

## STATEMENT OF COMMON GROUND (SOCG) BETWEEN: SOLIHULL MBC (SMBC) and BIRMINGHAM CC (BCC)

### 1. Introduction

1. The content of this SOCG is to inform the submission of the SMBC local plan and ongoing works associated with the delivery of The UKC Hub development proposals in particular.
2. This SOCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the signatories to this SOCG. It covers both areas of agreement and areas that remain subject to further discussion and will be updated prior to submission of the plan to reflect any representations made by BCC.

#### Period Covered by SOCG

3. From July 2015 when SMBC commenced work on updating the current adopted development plan (the Solihull Local Plan Dec 2013) and it remains a live document to be updated as necessary.

### 2. Geography Covered

#### Housing Market Area (HMA)

4. Solihull is one of 14 authorities that make up the 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
5. Through membership of the West Midlands Combined Authority, the following authorities also have a relationship with Solihull MBC:
  - Coventry CC
  - Nuneaton & Bedworth DC
  - Rugby DC
  - Shropshire C
  - Telford & Wrekin C
  - Warwick DC

- Warwickshire CC

### 3. Areas Solihull MBC & BCC are in Agreement

#### Housing Need

6. Solihull MBC Council and BCC have been active members of the GBSLEP HMA Technical Officers Group since it was created and have contributed to all discussions relating to the delivery of unmet housing need with the HMA
7. 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>1</sup> dwellings in 2015 to 2,597<sup>2</sup> dwellings as at 2019.
8. The 2,597 shortfall noted above represents the position using land supply as at 1<sup>st</sup> April 2019, and as such 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>3</sup>. However it is noted that neither authority has yet determined how much of these contributions could be delivered prior to 2031 to assist in meeting the outstanding shortfall of 2,597 up to that time. It is noted that less than a third of this provision would need to be made by 2031 to deal with the overall shortfall to 2031.
9. BCC note that the Draft Submission Plan published by SMBC in October 2020 includes a contribution to the HMA shortfall of 2,105 dwellings up to 2031. It is also noted that this contribution represents the difference between the supply SMBC believe to be sustainable and SMBC's Local Housing Need. Whilst BCC still have concerns about this figure and how it was arrived at (see later section), this amounts to an issue about the soundness of Solihull's plan. BCC agree that SMBC have satisfied the legal duty to cooperate test.
10. It is acknowledged that SMBC have published consultation material relating to its Local Plan review process at the following dates and stages:
  - Scope, Issues and Options – November 2015
  - Draft Local Plan – November 2016
  - Draft Local Plan Supplementary Consultation – January 2019
  - Draft Submission Plan – October 2020
11. In each case BCC have been consulted on these documents and have engaged as they felt appropriate at the time.
12. It is acknowledged that both SMBC and BCC were active partners as part of the HMA wide commission undertaken by GL Hearn to produce the Strategic Growth Study.
13. It is noted that in December 2019 BCC 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."* At this early stage Birmingham CC has not made any request to any LPA

<sup>1</sup> Strategic Housing Needs Study Stage 3 (PBA August 2015)

<sup>2</sup> HMA Position Statement No. 3 September 2020 – Table 5 to reflect the position as of the Apr 2019 base date.

