

South Staffordshire Council

Committee of the Birmingham City Council  
Hearing Session Thursday 24th October 2014

Matter 5: The duty to co-operate in respect of strategic matters

Main issue: Have the Council complied with the requirements of section 22A of the Planning and Compulsory Purchase Act 2004?

- 1) In the preparation of the Plan, have the Council engaged constructively, actively and on an ongoing basis with all those bodies with whom they are required to co-operate in respect of:
  - (a) strategic housing matters;
  - (b) strategic employment matters;

Background

1.1 Birmingham City Council (BCC) and South Staffordshire Council (SSC) have discussed issues of strategic importance and this is documented through BCC's evidence of SSC in respect of the duty to co-operate (DTC) prepared with BCC in the previous year and regular briefings. Updates have been provided since 2014 and 2014 and 2014.

1.2 In addition SSC were invited by BCC to complete a DTC Programme that has been provided to a number of local planning authorities across the West Midlands.

1.3 In accordance with the Constitution of SSC our response to the DTC Programme was provided to BCC on 11th August 2014.

The DTC Programme was issued to BCC on 01 August 2014 (Appendix 1).

1.4 SSC received a letter from BCC on 16 September 2014 (Appendix 2) inviting BCC on 22 September 2014 (Appendix 3) that it is not willing to change its position.

Response

1.5 SSC's response relates to 1(a) Strategic Housing Matters. SSC submits that it is crucial to identify a robust spatial framework (geographic area) within which to consider the critical issue of a) objectively assessing housing needs (OAN) and b) developing spatial options/scenarios for where to accommodate future housing growth. SSC considers that the first geographic area of search

Examination of the Birmingham Development Plan 2021

thoroughly explored. Others we acknowledge may point towards housing guided by NPPE Para 159.

1.6 It is clear that BCC chose the mechanism of the Greater Birmingham and

1.7 BCC started the process of this wider search earlier in the year when the highlighted the connection Housing Market Area since the GBCLEP being undertaken by Peter Brett Associates (PBA), to which SSC responded (Appendix 4).

1.8 SSC accents that the inclusion of the geographic area of the Black Country into the Black Country.

1.9 On 31 July 2014 BCC presented the findings of Stages 1 and 2 of the PBA work to a meeting of local planning authorities that BCC identify associated Worcester, Wychavon, Wyandover, Worcester City Council and Malvern Hills Council). BCC tabled a report that had been agreed on the previous day by the Sunny Lane Board of the GBCLEP (Appendix 6). The report tabled out the 'related authorities' to the leader of BCC. A copy of this letter is attached as an Appendix to North Warwickshire District Council's submissions under matter F.

1.10 PBA stated at the meeting of the related authorities on 31 July 2014 that the combined geographic area of the GBCLEP and BGLLEP had captured a robust housing market area(s) for the purposes of NPPE. SSC submits that this combined geography should provide the geographic area in which there housing need, after this work has been completed, should the 'related

Examination of the Birmingham Development Plan 2011-16

2) To ensure that the Black Country Local Enterprise Partnership (LEP) can deliver a proportion of its housing requirement, what mechanisms exist to ensure that the other LPAs will comply with this approach?

the accommodation of future housing growth with its partner authorities on the GSELP. This is not an unreasonable conclusion following their collective

perhaps less clear with regard to the position of the 4 local planning authorities within the BCLLP - there may also be a workable mechanism for similar engagement in testing scenarios for accommodating future housing growth within the Black Country.

## SOUTH STAFFORDSHIRE COUNCIL

### DECISION PROPOSED AND STATEMENT OF DECISION

BY MEMBER OF THE CABINET

BY MEMBER OF THE CABINET

I propose to make the following decision set out below in accordance with the powers vested in me by Part 3 of the Constitution of the Council approved by the Council pursuant to Section 37 of the Local Government Act, 2000.

The decision will be made by me on or after 01 July 2014 and will be made for scrutiny before that date.

Councillor R. J. McCordle - Cabinet Member - Strategic Services

Date 19 June 2014.

