Solihull College).
93. March – Inspectors final report into the Birmingham Development Plan issued. The Inspector took into account the Strategic Housing Needs Study (both stage 2 and 3). He concluded that the city had a need for 89,000 dwellings and a supply of 51,100, leaving a shortfall of 37,900 dwellings.
94. November SMBC publishes Draft Local Plan consultation.

### 2017

95. January – Birmingham Development Plan adopted, thus quantifying (at 37,900 dwellings<sup>21</sup>), through an adopted plan, the extent of the Birmingham shortfall which is the principal cause of the HMA shortfall. The plan recognises that the “Council will also play an active role in

<sup>19</sup> Although it was noted that some authorities in the LEP are not part of the HMA, and some authorities not part of the LEP are part of the HMA.

<sup>20</sup> Table 2.2

<sup>21</sup> To 2031

promoting, and monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city.” Furthermore policy TP48 goes onto state that if other local authorities do not submit plans that provide an appropriate contribution to the shortfall, then the Council needs to consider the reasons for this and determine whether it is necessary to reassess Birmingham’s capacity by means of a full or partial BDP review after three years.

96. March – GL Hearn commissioned by the 14 HMA authorities to produce the Strategic Growth Study

### 2018

97. February – Publication of the Strategic Growth Study (GL Hearn).
98. February – HMA Position Statement No. 1 – Issued alongside the publication of the Strategic Growth Study. The statement noted:
- That the Strategic Growth Study *“is an independently prepared, objective study and not a policy statement. It does not in any way commit the participating authorities to development of any of the geographic areas referred to (nor does it exclude the testing of alternatives), but it is a thorough evidence base to take matters forward through the local plan review process.”*
  - That there is a minimum shortfall of 28,150 to 2031, but that higher densities might increase supply on identified sites by up to 13,000.

99. September - HMA Position Statement No. 2

### 2019

100. January – SMBC publishes Draft Local Plan Supplementary Consultation.

### 2020

101. September - HMA Position Statement No. 3

## B. Legal Statute for Duty to Cooperate

### Planning & Compulsory Purchase Act 2004

#### Section 33A Duty to co-operate in relation to planning of sustainable development<sup>22</sup>

- (1) Each person who is—
- (a) a local planning authority,
  - (b) a county council in England that is not a local planning authority, or
  - (c) a body, or other person, that is prescribed or of a prescribed description,
- must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
  - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c),
- so far as relating to a strategic matter.
- (4) For the purposes of subsection (3), each of the following is a “strategic matter” —
- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
  - (b) sustainable development or use of land in a two-tier area if the development or use—
    - (i) is a county matter, or

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<sup>22</sup> S. 33A inserted (15.11.2011) by Localism Act 2011 (c. 20), ss. 110(1), 240(5)(i) (with s. 144)

(ii) has or would have a significant impact on a county matter.

(5) In subsection (4)—

“county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),

“planning area” means—

(a) the area of—

(i)

a district council (including a metropolitan district council),

(ii)

a London borough council, or

(iii)

a county council in England for an area for which there is no district council,

but only so far as that area is neither in a National Park nor in the Broads,

(b) a National Park,

(c) the Broads,

(d) the English inshore region, or

(e) the English offshore region, and

“two-tier area” means an area—

(a) for which there is a county council and a district council, but

(b) which is not in a National Park.

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

(a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and

(b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section—

“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and

“land” includes the waters within those regions and the bed and subsoil of those waters.

## C. Legislation & Policy of Reviewing a Plan.

102. Under the title “Review of local development documents”, the Town & Country Planning (Local Plan) Regulations (as amended) makes the following provision:

*“10A<sup>23</sup>.—(1) A local planning authority must review a local development document within the following time periods—*

*(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);*

*(b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act”*

103. Para 33 of the NPPF sets out the policy in these terms:

*“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary<sup>18</sup>. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”*

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<sup>23</sup> Regulation 10A was inserted by regulation 4 of the Town & Country Planning (Local Plans) (Amendment) Regulations 2017 which came into effect on 6<sup>th</sup> April 2018.

