

Birmingham Development Plan

DUTY TO CO-OPERATE STATEMENT

October 2013

What is the Duty to Co-operate?

1. Section 110 of the Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce a "Duty to Co-operate" for local planning authorities and other public bodies. As a result, local planning authorities are required to work with neighbouring authorities and other prescribed bodies when preparing their development plan documents for 'strategic matters'. In particular, the duty:

Relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council;

Requires that Councils set out planning policies to address such issues;

Requires that Councils and public bodies to 'engage constructively, actively and on an ongoing basis' to develop strategic policies; and

Requires Councils to consider joint approaches to plan making.

2. Section 110 of the Localism Act 2011 states that the Duty to Co-operate applies to Local Planning Authorities, County Councils and other prescribed bodies (these include t

Birmingham City Council's approach to the Duty to Co-operate

10. In undertaking work across administrative boundaries the City Council seeks to ensure best endeavours are made to collaborate and where possible agree an appropriate way forward. It is necessary to recognise that mutual agreement may not always be possible but in those circumstances it is important to narrow the scope of the differences and clearly set out the understanding of the respective positions.

There are two perspectives to work that the City Council undertakes on the Duty to Co-operate:

1. Actions in relation to the production of the Birmingham Development Plan including how we work with neighbouring authorities in the production of their development plans.
2. Working collaboratively across local authority boundaries.

Each of these perspectives is considered in more detail below.

Actions in relation to the production of the Birmingham Development Plan including how we work with neighbouring authorities in the production of respective development plans.

Neighbouring Councils

11. Neighbouring Councils have been involved through the usual consultation processes in the preparation of the emerging Birmingham Development Plan. As the scale of the potential housing shortfall in Birmingham emerged during 2012, opportunities to inform adjoining authorities of this position were taken at regular meetings as explained below.
12. In addition to this, in August 2012, the City Council took the step of writing to all the local planning authorities in the metropolitan area, the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and North Warwickshire formally notifying each authority of the position and highlighting the possible need for higher levels of housing in their areas to address an emerging shortfall in Birmingham. Bi-lateral meetings to discuss the position and the possible implications have been held with most of the authorities and will continue to take place as needed. Meetings held are often able to consider not only the content of the Birmingham Development Plan but also the development plan of the adjoining authority.
13. Follow-up letters reflecting the progress made were sent in January 2013 and July 2013. The latter also requested adjoining authorities to highlight any other issues that they felt required consideration under the Duty to Co-operate. This prompted further discussions with Staffordshire and Warwickshire County Councils on infrastructure, waste and minerals issues.

14. The key outcome from this process has been agreement amongst the GBSLEP authorities to commission a Strategic Housing Needs Study to consider the scale of future housing requirements that cannot be met within the local authority area within which they arise, and to identify options regarding where additional development land could be provided to meet any such requirements. This work is about to commence and is programmed for completion at the end of February 2014. The Study is commissioned to cover the GBSLEP area but will also consider adjoining areas which comprise part of the relevant housing market area(s) as appropriate. At the time this statement was drafted the Black Countries authorities have expressed a desire to participate within the study.
15. The City Council is consulted as a matter of course by neighbouring authorities in the preparation of their own development plans.
16. Under the Duty to Co-operate these consultations and any related discussions are very important not only to ensure the integrity of the plans themselves but also to ensure that the interests of Birmingham, and in particular any requirements for cross-boundary provision of development or infrastructure such as new housing or transport network development are taken fully into account, thus helping ensure the soundness of the Birmingham Development Plan and adjoining plans.
17. A summary of the position in relation to all development plans produced was reported to the Cabinet Member for Development, Jobs and Skills in October 2012, and a general position agreed, as follows
18. Where work on development plans of adjoining districts is well-advanced the City Council has taken the view there is little to be gained through representations questioning soundness where the level of growth is broadly in-line with either the ONS 2008-based household projections or the proposals in the incomplete Phase 2 Revision of the West Midlands Regional Spatial Strategy Review. While a significant potential under-provision of housing in Birmingham has emerged in the last few years, the view has been taken that this is a matter that can be effectively handled through subsequent reviews of plans, subject to this point being acknowledged by the relevant local planning authority and where possible reflected in the wording of the plan. The City Council has taken this approach thus far in relation to the Redditch, Solihull, Tamworth, North Warwickshire, Lichfield and Tamworth plans.
19. In relation to the authorities in the GBSLEP the future level and distribution of growth will be considered as part of the work on the emerging Strategic Spatial Framework Plan (see below). The key exception to this approach has been in relation to Coventry and some of the other Districts in the Coventry and Warwickshire LEP area where a serious under-provision of housing appeared to be emerging.

