

BIRMINGHAM DEVELOPMENT PLAN

Duty to Co-operate

Local Planning Authorities and other bodies party to this agreement/ understanding:

- A. Birmingham City Council (BCC)
- B. Dudley, Sandwell, Walsall and Wolverhampton Councils

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

Birmingham Development Plan

Stage in the process forming part of this agreement:

Pre-Submission*

Edit (05_11_2014). In actual fact this statement was prepared and submitted on 15 September attached to a hearing statement on behalf of ABCA. It therefore represents the position at that time, after the submission of the plan but before the start of the examination.

*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.

| <p>Checklist criteria</p> <p>NB: this is a starting point, list to be mutually agreed between the parties to this agreement.</p> <p>Checklist discussed and agreed: Yes/ No</p> | <p>Summary status</p> <p>Eg: Full or partial agreement, /</p> <p>Shared understanding on area(s) of disagreement, or/ Not applicable</p> <p>Delete as appropriate</p> | <p>1. Summary of the approach in the plan</p> <p>2. Summary of agreed position and any outstanding concerns or other comments</p> <p>NB: Refer to attachments and appendices if required</p> <p>In this case, '2' in each section provides the response of the Black Country authorities to the position advanced by Birmingham City Council under '1'.</p> |
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| <p>a) Overall approach incl. relationship to urban and rural renaissance</p> | <p>Shared understanding on area(s) of disagreement</p> | <p>1. The vision, strategic objectives and approach set out in the BDP envisages that by 2031 Birmingham will be renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the needs of its population and</p> |

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| | <p>strengthening its global competitiveness.</p> <p>Following around half a century of decline in the latter half of the C20 the city's population is expected to grow rapidly extending and building on the success of the strategy for urban renaissance that has been the hallmark of planning in the city since the 1980's.</p> <p>Following abolition of the Regional Spatial Strategy the City Council has worked and continues to work with adjoining authorities in the GBSLEP and West Midlands Metropolitan Area and beyond not only to ensure the continuing success of urban renaissance but also, through the GBSLEP Strategic Spatial framework Plan, the Strategic Policy 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.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>The basis of the Birmingham Development Plan in an urban regeneration strategy is supported. As reflected in the Strategic Policy Framework for the West Midlands Metropolitan Area this has been well-established as a shared approach for the metropolitan area. However, we are maintaining representations to seek a greater emphasis on urban regeneration in the plan itself.</p> <p>It is considered that, in general terms, an urban regeneration strategy should phase development, particularly the release of Green Belt land (see matter 'i)' below) so that opportunities within the existing urban area are developed first, and that such an approach is in accordance with the NPPF. A phased approach will be important in our view if the conurbation as a whole is to maximise its potential to accommodate development within the existing urban areas.</p> |
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| | | <p>The approach of identifying needs and seeking to plan for them to the extent that is possible and feasible is supported. As referred to under matter 'b)' below, many of the issues relate to future housing provision, which is the subject of the on-going joint GBSLEP and Black Country Housing Needs Study. It will be important that future decisions on such issues can maintain and promote the regeneration of the conurbation, including the Black Country.</p> <p>In this context, it is important to recognise that the GBSLEP Spatial Framework Plan does not cover the Black Country. That is covered by the Black Country Core Strategy, which promotes a strategy of regeneration through growth. It will be essential that continuing joint working will support and promote this strategy to make the most of the potential for viable investment in the Black Country.</p> <p>The Black Country authorities are committed to a review of the Core Strategy, starting in 2016. The review will take account of relevant evidence and issues including from joint working and from Birmingham. At present it is not possible to say what the review might propose, but appears likely to maintain the emphasis on urban regeneration. The Inspectors who examined the current plan said:</p> <p><i>"It is essentially common ground that the only realistic alternative to the overall strategy of regeneration, focused firstly on Strategic Centres (SCs) and Regeneration Corridors (RCs), would be one of "managed decline" for the BC."</i></p> <p>(IR Para. 2)</p> |
| <p>b) Estimation of housing requirements and the level and distribution of</p> | <p>Discussions are continuing.</p> | <p>1. The Birmingham SHMA which underpins the BDP estimates a housing requirement of c80,000 net new dwellings in the period up to 2031. The 2012 SHLAA's best estimate of likely capacity without incursion into Green</p> |