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

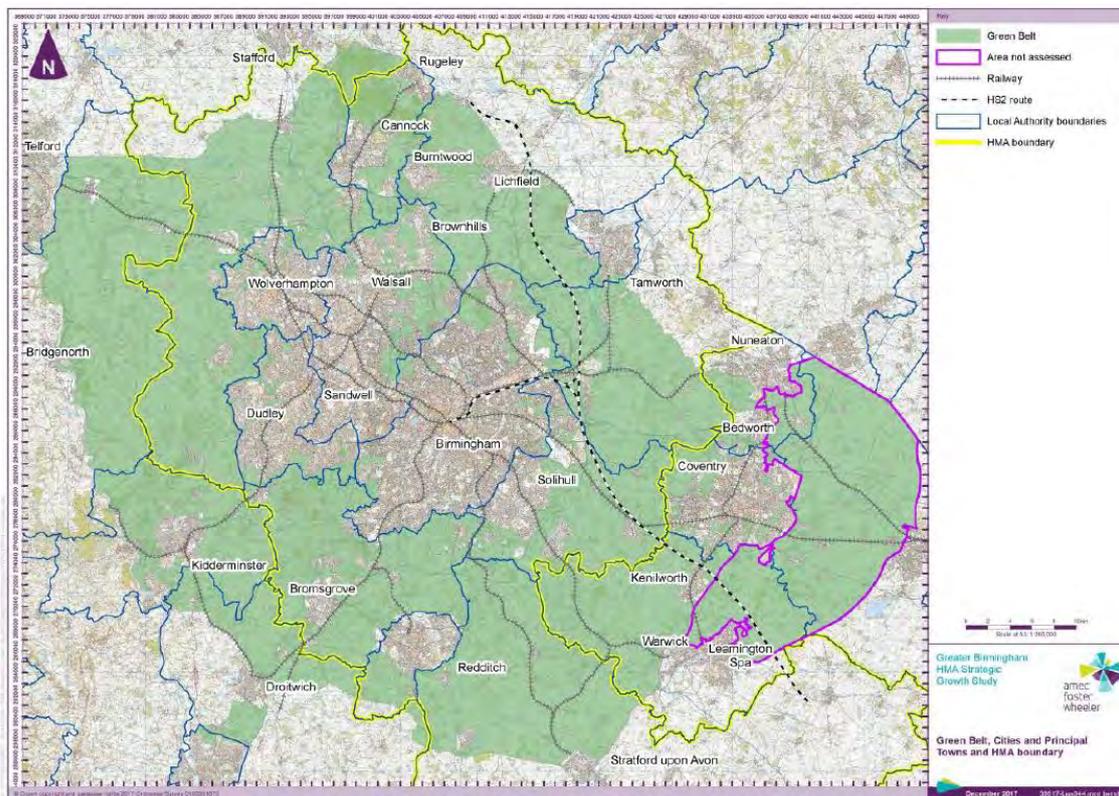
within the HMA to help with housing need beyond 2031, nor has it set out what any extent of shortfall beyond 2031 may be.

14. 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). 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.
15. Given the timetable at play here 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. 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 HMA to review the evidence which supports the unmet need but notes that any outstanding need within the HMA retains uncertainty and is also likely to be relevant towards the latter half of the Plan Period (post 2031 for example). Given the likelihood of a Local Plan review within SMBC prior to 2031 (having regard to the position with the BCC Local Plan and national planning system/guidance), SMBC is of the view that this issue can be more constructively and effectively managed as part of its next Local Plan review. As part of this SOCG, BCC acknowledge the position set out by SMBC and the principle of this approach.

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

16. 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 BCC Local Plan 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.
17. 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.

18. 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.
  
19. 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 any of the unmet need within the wider HMA, especially arising from Birmingham given the geographical relationship and level of connectivity. 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))

**UK Central**

20. The UKC Hub area is recognised as being of strategic importance to the local, regional and national economy. It will provide for an effective and efficient use of land associated with the development of HS2 and facilitate future and long term economic growth for the area. This will also include significant connectivity improvements with other areas both to the north and south east. The development proposal is supported by the WMCA and Mayor for the West Midlands.

21. As part of the next iteration of the plan, BCC notes SMBC intention to publishing updated evidence regarding housing and economic development needs in the form of a Housing & Economic Development Needs Assessment (HEDNA). The HEDNA includes analysis of employment forecasts including a scenario relating to potential above trend growth at the UK Central Hub. In doing so it uses commuter patterns from the 2011 census that indicate 25.3% of the workforce are Solihull residents.

### **Employment Land**

22. BCC has not approached SMBC to ask for assistance in accommodating employment land that cannot be accommodated within BCC.

### **Minerals**

23. SMBC has been an active member of the West Midlands Aggregates Working Party, which provides a forum for discussion of strategic matters relating to minerals, and for agreeing Local Aggregate Assessments.
24. SMBC was actively involved in the preparation of the West Midlands Metropolitan Area Local Aggregates Assessment 2015, which sets out the annual apportionment for sand and gravel for the sub-region. An update to the LAA 2015 is being prepared. The LAA makes clear that Solihull is the principal contributor to the sub-regional apportionment figure for sand and gravel aggregates of just under 0.5 million tonnes per annum (which amounts to over 90% of the supply from the sub-region).
25. Discussions have taken place with Warwickshire County Council in May 2019 and with WCC and Walsall MBC in February 2020. Walsall is the only other source of primary sand and gravel aggregates in the Metropolitan Area. These discussions have resulted in a draft SOCG prepared by WCC for its EIP. The draft SOCG acknowledges that there will be some sterilisation of mineral resources in Solihull due to HS2, but indicates that SMBC is not currently seeking compensation from WCC for the potential loss through any Plan requirement.