20. The following table summarises the current position in relation to individual authorities. The Duty-to Co-operate is a continuing process and so in some cases there are on-going discussions, and the position will move forward. A further update will be provided in the Council's next Annual Monitoring Report.

Local Authority	Meeting(s) held	Current Position
Bromsgrove	<ul style="list-style-type: none"> * Bi-lateral meetings held * GBSLEP Planning Group and Spatial Planning Group * Steering group meetings for the GBSLEP Strategic Housing Needs Study * Meeting of Worcestershire Planning Officers Group 	<p>Bromsgrove have expressed concerns over the possibility of some of Birmingham's housing requirement being satisfied outside the City boundary.</p> <p>Bromsgrove is part of the GSLEP and will be covered by the GBSLEP Housing Needs Study which will address this issue.</p> <p>The City Council has requested Bromsgrove to include in their emerging Local Plan a commitment to an early review in the event that it is concluded that provision to help meet Birmingham's needs should be made in Bromsgrove.</p> <p>Further discussions may need to take place in the context of Bromsgrove's Pre-submission Plan which has just been published.</p>
Cannock Chase	<ul style="list-style-type: none"> * Bi-lateral meeting held * GBSLEP Planning Group and Spatial Planning Group * The City Council attended the public 	

	<p>Duty to Cooperate Task & Finish Group</p> <ul style="list-style-type: none"> * Meeting of CSWAPO * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group * The City Council were represented at the Inception meeting into the current Coventry and Warwickshire SHMA * The City Council attended the public examination into the Coventry Core Strategy 	<p>undeliverable.</p> <p>The City Council questioned the soundness of Coventry's Plan on the grounds that the level of housing proposed fell well short of the level required to meet the 2008-based household projections.</p> <p>This Coventry Core Strategy has subsequently been withdrawn on the advice of the Inspector and a new Strategic Housing Market Assessment is being undertaken for Coventry and Warwickshire. Further discussions may be required in relation to this.</p>
Dudley	<ul style="list-style-type: none"> * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group 	<p>Discussions with the Black Country Districts have focussed on seeking technical agreement on the potential surplus of housing capacity in the Black Country which could help meet Birmingham's needs. A figure of 3,100 has been identified.</p> <p>The Black Country authorities have expressed a desire to participate with the GBSLEP Housing Needs Study</p>
East Staffordshire	<ul style="list-style-type: none"> * Bi-lateral meeting held * GBSLEP Planning Group and Spatial Planning Group 	<p>East Staffordshire is located some distance from Birmingham and East Staffordshire have not commented on the Birmingham Development Plan.</p> <p>The potential future scale of growth and its relationship to the Birmingham shortfall will be dealt with by the LEP Strategic Spatial Framework. The area will be covered by the GBSLEP Housing Needs Study</p>
Lichfield	<ul style="list-style-type: none"> * Bi-lateral meetings held * GBSLEP Planning Group and Spatial Planning Group 	<p>Lichfield have raised concerns over the sustainability of green belt housing and employment development options in Birmingham and their potential impact on Lichfield.</p>

* Steering group meetings for the GBSLEP Strategic Housing Needs Study
* The City Council attended the

		<p>inclusion in the Redditch Local Plan No 4. The Pre-submission version of this plan has just been published.</p> <p>The area will be covered by the GBSLEP Housing Needs Study</p>
Solihull	<ul style="list-style-type: none"> * Bi-lateral meetings held * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group * GBSLEP Planning Group and Spatial Planning Group * The City Council attended the reopened public examination into the Main Modifications stage of the Solihull Local Plan * Steering group meetings for the GBSLEP Strategic Housing Needs Study 	<p>Solihull have raised issues over the implications of Birmingham being unable to meet its full housing requirement within the city boundary and have advocated that this issue should be addressed through the GBSLEP.</p> <p>A form of words has been agreed for inclusion in the current Solihull Local Plan to deal with this issue and the City Council has expressed its support for this to the Examination.</p> <p>Solihull will be covered by the GBSLEP Housing Needs Study</p>
Sandwell	<ul style="list-style-type: none"> * Bi-lateral meeting held * Meeting with Black Country Districts on 17 October 2012 * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group 	<p>Discussions with the Black Country Districts have focussed on seeking technical agreement on the potential surplus of housing capacity in the Black Country which could help meet Birmingham' s needs. A figure of 3,100 has been identified.</p> <p>The Black Country authorities have agreed to co-operate with the GBSLEP Housing Needs Study.</p>
South Worcestershire	<ul style="list-style-type: none"> * Bi-lateral meeting held * Meeting of Worcestershire Planning Officers Group * The City Council 	<p>Malvern Hills have supported the principle that Birmingham should make provision within its boundaries for as much of its housing needs as possible. No responses have been received from other South Worcestershire Councils.</p>