## D. Extract from Examiners Report on the Birmingham Development Plan

104. The Inspectors report (11<sup>th</sup> March 2016) on the BDP set out the following:

*“Meeting the overall need for housing – addressing the shortfall*

*61. Clearly, the supply of housing land in Birmingham is a long way short of meeting the objectively-assessed need for about 89,000 dwellings. Nonetheless, it will be clear from my findings elsewhere in this report that, on the available evidence, the allocation of additional sites within the city boundaries would not be justified. Accordingly, while submitted policy PG1 makes provision for the development of 51,100 additional homes<sup>26</sup>, the reasoned justification makes it clear that the Council will work with neighbouring authorities to secure additional provision to meet the overall need. That is not a new situation: the evidence shows that for many years newly-arising housing need in Birmingham has outstripped the capacity of the city to meet it, and so a substantial proportion of Birmingham's need has been met in other parts of the West Midlands.*

*62. The principal mechanism for achieving such provision outside the BCC area is now the duty to co-operate, introduced into the 2004 Act by the Localism Act 2011<sup>27</sup>. In my IF I explained why I did not accept the argument put to me, that in order for the BDP to be found sound it would have to set out where the shortfall of housing provision in the city to meet Birmingham's needs would be met, by reference to specific apportionments in other LPA areas. I noted that it is not within my remit, in examining the BDP, to specify how much land should be allocated for development in any other LPA area. That would require a separate Local Plan, or plan review, examination in each case.*

*63. Moreover, it would be inconsistent with the NPPF's emphasis on the need to have up-to-date plans in place, to delay the adoption of the BDP until every other relevant council in the HMA had reviewed their Local Plan to provide for the Birmingham shortfall – a process that could take several years and would delay necessary housing development coming forward within the city itself. In particular, it would delay the release from the Green Belt of the strategic urban extension [SUE] site at Langley (considered under Issue E below).*

*64. NPPF paragraph 47 makes it clear that LPAs are to ensure that their Local Plan meets the full need for housing in the HMA, as far as is consistent with the NPPF's policies, while paragraph 179 advises that joint working should enable LPAs to meet development needs that cannot wholly be met in their own areas. Thus there is a clear policy injunction on other LPAs to co-operate in allocating land to meet the shortfall in Birmingham. Adoption of the BDP will provide certainty as to the scale of the shortfall and the requirement for it to be met elsewhere in the Greater Birmingham HMA.*

*65. In my IF, I described the process that is being followed in order to arrive at an agreed distribution of the shortfall to other authorities in the HMA. Since then, the*

latest stage in the process has been the publication in August 2015 of the SHNS Stage 3 report, which identifies a series of options for meeting the shortfall. The bodies who commissioned the report (GBSLEP and the BCAs) together cover 13 LPAs across the West Midlands. The next stage is for the GBSLEP itself to assess the options and decide on a preferred option to take forward into the next iteration of its Spatial Plan for Recovery and Growth [SPRG].

66. Alongside this, so far seven LPAs in the HMA have committed themselves to a review of their adopted or emerging Local Plans, should this be necessary to address Birmingham's shortfall<sup>28</sup>. All this is clear evidence of effective co-operation between LPAs with the aim of meeting the housing needs of Birmingham and the HMA as a whole. While the SPRG is a non-statutory document, both its preferred option and the evidence underpinning it are likely to be material considerations of significant weight when Local Plans are reviewed.

67. Nonetheless, I consider that the duty to co-operate places a particular responsibility on the Council to ensure, as far as they are able to, that appropriate contributions towards Birmingham's housing needs are made when other LPAs draw up or review their Local Plans. Thus MM2 is necessary to spell out in policy PG1 itself the full scale of objectively-assessed need, including the need for affordable housing, and that provision needs to be made elsewhere in the Greater Birmingham HMA, through the duty to co-operate, to meet the shortfall within the Plan period. Alongside that, MM3 is required in order to explain in the policy's reasoned justification the mechanism for achieving that objective. These modifications are necessary to ensure that the BDP is effective.

68. For the same reasons, new policy TP47 is inserted by MM84. It puts the onus on the Council, both to monitor housing land supply and delivery in the city and in other LPA areas, and to take an active role in promoting appropriate provision in Local Plans across the HMA to meet the shortfall in Birmingham. Those requirements are consistent with the duty to co-operate on cross-boundary strategic matters. In my view, they provide an adequate mechanism to secure provision to meet Birmingham's full housing needs over the Plan period. Should they nonetheless fail to bring forward sufficient housing, either within Birmingham or in the wider HMA, there is a fall-back provision in the policy requiring a full or partial review of the BDP to be undertaken as necessary.

69. As published for consultation, the requirements of MM84 were set out as part of the reasoned justification, but respondents made the valid point that they ought to have policy status in view of their importance to the achievement of the Plan's strategy. The Council will need to insert appropriate introductory text to the policy as an additional modification. In the light of consultation, the policy requirements themselves, and the monitoring indicators that would trigger them, have been refined in order to ensure that they are sufficiently precise and effective.