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| <p>housing provision</p> | <p>Belt (except at the site of the former Yardley Sewage Works) and including an allowance for c700 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 net 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.</p> <p>The major issues concern the scale of the housing requirement, the extent to which capacity exists or can be identified within Birmingham's boundary and then the scale and distribution of any resultant shortfall. The BDP sets out Birmingham City Council's position in respect of these matters and it is envisaged by the parties signatory to this document that the satisfactory resolution of these issues will be achieved through (1) completion of the GBSLEP Strategic Housing Needs Study (2) Distribution of the overall housing need and the resultant 'overspill' housing through the Second Iteration of the GBSLEP Strategic Spatial Framework Plan and through arrangements negotiated with other authorities beyond the GBSLEP as justified by the evidence and (3) Subsequent accommodation of the 'overspill' growth in the review of Local Plans in adjoining areas..</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>We are advised that Birmingham's SHLAA embodies assumptions based on consideration of the appropriateness of employment sites (subject to criteria in an SPD) and open space coming forward for housing development. However, what sites have been considered and how this has been done is not clearly apparent from the SHLAA itself. It is not clear, therefore, how the City Council has reached all of its decisions on the potential to plan for housing development within Birmingham. The City Council does, however, refer to the</p> |
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| | | <p>existence of constraints and to the very real likelihood that the capacity of the housing market ./ housebuilders will be limited. The existence of such considerations is not disputed. Indeed, with a large-scale industrial and mining legacy and weaker economy they will be likely to exist to a greater extent in the Black Country.</p> <p>Much debate relates to the degree to which housing requirements arising within Birmingham might not be accommodated within the city's boundaries and how and where any shortfall in provision might be met. The Black Country authorities have demonstrated their commitment to co-operation by joining in with the Housing Needs Study for GBSLEP and the Black Country. This work is on-going and likely to take some time and the study appears unlikely to be completed by the close of the examination into Birmingham Development Plan. The emerging analysis indicates that projections of household growth might be higher for the Black Country than projected previously, so that a previous idea - that capacity for perhaps 3,100 dwellings might be 'offered' towards Birmingham's projected shortfall – might not be realised. However, it is not yet possible to say what the conclusions of the study might be.</p> <p>Of course, the current study is simply a study. Its analysis will have to be used to inform the work of local planning authorities in their own SHMAs and Local Plan reviews, including the planned review of the Black Country Core Strategy.</p> <p>All of this means that whilst there is a process established to examine and to begin to address the projected shortfall:</p> <ul style="list-style-type: none"> - actual decisions, including possible allocations of land, will be made in future by local planning authorities through their local plans; and - it is not possible to be clear what the outcomes will be. |
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| | | <p>At present it is also not certain that a solution might be possible to every element of the shortfall. Whilst the Black Country is committed to a positive approach, it will have to have regard to Green Belt policy and the need to maintain its urban regeneration strategy, which will be vital if the area is to be able to secure growth.</p> <p>In this context, it will be important that the City Council recognises that others, including its neighbours in the conurbation, will face the same kinds of constraints as Birmingham.</p> |
| <p>c) Appropriate provision made for migration</p> | <p>See re Matter 'b)' above.</p> | <p>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.</p> <p>The identification of a housing shortfall or 'overspill' requirement refers to potential additional housing over and above that included in population and household projections that is needed outside Birmingham's boundary in order that housing needs can be met. The process for resolution of this matter is as set out in b)... above.</p> <p>2. Response on behalf of the Black Country authorities. See also the response on matter 'b)' above.</p> <p>In broad terms, the population and household projections, which help provide a basis for forward planning, already make provision for migration – by projecting trends forward. Further account is being taken in the on-going work on the Joint Housing Needs Study for the GBSLEP and the Black Country.</p> |