	<p>attended the stage 1 of the public examination into the South Worcestershire Development Plan</p>	<p>The City Council has not at this stage identified South Worcestershire as a location which would be appropriate for significant housing provision to meet Birmingham' s requirements. At the recent public examination the City Council supported the level of housing provision proposed.</p> <p>The City Council has, however, raised issues over the imbalance between the levels of housing and employment land proposed for South Worcestershire at the Local Plan examination and the detailed wording in relation the proposed Worcester Technology Park.</p>
Staffordshire	<p>* Bi-lateral meeting held</p>	<p>Minerals, Waste and Infrastructure issues have been raised.</p> <p>The infrastructure issues relate primarily to transportation and ongoing discussions are taking place in relation to this.</p> <p>The City Council believes that the Pre-submission Birmingham Development Plan addresses the minerals and waste issues, but further discussions will be held to confirm this.</p>
Tamworth	<p>* Bi-lateral meetings held</p> <p>* GBSLEP Planning Group and Spatial Planning Group</p>	<p>Tamworth have raised concerns over green belt development in Birmingham in terms of its scale and potential impact on infrastructure in Staffordshire. These issues have been addressed through additional evidence-based work and ongoing discussions with Staffordshire in relation to transportation..</p> <p>Tamworth' s boundaries are drawn tightly and it has difficulty meeting its own housing needs so it is unlikely that it will be in a position to raise the level of growth to help address the Birmingham shortfall.</p> <p>A position statement was provided to</p>

		<p>the Tamworth Local Plan at the Examination Inspector' s Request – but the Plan has subsequently been withdrawn.</p> <p>The area will be covered by the GBSLEP Housing Needs Study</p>
Walsall	<ul style="list-style-type: none"> * Meeting with Black Country Districts on 17 October 2012 * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group 	<p>Discussions with the Black Country Districts have focussed on seeking technical agreement on the potential surplus of housing capacity in the Black Country which could help meet Birmingham' s needs. A figure of 3,100 has been identified.</p> <p>The Black Country authorities have agreed to co-operate with the GBSLEP Housing Needs Study.</p>
Warwickshire	<ul style="list-style-type: none"> * Bi-lateral meeting held * Meeting of CSWAPO 	<p>Minerals, Waste and Infrastructure issues have been raised.</p> <p>The infrastructure issues relate primarily to transportation and ongoing discussions are taking place in relation to this.</p> <p>The City Council believes that the Pre-submission Birmingham Development Plan addresses the minerals and waste issues, but further discussions will be held to confirm this.</p>
Wolverhampton	<ul style="list-style-type: none"> * Meeting with Black Country Districts on 17 October 2012 * West Midlands Joint Committee & support arrangements including the Duty to Cooperate Group 	<p>Discussions with the Black Country Districts have focussed on seeking technical agreement on the potential surplus of housing capacity in the Black Country which could help meet Birmingham' s needs. A figure of 3,100 has been identified.</p> <p>The Black Country authorities have agreed to co-operate with the GBSLEP Housing Needs Study</p>
Worcestershire	<ul style="list-style-type: none"> * GBSLEP Spatial Planning Group 	No Issues identified.
Wyre Forest	<ul style="list-style-type: none"> * Bi-lateral meetings held 4 October 2012 * GBSLEP Planning 	<p>No Issues raised by Wyre Forest.</p> <p>The area will be covered by the GBSLEP.</p>

Group and Spatial
Planning Group
* Steering group
meetings for the
GBSLEP Strategic
Housing Needs
Study