70. However, I see no need to change the period of three years (following adoption of the BDP) within which the new policy expects relevant Councils to have submitted a replacement or revised Local Plan for examination. That is a realistic period to allow

*for the SPRG to be finalised and for Plan reviews to be brought forward. Modified policy PG1 makes it clear that provision should be made within the HMA to meet the Birmingham shortfall in full by the end of the Plan period.*

*71. While the evidence at this examination demonstrates that around 51,000 dwellings is the maximum that can be provided in the city over the Plan period, it cannot be assumed that the same circumstances will necessarily prevail when any such review takes place. Thus any Plan review that may be required under the terms of the new policy will provide a genuine opportunity to reassess the capacity for housing provision in the city in the light of contemporary evidence. Having said that, setting a fixed date to review the BDP, independent of any evidence of a failure in provision, is unnecessary in the light of national guidance that most Local Plans are likely to require updating in whole or in part at least every five years<sup>29</sup>.*

*72. Nor is it necessary for the strategic options set out in SHNS Stage 3 to be subject to SA, in order to meet the legal requirements for SA of the BDP. Clearly it would be sensible for SA of the strategic options to be carried out, as envisaged in my IF, as part of the process of arriving at a preferred option for distributing the housing shortfall across the HMA. But the effects of implementing the BDP itself arise from the policies and development proposals it contains, not from any development proposals that may be put forward in other Local Plans.*

*73. A number of responses to the MM consultation drew attention to the alternative method being adopted in the Coventry and Warwickshire HMA for meeting the shortfall in housing land supply in Coventry. A Memorandum of Understanding [MoU] has been drawn up, setting out the distribution of the shortfall to the other LPAs in the HMA, and I understand that all but one have signed it. It is suggested that I should not find the BDP sound until a similar process has been carried out for the Greater Birmingham HMA.*

*74. Evidently I was not party to the discussions that led to the production of the Coventry and Warwickshire MoU, nor am I aware of all the evidence that has been presented to Local Plan examinations in that HMA. The MoU appears to be a useful means of securing agreement from LPAs to a proposed distribution of the housing shortfall, but the necessary first step must be to define the proposed distribution to each LPA. However that was done in Coventry and Warwickshire, the method being followed in the different and more complex circumstances of the Greater Birmingham HMA is the GBSLEP- and BCA-led process described above. No robust alternative method of arriving at an evidence-based distribution of the shortfall has been put before me.*

*75. It is understandable that there should be a desire to see more rapid progress, particularly as publication of the SHNS Stage 3 Report occurred some six months later than anticipated in my IF. However, I do not see how the NPPF objective of boosting housing supply would be assisted by delaying adoption of the BDP until the SPRG is finalised, and a MoU has been drawn up and signed by all (or most) of the 14 Greater Birmingham LPAs. There is no convincing evidence to show how taking that stance would speed up progress on the SPRG, or help bring forward Local Plan reviews*

*across the HMA. In the meantime, land for over 5,000 dwellings in the Birmingham Green Belt would remain unreleased.*

*76. In short, delaying adoption of the BDP at this point would hinder rather than help achieve the goal of meeting housing need.*

## E. Statements of Common Ground (SCGs)

105. This appendix sets of the current status<sup>24</sup> of the SCGs (as submitted with the plan) with other authorities:
- **Birmingham CC** – Agreed and signed version submitted alongside the plan.
  - **Bromsgrove DC** – Draft version submitted alongside plan.
  - **Cannock Chase DC** – Draft version submitted alongside plan.
  - **Coventry CC** – Draft version submitted alongside plan.
  - **Dudley MBC** – Agreed and signed version submitted alongside the plan.
  - **Lichfield DC** – Agreed version (that is just awaiting signatures) submitted alongside plan.
  - **North Warwickshire DC** – Agreed and signed version submitted alongside the plan.
  - **Redditch DC** – Draft version submitted alongside plan.
  - **Sandwell MBC** – Agreed and signed version submitted alongside the plan.
  - **South Staffordshire DC** – Agreed version (that is just awaiting signatures) submitted alongside plan.
  - **Stratford upon Avon DC** – Draft version submitted alongside plan.
  - **Tamworth DC** – Draft version submitted alongside plan.
  - **Walsall MBC** – Agreed and signed version submitted alongside the plan.
  - **Warwickshire County Council** – Draft version submitted alongside plan.
  - **Wolverhampton CC** – Agreed and signed version submitted alongside the plan.
  - **Worcestershire County Council** – Draft version submitted alongside plan.
106. As further progress is made on the draft versions, the examination will be updated.

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<sup>24</sup> To date the focus on getting SCGs signed has been on those authorities raising concerns with the Council's approach.



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