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| | | <p>Work now on the Birmingham's, the rest of GBSLEP's and the Black Country's projected future housing needs will be taken into account – in future – when Local Plans are reviewed. At that time there will be a need to consider what needs appear unlikely to be met within Birmingham (or in other areas) and the extent to which it would be appropriate and feasible to plan to meet such needs elsewhere. As set out, there is a process to analyse and discuss the issues, but this does not necessarily mean all of them will be resolved.</p> |
| <p>d) Level and distribution of employment land provision</p> | <p>Shared understanding on area(s) of disagreement</p> | <p>1. The BDP identifies a serious emerging shortfall of land to accommodate future employment growth and investment. The plan addresses this issue by protecting the city's core employment areas from competing uses so they offer a continuing supply of recycled land supplemented by the release of a major new employment site (80ha) at Peddimore. 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 LEPs.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>The Black Country authorities are working with Birmingham and others (including the GBS and BC LEPs) through the commissioning of a review of the need for very large employment sites to begin to explore whether provisions for such a sites or sites should be made in the region. The outputs of this 'LEP Employment Study' will be used by the local planning authorities to inform future reviews of their Local Plans.</p> <p>The Birmingham Development Plan's overall approach to employment land is supported.</p> |

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| | | <p>However, representations are maintained in respect of:</p> <ul style="list-style-type: none"> - Regional Investment Sites, and the need to ensure that B1(a) offices should only be allowed where this complies with national policy on town centre uses, and seeking a definition of 'high quality'; and; - The need to address all relevant issues in a practicable way when seeking to protect employment land. |
| e) Hierarchy of centres and the level and distribution of retail provision | Shared understanding on area of disagreement | <p>1. The BDP defines a retail hierarchy of centres in Birmingham. The approach in the BDP is to make provision for a net increase of 270,000 m² in comparison retail floorspace concentrated in the City Centre, Sutton Coldfield town centre and three District Growth Points. Growth elsewhere will be small scale.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>The approach is broadly (see below) consistent with national policy and we do not question the quantum of comparison retail floorspace proposed (which is to be increased according to proposed Main Modification 4).</p> <p>The Black Country authorities submitted a representation to ensure that the policy approach referred to "<i>other town centre uses.</i>" This has been accepted by Birmingham (Main Modification 66) and this proposed modification is supported.</p> <p>However, a representation seeking to ensure that tourism facilities can be properly considered in relation to town centres is maintained.</p> |
| f) Level and distribution of office provision | Agreed | <p>1. The approach in the BDP is to encourage 745,000 m² gross of new office development in the network of centres primarily focussed in the city centre including a substantial proportion of the new office floorspace</p> |

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| | | <p>expected to be provided within the Enterprise Zone.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>The approach to the location of office development is supported as being in accordance with national policy and most likely to support the regeneration of the conurbation. We do not question the quantum of office floorspace proposed.</p> |
| <p>g) Appropriate provision made for public and private transport including Park & Ride and commuting patterns</p> | <p>Agreed</p> | <p>1. The BDP incorporates a range of transport policies and proposals across all modes. These are consistent with the extant Local Transport Plan and emerging Birmingham Mobility Action Plan (BMAP). There are proposals to improve networks both within and beyond the boundary which will impact, 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).</p> <p>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 and employment growth taking place in areas beyond the city boundary which is a matter to be addressed in the relevant local plans.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>The Black Country authorities and Birmingham have a long history of working together on cross-boundary transport issues and will continue to do so, including with the participation of the GBS and BC LEPs. In the current context, various relevant,</p> |

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| | | <p>transport linkages (including major roads, rail lines and the Birmingham-Wolverhampton metro route). Some of these will provide a basis for future projects, including to enhance connectivity between the Black Country and HS2. Existing schemes are being promoted jointly or with reciprocal support where they would promote growth and regeneration and it is pleasing that Birmingham has supported the Black Country LEP's proposals for improvements to M6 Junction 10. The local authorities and the LEPs will continue to work together to promote mutually beneficial proposals.</p> <p>In principle, the aim of a broad balance of housing and employment growth across the sub-region could be supported. It is welcome that this does not seek to promote idealistic attempts to reduce current patterns of commuting (see the recent PAS Advice Note on 'Objectively Assessed Need and Housing Targets, paras. 6.7-6.9). The overall aim should surely be to make employment opportunities as accessible as possible, taking account of the different locations for different types of residents and different types of job opportunities. These should be planned for within a consistent regeneration framework, or areas like the Black Country could be undermined and those most in need of access to employment could find that access would be withdrawn.</p> |
| <p>h) Consistency of planning policy and proposals across common boundaries</p> <p>such as transport links and green infrastructure</p> | <p>Shared understanding on area(s) of disagreement</p> | <p>1. To be identified and discussed as appropriate across common boundaries but would include matters such as landscape, designations of natural areas, river basin management and transport networks.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>It is considered that to the Birmingham Development Plan (with some modifications) and the Black Country Core Strategy can be consistent within the Framework provided by the Strategic Policy Framework for the West Midlands Metropolitan Area.</p> |