Housing Needs Study

Since Wyre Forest have an adopted
plan it is recognised that any review of
that plan will deal wit

		place
Environment Agency	<p>Consulted on Issues and Options, Draft Core Strategy and Higher Growth Option stages.</p> <p>Follow-up meetings held.</p> <p>Regular contact through for example SFRA process</p>	<p>Issues raised in relation to floodrisk, water quality, waste management and green infrastructure.</p> <p>Policies have been revised to reflect these concerns.</p> <p>Continuing liaison will be required.</p>
Highways Agency	<p>Consulted on Issues and Options, Draft Core Strategy and Higher Growth Option stages.</p> <p>Regular contact and joint working.</p>	<p>Issues exist over the impact of growth proposals on the motorway and primary route network.</p> <p>Joint work is continuing in relation to this.</p>
Homes and Communities Agency	<p>Consulted on Issues and Options, Draft Core Strategy and Higher Growth Option stages.</p> <p>Regular involvement particularly through Strategic Housing Land Availability Assessment process where HCA are part of Steering Group</p>	<p>No issues identified.</p>
Natural England	<p>Consulted on Issues and Options, Draft Core Strategy and Higher Growth Option stages.</p> <p>Natural England have funded subsequent Green Infrastructure work which has fed into the Plan.</p>	<p>Continued liaison required but no fundamental issues identified.</p>
Office of the Rail Regulator	<p>Not previously consulted</p>	<p>No known issues.</p> <p>No fundamental issues raised by Network Rail</p>
Primary Care	<p>Consulted on Issues and</p>	<p>No issues raised by</p>

Trusts

Options, Draft Core
Strategy and Higher
Growth Option stages.

The PCTs were abolished
on March 31st 2013.

26. For Recovery and Growth(SPRG). In requesting the preparation of the SPRG the Board agreed the following guiding principles:

To sit alongside and provide the spatial expression of the GBSLEP Economic Strategy.

Be short, 12 pg + illustrations.

Be an informal plan based on collaborative working.

Provide a helpful context for individual local development plans - working alongside existing plans and subsequent reviews

30. In response to recent changes to the planning system, the WMJC was concerned that without the RSS there was a risk that its strategy for urban renaissance would be potentially put at-risk. As a consequence the WMJC endorsed the Strategic Policy Framework for the West Midlands Metropolitan Area in June 2012. The purpose of the Strategic Framework is to:

Enable a smooth transition between abolition of RSS, and up to date Local Plans and effective wider Duty to Cooperate mechanisms being in place

Demonstrate commitment to ongoing collaboration in order to meet Duty to Cooperate responsibilities within the Metropolitan Area

Advise those bodies subject to the Duty to Cooperate and other stakeholders, including Local Enterprise Partnerships, that Metropolitan Authorities remain committed to urban renaissance and are responding to the Government's growth agenda

Act as a material consideration in plan making and development management decisions; and

Provide a strategic spatial context for the implementation of the third West Midlands Local Transport Plan.

Elsewhere the Strategic Framework:

Sets urban renaissance in the context of the Localism Act and wider Government policy, such as the Local Growth White Paper and Treasury Plan for Growth;

Identifies urban renaissance guiding principles,

Identifies shared policy priorities relating to key areas such as housing and employment land; and

Identifies current and emerging spatial priorities in each core strategy / local plan area, and explains that effective implementation of urban renaissance relies on a redistribution of growth within the Metropolitan Area, as well as the need for some Shire Districts to accommodate a reasonable level of out-migration

31. The Duty to Co-operate Task Group was established in June 2012. This group meets on a monthly basis.

While the early meetings of the group concentrated mostly on 'process' issues individual authorities are now encouraged to present key stages of plan preparation to the group so there is scope for discussion on any matters of concern relating to cross-boundary issues. In relation to the Birmingham Development Plan such a presentation was made on the Growth Options consultation at the November 2012 meeting. The current agendas to carry this through effectively into more focussed and harder-edged cross-boundary working on issues such as cross-boundary housing requirements. This includes making joint representations on neighbouring plans to ensure that the approach on urban renaissance is not prejudiced.

West Midlands Planning Officers Group (WMPOG)

32. The West Midlands Planning Officers Group is the only forum in which local planning authorities continue to meet at the regional level. When the West Midlands Regional Assembly was disbanded in 2010 the former Regional Planning Officers Group took the view that planning professionals should continue to meet on a quarterly basis so that strategic matters of mutual interest and concern could be discussed on a continuing basis and key networks of contacts maintained. WMPOG was the first cross-boundary grouping of local planning authorities in the West Midlands to consider the Duty to Co-operate and this is also a standing agenda item.
33. All unitary and metropolitan district authorities are invited to the meeting together with a representative District Council in two-tier areas. Representatives from key partner organisations such the LEPs, Environment Agency, business community, CPRE and academia are also represented on the group.
34. Another important function of WMPOG is to oversee the joint monitoring that takes place in the West Midlands, building on the long legacy of joint monitoring including that carried out by the former Regional Planning Body. The joint monitoring results in the production of annual statistics on development-related matters across the former West Midlands region. The material is published annually at District and LEP levels comparing the data from the latest year to the average over the preceding decade.