### **BIRMINGHAM DEVELOPMENT PLAN: BASELINE STATEMENT OF JOINT-WORKING – DUTY TO CO-OPERATE**

#### **1.0 Summary of Report**

1.1 The purpose of this report is to seek Cabinet approval to formally

and Birmingham City Council on cross boundary planning issues

There is a legal requirement for the Local Planning Authority (LPA)

to address cross boundary issues under the duty to co-operate

issues be approved and signed by the Cabinet Member for Strategic Services.

#### **3.0 Background Information**

3.1 Birmingham City Council is preparing The Birmingham Development

engaged with their neighbouring authorities and met the requirements of the Duty to Cooperate.

The Duty to Cooperate requires neighbouring authorities to engage constructively, actively and on an ongoing basis'. As part of this

invites neighbouring authorities to state whether they agree or

## 5.0 Reasons for Decision

5.1 It is important that the Council comes to an understanding with

Public that they have met the requirements of the Duty to

Cooperate in preparing our Site Allocations Document

## 6.0 Links to Council Plan

6.1 Commitment to meeting our obligations under the Duty to Cooperate is vital to ensure that the Council is seen as a competent authority. This relates to the Council Plan aim of 'Being a Council you can trust'.

proposed by the Cabinet or its Members.

Legal and Democratic Services Manager either by e-mail or in writing before the end of the fifth day specifying the reason or

considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to me either by email or in writing by the end of the third day.

7.2 This proposed decision will be confirmed and implemented on

### 8.8 Financial Implications

Unless otherwise stated there are no financial implications arising

### 9.0 Legal Powers for Proposed Action

9.1 The Planning and Compulsory Purchase Act 2004, The Localism Act (England) Regulations 2012.

### 10.0 Crime and Disorder Implications

Section 17 of the Crime and Disorder Act 1998 places a duty on a local authority to consider crime and disorder implications and to the exercise of those functions in and to be as far as is reasonably

10.2 Unless otherwise stated below this proposed decision is not

Crime and Disorder Act and all matters have been considered in relation thereto.

### 11.0 Equal Opportunities/Diversity/Inclusion Implications

11.1 Unless otherwise stated below this proposed decision is not considered to have any adverse implications to and is considered to comply with the Council's equal opportunities and diversity policies

### 12.0 Sustainability Issues

12.1 South Staffordshire Council is committed to the principles of

Minimise pollution and waste.

Protect and enhance the local natural and built environments.

Provide services, which meet current local needs whilst ensuring our local environment is protected for future generations.

Lead by example and consider the environmental impact of our decisions.

Unless otherwise stated below the proposed decision is not sustainable or substantially contributes to the causes of climate change.

### **13.0 Health and Wellbeing Implications**

13.1 Unless otherwise stated all matters reported are not considered to have any adverse impact on health and well being and all matters have been considered in relation there to.

### **14.0 Risk Assessment**

### **15.0 Information Transferred**

15.1 Strategic Management Team & Cabinet.

### **16.0 Category of Exempt Information (where applicable)**

Schedule 12(A) to the Local Government Act, 1972.

### **17.0 Background Documents / References**

17.1 None.

### **18.0 Policy/Budgetary Compliance**

18.1 This decision commends with and supports the Council's policies, procedures, aims and objectives and does not give rise to any financial implications relevant to this service area or to any other service area not falling within the approved budget.

### **19.0 Key Decision Information**

19.1 This is not a key decision as it does not involve expenditure of

£10,000 or more and is the Forward Plan.

20.1 None declared.

~~21.0 Dispositions granted by the Standards Committee (if any)~~

**22.0 Appendices**

22.1 Appendix 1 – Baseline Joint Agreement with Birmingham City Council.

**23.0 Confirmation of Decision**

23.1 This report, which has been called in for scrutiny and was duly considered by the Overview & Scrutiny Committee at a meeting on 09 July 2014. The Overview & Scrutiny Committee supported my

imposed response to the Baseline Joint Agreement with

inclusion of the following additional paragraph to emphasise the importance of maximising the opportunity to regenerate

Birmingham and the Black Country): -

Within the sequential approach set out above, we assert that the full potential of existing brownfield land within the urban areas of the West Midlands Conurbation should be fully utilised to meet housing needs as a needs close to where needs arise. Strong protection of Green Belts is a key policy driver within the NPPF and one of the average purposes of Green Belts

decision, for the reasons and having regard to the alternative options and circumstances set out above.



