



## **BIRMINGHAM PLAN 2031**

### **Statement by West Midlands CPRE**

#### ***Matter F: The duty to co-operate in respect of strategic matters***

*Main issue: Have the Council complied with the requirements of section 33A of the Planning and Compulsory Purchase Act 2004?*

Questions:

*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;*
- (c) strategic retail matters;*
- (d) strategic matters pertaining to minerals and waste; and*
- (e) strategic transport and other infrastructure?*

1. West Midlands CPRE has not challenged the plan in terms of the legal requirement to fulfil the Duty Co-operate.

*2) Insofar as the Plan relies on other local planning authorities [LPAs] to deliver a proportion of its housing requirement, what mechanisms exist to ensure that the other LPAs will comply with this approach?*

2. We argue in Matter 1 that such a mechanism may not be required in most authorities because the Objectively Assessed Need can be met within the West Midlands conurbation.

3. In the case of the Black Country there might need to be some agreement but there is no reason to believe the Black Country would seek to minimise housing development in its urban area.

4. Should, however, the level of OAN be deemed greater than the capacity of Birmingham, with support from the Black Country, the first question would be whether that could be met without excessive harm to other policies in the NPPF, particularly to the Green Belt. If not it may be that there are policy reasons not to meet the OAN. There is no clear way of testing that at a strategic level.

5. What the next phase of the GBSLEP housing study will consider, we understand, is ways to share any excess but we do not consider that an adequately robust approach because the study is not a SHMA, because it includes areas not covered

by the GBSLEP and because it will not be formally tested except at individual planning examinations.

Certainly any future process should be considered the best option in all local authorities, including Birmingham, as we say in our evidence.

6. The assumption at present appears to be that if Birmingham decides it does not have enough land other LPAs would pick that up, whether or not the impact in those authorities would be greater than in Birmingham itself.

7. As we set out in our housing evidence the surrounding local authorities have their own housing need which means any additional housing is likely to be in sensitive areas of Green Belt. That being the case, bearing in mind the 'very special circumstances' requirement and the Ministerial Statement of 1 July 2013 regarding housing numbers and Green Belt, we are far from convinced such an assumption can be relied upon.