## **4. Areas Subject to Ongoing Discussion**

26. Both parties agree that one area of outstanding discussion relates to the delivery of homes to meet unmet housing need within the HMA beyond 2031. This need is likely to arise from Birmingham and the Black Country and will be the subject of on-going duty to cooperate discussions.
27. BCC note SMBC's position that no trigger mechanism has been incorporated into the plan as SMBC believe this would be a duplication of the statutory requirement to review the plan within 5 years. Both parties acknowledge that this is an issue that the Inspector may wish to explore further and if required both parties will seek to agree appropriate wording that could form the basis of a modification to the plan. Such wording would include trigger points (including for instance progress of other plans in the HMA) that may point to an earlier review of the plan.
28. Whilst both parties agree that work through the Duty to Cooperate has been ongoing, constructive and effective in so far as the level of unmet need has reduced, it is acknowledged that some HMA authorities, including BCC, believe that SMBC could do more to deliver additional homes. Both parties agree that this does not amount to a legal deficiency in relation to the Duty to Cooperate, but could be perceived as a matter of soundness. BCC acknowledges, but does not agree with the view of SMBC that it has sought to maximise its housing land supply, including by making a meaningful contribution towards

the unmet needs of the wider HMA, whilst also planning positively for the necessary mineral extraction to support development across the HMA. BCC will review the Borough's draft Plan and provide representations as appropriate. Both parties agree that such matters will be tested further through the public examination.

## **5. Areas Subject to Disagreement**

29. Based on the consultation material and supporting evidence published so far, BCC has yet to agree that SMBC has sought to maximise its housing land supply in order to further reduce the level of unmet need within Birmingham up to 2031. There is still a further outstanding shortfall of 2,597 identified for Birmingham that needs to be met before 2031. BCC and SMBC will continue to engage with a view to establishing that further capacity has, at least, been tested in the SMBC Local plan in order to maximise housing delivery and further contribute to meeting any outstanding unmet need within the GBBCHMA.

## APPENDICES

### A. Relevant Notable Events/Timeline

#### 2014

30. 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>4</sup> and the 4 Black Country authorities.

#### 2015

31. January – Inspectors interim report into the Birmingham Development Plan confirming the appropriateness of the HMA geography.
32. 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>5</sup>.
33. 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.

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

#### 2016

35. January - HMA Housing Conference (hosted by SMBC at Solihull College).
36. 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.
37. November SMBC publishes Draft Local Plan consultation.

#### 2017

38. January – Birmingham Development Plan adopted, thus quantifying (at 37,900 dwellings<sup>6</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 promoting, and monitor progress in, the provision and delivery of the 37,900 homes

<sup>4</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>5</sup> Table 2.2

<sup>6</sup> To 2031

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.

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

## 2018

40. February – Publication of the Strategic Growth Study (GL Hearn).
41. 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.

42. September - HMA Position Statement No. 2

## 2019

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

## 2020

44. September - HMA Position Statement No. 3
45. October – SMBC publishes Draft Submission Plan

## **B. Relevant Organisations and or Groups SMBC is a Member of or Participates in.**

46. HMA Technical Officers Group
47. CSWPO – Coventry, Solihull and Warwickshire Planning Officers group. The group was initially established to support work on the West Midlands Regional Plans but following their abolition evolved to support the Duty to cooperate process for the area. As a neighbouring authority to Coventry, North Warks and Warwick, Solihull attend monthly meetings to gain a full understanding of emerging development pressures and policy developments across the area. The introduction of HS2 and UKC Hub has also given a strategic significance to ongoing meetings of this group given the existing and planned connectivity and growth opportunities. SMBC is also able to provide a useful link (alongside SADC and NWBC) between the Coventry and Birmingham HMA’s.
48. GBSLEP
49. WMCA

**C. Published Documents Referred To**

- 50. HMA Position Statement No. 1 (February 2018) - <https://www.solihull.gov.uk/Portals/0/Planning/Greater-Birmingham-HMA-Position-Statement-February-2018.pdf>
- 51. HMA Position Statement No. 2 (September 2018) – [web link to be provided]
- 52. Strategic Growth Study (GL Hearn February 2018) - <https://www.solihull.gov.uk/Portals/0/Planning/Greater-Birmingham-HMA-Strategic-Growth-Study-Standard.pdf>
- 53. HMA Position Statement No. 3 (published September 20200 – [web link to be inserted here]



Signed:

Councillor Ian Ward, Birmingham City Council

Dated: 15 March 2021



Signed:

Mark Andrews  
Head of Planning, Design & Engagement Services, Solihull MBC

Dated: April 2021