**Councillor R J McCordle**  
**Cabinet Member – Strategic Services**



# BIRMINGHAM DEVELOPMENT PLAN

## Duty to Co-operate

Final Response following Member Scrutiny on 09/07/11

Local Planning Authorities and other bodies party to this agreement:

**understanding:**

- A. Birmingham City Council (BCC)
- B. South Staffordshire Council

**Development Plan Document(s) covered by this agreement / understanding:**

Birmingham Development Plan

Stage in the process remaining part of this agreement:

**Pre-Submission\***

\*NB: In the event of any changes to the plan prior to submission and/or as part of modifications proposed during the Examination process then updated versions of this document may be prepared.

**Checklist criteria**

NB: this is a starting point, list to be mutually agreed between the parties to this agreement.

Checklist discussed and agreed: Yes/ No

**Summary status**

Eg: Full or partial agreement,  
Shared understanding on area(s) of disagreement, or  
Not applicable

Delete as

1. Summary of the approach in the plan
2. Summary of agreed position and any outstanding concerns or other comments

NB: Refer to attachments and appendices if required

approach incl relationship to urban and rural renaissance

Agreement

approach set out in the BDD envisages that by 2021 Birmingham will be renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the

needs of its population and strengthening its global competitiveness.

Following around half a century of decline in the 1990s the city's population

2. Following abolition of the Regional Spatial Strategy the City Council has worked and continues to work with adjoining authorities in

framework Plan, the Strategic Policy' in the Strategic Planning Framework for the West Midlands Metropolitan Area and local plans, to ensure that there remains an appropriate balance between growth and development to meet needs in both urban and rural areas. There are no outstanding issues in relation to the strategy set out in the BDP between the

South Staffordshire Council response

We support the strategic aims of urban and rural regeneration but would suggest that the balance is between development and environmental protection. We would suggest that the presumption in favour of sustainable development (NPPF) is a better way of expressing the need for balanced development going forwards. In this way the need to balance economic, environmental

and social factors is clearer.

Understanding the BDP estimates a housing requirement of

DISTRIBUTION OF

housing

for 6700 on land at Longbridge within Bromsgrove District is c45,000 dwellings, including allowance for windfalls. The Pre-Submission version of the BDP proposes that 51,100 new dwellings should be provided including the removal of land from the Green Belt to increase capacity within Birmingham leaving a balance to be found outside the city's boundary of c29,000 dwellings.

position in respect of these matters and it is envisaged by the parties signatory to this

these issues will be achieved through (1) completion of the GBSLEP Strategic Housing Needs Study (2) Distribution of the overall

through arrangements negotiated with other authorities here and the GBSLEP and SHMA as justified by the evidence and (3) Subsequent accommodation of the lower council growth in the review or BCC remains in adjoining areas. This approach is accepted by the parties signatory

to this document.

### South Staffordshire Council Response

We strongly object to the rationale for Birmingham City Council seeking to

Birmingham City Council's accommodate Birmingham in the review of Local Plans

not adjoin Birmingham and are not part of Birmingham's housing market area(s).

We understand the context in which Birmingham is Birmingham is not specifically looking at South Staffordshire as a direct destination to meet any of the Birmingham short fall. We are aware that in relation to the Black Country something like 37% of gross out-migration from Birmingham goes to the Black Country and that this explains why the Black

of the GBSLEP area, have agreed to take part in the GBSLEP strategic housing needs study.