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| | | <p>The positive support from Birmingham for motorway junction improvements in the Black Country is referred to under matter 'g)' above.</p> <p>On the other hand, the City Council has not supported a representation seeking modifications to Policies TP7 and TP8 to ensure that green linkages between Birmingham and surrounding areas can be protected and enhanced. It is disappointing that the City Council has not accepted these points and the representation is maintained.</p> <p>It is understood that, from Birmingham's perspective, there will be no CIL and/or no arrangements in place to make any major contribution from Birmingham to funding for infrastructure in surrounding areas to support growth including growth in Birmingham. Similarly it is not presently envisaged that CIL from any of the Black Country authorities would be spent in Birmingham.</p> |
| <p>i) Green Belt matters</p> | <p>Not agreed</p> | <p>1. Significant changes to the Green Belt are proposed in association with major development proposals at Langley and Peddimore to the north-east of Birmingham and at the site of the former Yardley sewage works. The changes to the Green Belt boundary have been made in such a way as to identify new boundaries that will endure in 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 acknowledge that additional land which is currently designated as Green Belt in adjoining areas may need to be identified for development – as a consequence of the process to determine the level and distribution of future growth set out under b)2 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).</p> |

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| | | <p>2. Response on behalf of the Black Country authorities. See also the response to matter 'b)' above.</p> <p>Decisions on whether to release Green Belt land in Birmingham are a matter for the City Council, provided that they are in accordance with planning policy and consistent with and will not damage the urban regeneration strategy for the conurbation, including the Black Country, as set out in the Strategic Policy Framework for the West Midlands Metropolitan Area (referred to by the City Council in 'a)' above). In particular, land in the Green Belt should not be developed first in preference to brownfield sites or suitable sites in the existing built up area, either in Birmingham or in other local authority areas. The Black Country authorities are maintaining a representation that the release of Green Belt land, especially for housing should be phased to support this approach.</p> <p>The Birmingham Development plan does not, and should not, refer to possible implications for the Green Belt or any other land in other local authority areas; as it is acknowledged this will be a matter for the local planning authorities concerned. As described, above, the Black Country authorities are committed to working positively with Birmingham, including through the GBSLEP / Black Country Housing Needs Study. However, it should be recognised that the Black Country will have its own housing needs and that these are most likely to be served through the regeneration strategy of the Black Country Core Strategy.</p> <p>In this context the Black Country Authorities are not in a position at this time to necessarily commit to any possible releases of Green Belt land in relation to the positions taken by the City Council through the Birmingham Development Plan.</p> |
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| | | <p>The Government's National Planning Practice Guidance includes:</p> <p><i>"The Duty to Cooperate requires authorities to work effectively on strategic planning matters that cross their administrative boundaries. The Duty to Cooperate is not a duty to agree and local planning authorities are not obliged to accept the unmet needs of other planning authorities if they have robust evidence that this would be inconsistent with the policies set out in the National Planning Policy Framework, for example policies on Green Belt, or other environmental constraints."</i></p> <p>(Paragraph: 021 Reference ID: 9-021-20140410)</p> |
| <p>j) Minerals, waste and water resources including flooding</p> | <p>a) Not agreed</p> <p>b) Shared understanding on area(s) of disagreement</p> <p>c) Not applicable</p> | <p>1. As a major city Birmingham is reliant on minerals predominantly produced in adjoining shire areas to help facilitate its growth and development. The City Council recognises that it can reduce the demand for mineral extraction through effective recycling and reuse of building materials and aggregates. Similarly the City Council recognises that its 'footprint' can be reduced through self-sufficiency and vigorous adoption of the waste hierarchy. The City Council is an active member of both the West Midlands Aggregates Working Party (AWP) 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 fully aware of its responsibilities and will vigorously pursue the principles of sustainable drainage to reduce the risks of flooding both within the city and beyond its boundaries.</p> <p>2. Response on behalf of the Black Country authorities.</p> <p>These are three separate issues and they should be treated as such.</p> <p>a) Birmingham has been cooperating with other authorities as referred to above and it</p> |