South Staffordshire's starting point in addressing future housing needs is the NPPE - which requires local planning authorities to identify objectively assessed housing needs

and the BDP. Accordingly we assert that BCC's SHMA for its administrative area should be widened into a joint SHMA with

housing market area(s). The Housing Needs Study being undertaken by PBA within the GBSLEP area is a) not a SHMA and b) does not use housing market area(s) as its

b) Secondly (i) within BCC housing

market area(s) where strong links identified and physically adjoin

Birmingham CC (eg. Solihull, Bromsgrove, North Warwickshire, Walsall, Dudley, Sandwell, Tamworth, Lichfield) – see PBA CLC Housing Market Area Study and then (ii) where links are less strong and areas do not

physically adjoin Birmingham's administrative area eg Wolverhampton and Redditch.  
c) Thirdly GBSLEP boundaries in recognition of link between employment and housing this would include Cannock, East Staffs & Wyre Forest.

We accept that we are part of the Black Country housing market area(s) and that is

GBSLEP housing needs study could also draw in South Staffordshire.

Within the sequential approach set out above, we assert that the full potential of existing brownfield land within the urban areas of the West Midlands Conurbation should be fully utilised to meet housing needs as a priority. The reuse of brownfield land in

these areas will help to meet

of Green Belts is a key policy driver within the

derelict and other urban land within the West Midlands Conurbation. These areas should be fully utilised to meet housing needs first before release of Green Belt land is considered.

NPPF and one of the explicit purposes of the Green Belts is to assist in the growth of other urban land. There are other urban land

effect on South Staffordshire.

The evidence base that underpins the BDP includes an assessment of options for development within Birmingham's Green Belt

we understand that a 'Housing Delivery Report' concluded that only one Sustainable Urban Extension (SUE) of circa 5,000 dwellings could be delivered by the market

consider that this conclusion should be robustly tested before it is concluded that only one SUE within Birmingham is deliverable up to 2031. If, after an exhaustive search of Birmingham's administrative

case then we strongly assert that a similar exhaustive search of the boundaries of other local planning authorities that are within the Birmingham Housing Market area(s), and physically adjoin the administrative area of Birmingham, should be undertaken

we can understand BCC's intention to explore the further potential of its Green Belt areas for accommodating its future housing

needs – to any greater extent than they are willing to in the Pre-Publication Plan (c 6,000 dwellings). We respectfully draw attention to

the Birmingham Advisory Service (BAS)

document: 'Ten key principles for owning

your housing number – finding your objectively assessed needs'. In particular, we would like to bring to BCC's attention section

ask you ask your housing to care to accommodate

constraints or environmental designations that you have dismissed'

**c) Appropriate provision made for migration**

Shared Understanding on areas of disagreement

1. The Birmingham SHMA takes account of migration in establishing the overall housing requirement and, broadly speaking, the effects of migration trends are then taken into account in the estimation of housing requirements in adjoining areas through the preparation of local plans

2. The identification of a housing shortfall or 'overspill' requirement refers to potential

needs can be met. The process for resolution

in this document.

See response to b) set out above.

provision of employment land

addresses this issue by protecting the city's

core employment areas from co  
so they offer a continuing supply  
land supplemented by the new  
new employment site (80ha) at

land supplemented by the use of a major

new employment site (80ha) at Reddmore.  
Proposals for six economic zones are  
primarily focussed within the existing  
employment areas and include two Regional  
Investment Sites. The possible longer-term  
need for further strategic employment sites is  
to be addressed by the GBSLEP Spatial Plan

for Recovery and Growth and associated  
technical work with adjoining J.E.Ps. This will  
be informed by the joint commissioning of a  
Review into the West Midlands wide need

development opportunities

2. This approach is accepted by the parties  
signatory to this document.

e) hierarchy of centres and the

Agreed

1. THE BDF defines a retail hierarchy of  
centres in Birmingham. The approach in the

retail provision

concentrated in the City Centre, Sutton  
Coldfield town centre and three District  
Growth Points. Growth elsewhere will be  
small scale.

2. This approach is accepted by the parties  
signatory to this document.

2. This approach is accepted by the parties signatory to this document.

including Park & Ride and

Mobility Action Plan (BMAP). There are proposals to improve networks both within

for example, on modal choice for commuters.

Major development proposals close to the city boundary have impacts that can extend across the administrative boundary. Close cross-boundary co-operation on transportation matters continues through both West Midlands Shadow ITA and the associated Local Transport Boards (LTB).

2. There is no desire to increase the levels of in-commuting across the city boundary so there is an expectation that there will be a broad balance between the levels of housing

beyond the city boundary which is a matter to be addressed in the relevant local plans. This approach is accepted by the parties signatory to this document.

h) Consistency of and proposals

Not applicable

1. To be identified and discussed as

would include matters such as landscape

management and transport networks.

2.

boundaries such as transport links and green infrastructure

Understanding proposed in association with major areas of development proposals at local and

to identify new boundaries

the long-term and allow for development to

be accommodated that will not undermine the essential purposes or integrity of the wider West Midlands Green Belt. The City Council

distribution of future growth set out under b)?

above - but the responsibility for those proposals, should they arise, will lie with the respective local planning authority (working

collaboratively with other relevant authorities to be determined through a review of the relevant local plan(s).

2. This approach is accepted by the parties signatory to this document.

South Staffordshire Council response  
See response to b) set out above.

**l) Minerals, waste**

Agreed

1. As a major city Birmingham is reliant on

that it can reduce the demand for mineral products of building materials and aggregates. Similarly the City Council recognises that its

waste hierarchy. The City Council is an active member of both the West Midlands

Aggregates Working Party (AWWP) and the Regional Technical Advisory Body (RTAB) covering waste. Both groupings help ensure

discharge of the DTC. In respect of water resources and flooding the City Council is

sustainable drainage to reduce the risks of flooding both within the city and beyond its boundaries.

2. This approach is accepted by the parties signatory to this document.

**k) Air quality matters**

Agreed

1. The City Council is committed to the improvement of air quality for its residents and those in surrounding areas. It is, and will remain an active participant in initiatives to

address these matters jointly with adjoining authorities and other agencies subject to the

city's aspirations for growth



11 Any other matters that might reasonably be identified under the Duty to Co-operate	Agreed	1. No other matters identified
		2.

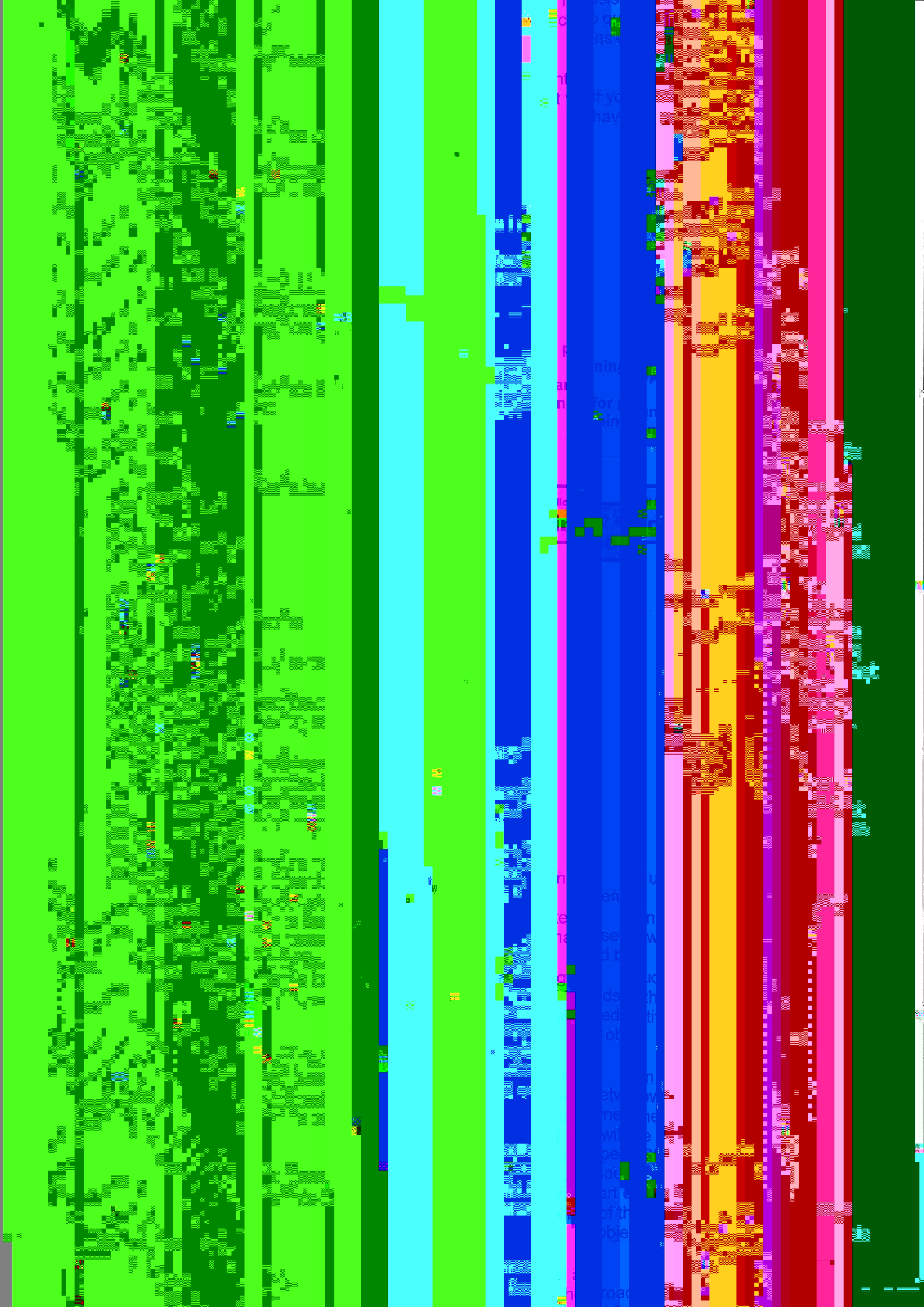
Log of meetings, reports and other records to substantiate the collaborative working:

	Details:
Meetings	
Groups	
Responses to consultation and correspondence	
Additional points	

represent the joint working that has and will continue to take place under the 'Duty to Co-operate'.

etc)\*

\* Must be signed by either Council Leader or responsible Cabinet Member or responsible Chief Executive or Chief Officer only. For non-local authority organisations signatory should be at equivalent level.





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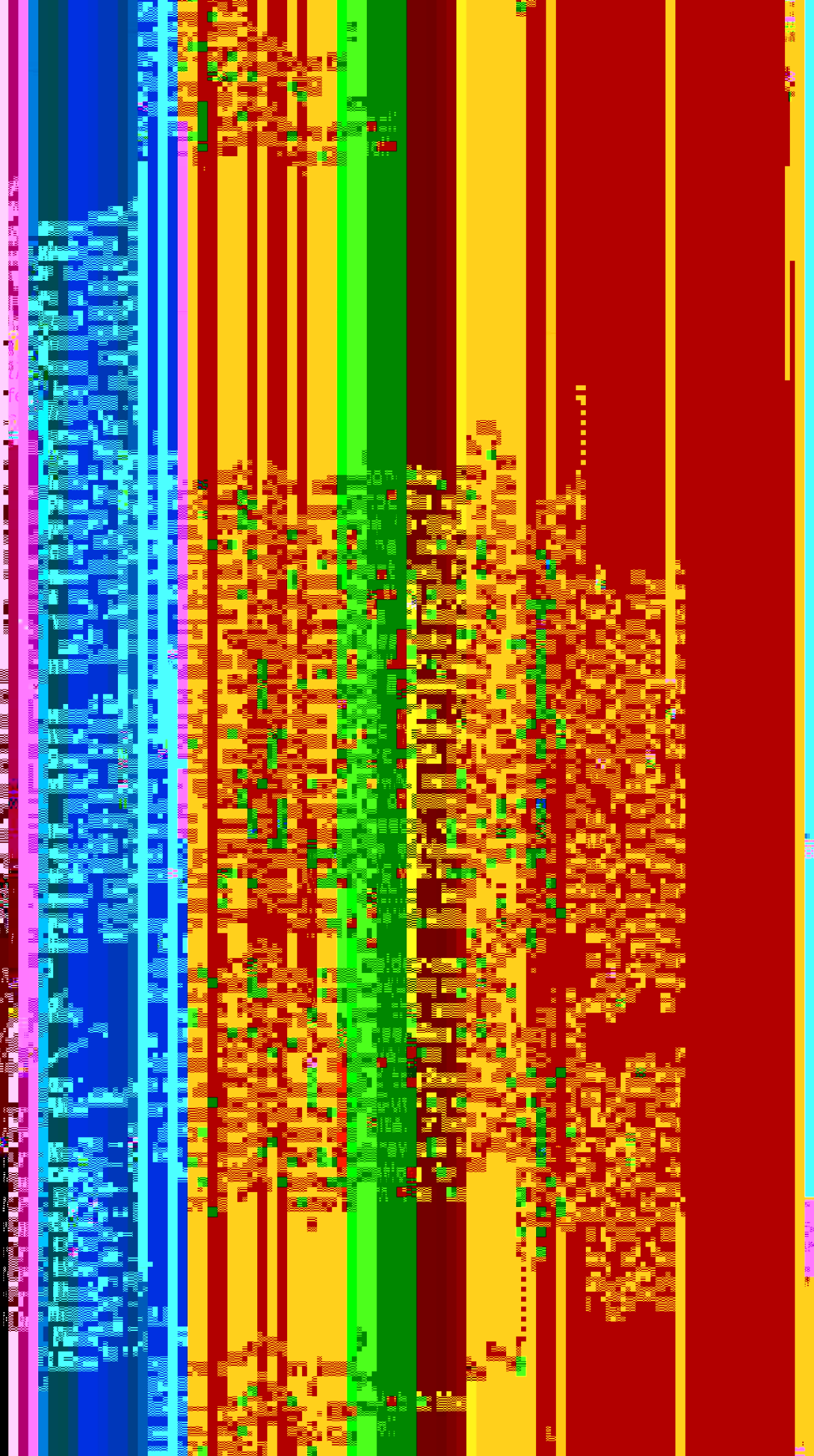
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**Section 1**  
Introduction  
Background  
Scope  
Methodology  
Results  
Discussion  
Conclusion  
References  
Appendix