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| | | <p>is considered that evidence should be available to ensure that outstanding minerals issues can be addressed. However, the City Council appears not to have responded to a representation on behalf of the BC authorities that seeks (among other things):</p> <ul style="list-style-type: none"> - the safeguarding of mineral resources and facilities; and, - consideration of the ability to source a range of minerals (required and present) either through the winning of primary resources or through secondary and recycled aggregates. <p>b) The consultation documents (and a presentation to RTAB in January 2014) demonstrate an awareness of cross-boundary waste issues and it is noted the City Council has recently updated its evidence on waste capacity. However, the BC authorities are maintain representations to seek:</p> <ul style="list-style-type: none"> - more detailed consideration of waste capacity and requirements (including for different types of waste provision); and - identification of how different types of waste disposal capacity might be provided. <p>c) In respect of water issues, no matters have been identified in respect of the Birmingham Development Plan that would appear likely to have significant impacts on the Black Country.</p> |
| <p>I) Air quality matters</p> | <p>Agreed</p> | <p>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 nature of actions being consistent with the city's aspirations for growth. Detailed policies on air quality and noise matters will be set out in a separate Development Management DPD.</p> <p>2. Response on behalf of the Black Country</p> |

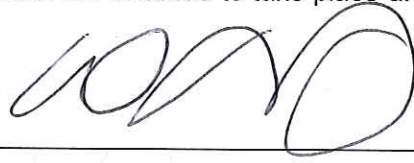
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| | | <p>authorities.</p> <p>This approach is supported in principle. It is important to recognise that the issues, including the need to support growth and regeneration, apply to the Black Country as they do to Birmingham.</p> |
| m) Any other matters that might reasonably be identified under the Duty to Co-operate | Agreed | 1. No other matters identified. |

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

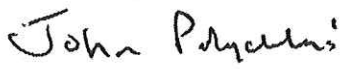



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| | Details: |
| Meetings | Duty to Co-operate meeting – officers from Birmingham City Council, with officers from Dudley, Sandwell, Walsall and Wolverhampton Councils – 18_02_2014 |
| Groups | Metropolitan Duty to C-operate Group – open to officers from all of the WM metropolitan authorities – meetings generally on a monthly basis |
| Responses to consultation and correspondence | <ul style="list-style-type: none"> • Association of Black Country Authorities response to Submission Draft, 28 February 2014 • Walsall response to Options Consultation 14 January 2013 • Others - TBC |
| Additional points | <p>There have also been meetings between GBSLEP authority officers, BC officers and consultants from Peter Brett Associates, in respect of the Joint Housing Study.</p> <p>The Implications of the study have also been considered at a meeting of Council Leaders and Chief Executives (3 July 2014).</p> |

We, the undersigned, agree that the above statements and information truly represent the joint working that has and will continue to take place under the 'Duty to Co-operate'.

 Authority A*



WAHEED NAZIR
 DIRECTOR OF PLANNING & REGENERATION
 BIRMINGHAM CITY COUNCIL

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| Signed |  |
| Name | John Polychronakis |
| Position | Chief Executive |
| Authority | Dudley MBC |
| Signed |  |
| Name | Jan Britton |
| Position | Chief Executive |
| Authority | Sandwell MBC |
| Signed |  |
| Name | Paul Sheehan |
| Position | Chief Executive |
| Authority | Walsall MBC |
| Signed |  |
| Name | Keith Ireland |
| Position | Managing Director |
| Authority | Wolverhampton City Council |

* 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.