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6<sup>th</sup> March 2014

Dear Mr Carter,

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You will recall that I wrote you on 22<sup>nd</sup> January providing an interim



authorities outside the GBSLEP and/or identified Housing Market Areas could accommodate this need.

When undertaking this work it is advised that the GBSLEP consider the PAS document: 10 Ten key principles for owning your housing number finding your objectively assessed needs 10 In particular, we would like to bring to the GBSLEPs attention section 5 which states 'It is entirely inappropriate to ask your neighbours to accommodate housing on land with the same capacity constraints or environmental designations that you have dismissed'. Given that South Staffordshire is a largely Green Belt authority, with considerable environmental constraints, this should be a key consideration when considering where to accommodate future growth.



Report to the Greater Birmingham and Solihull Supervisory Board

30 July 2014

STRATEGIC HOUSING NEEDS STUDY

INTERIM REPORT FOLLOWING STAGES 1 and 2 AND DEVELOPING THE  
SCENARIOS FOR TESTING IN STAGE 3 – REFINEMENT OF BRIEF

1. Purpose of the Report





Scenario 1 – Intensification. Seek to distribute the shortfall by local planning authority with the scope for extra dwelling capacity being delivered through increased density and/or intensification in existing urban areas.

Scenario 2 – Peripheral Urban Extensions. Distribute the shortfall to the urban periphery of the conurbation close to areas where growth pressures are greater.



Agenda item No 8

GBSLEP

Local authority		romsgrove	Cannock	East Staffs	Lichfield	Redditch	Solihull	Tamworth	Wyre Forest	Total
Net new households per annum	CLG 2008	364	274	479	428	214	679	221	317	7,053
	CLG 2011	305	232	485	406	211	633	248	268	6,456
	PBA Trends 2007-12	211	335	526	272	258	563	158	75	8,695
	PBA Trends 2001 - 11	261	293	603	338	286	434	111	83	8,029
	ONS/PBA 2012	288	290	448	324	174	589	204	194	6,828
Housebuilding (AMR 2002 -12) New dwellings per annum (dpa)										

Appendix 3 - Extract from Original Tender Brief

Stage 3