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***Main issue: Have the Council complied with the requirements of section 33A 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;**
  - (c) strategic retail matters;**
  - (d) strategic matters pertaining to minerals and waste; and**
  - (e) strategic transport and other infrastructure?**

*Response*

- 1.1 Birmingham City Council and North Warwickshire Borough Council have discussed items of strategic importance and this is documented through the Council's evidence for the North Warwickshire Core Strategy examination - CD9/25 - [https://secure.northwarks.gov.uk/downloads/file/5236/birmingham\\_development\\_plan-duty\\_to\\_co-operate](https://secure.northwarks.gov.uk/downloads/file/5236/birmingham_development_plan-duty_to_co-operate).
- 1.2 In addition the Borough Council has signed a Memorandum of Understanding which covers all of the above except for minerals and waste which is a Warwickshire County Council function. This is referred to in Birmingham City Council's own evidence.
- 1.3 We believe that Birmingham City Council has complied with the Duty to Co-operate subject to the comments in section 2 below. Although the Borough Council has not committed to take any housing or employment from Birmingham City Council, there is a robust framework to resolve these issues including a review of the our Plan if required.

- 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?**

***Background***

- North Warwickshire is a small rural authority with a population of 61,000
- It is bordered by Birmingham, Solihull, Tamworth, Nuneaton & Bedworth, Coventry, Hinckley & Bosworth and North-West Leicestershire.
- North Warwickshire lies within the Coventry & Warwickshire LEP area
- NWBC was part of the Coventry & Warwickshire Joint Strategic Housing Market Assessment
- It has consulted on the Main Modifications for its Core Strategy and is now awaiting the Inspector's report.

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- There is a Main Modification (MM4) that would change paragraph 1.13 of the submission version of the North Warwickshire Core Strategy to ensure that as and when evidence indicates North Warwickshire Borough Council will take the appropriate action.
- North Warwickshire BC has signed a Memorandum of Understanding with Tamworth BC and Lichfield DC to deliver 500 dwellings within North Warwickshire.
- The Borough has a close relationship with many authorities around its borders. This is particularly due to the regional nature of some of the employment sites within the Borough such as Hams Hall and Birch Coppice.

*Response*

- 2.1 As part of the Core Strategy and its progress through the Examination process some main modifications have been recommended by the Inspector. Paragraph 1.13 of the submission version will be altered to read as follows. This change shows the commitment the Borough Council has to working with its neighbours:
- “The Localism Act 2011 introduced a requirement for the Borough Council to co-operate with other local authorities as well as organisations and agencies to ensure the effective discussion of issues of common concern to develop sound plans. This Duty is an ongoing process and does not stop with the production of a plan. This Council has a proven track record in cooperating with neighbouring authorities in strategic planning matters. It commits to working collaboratively with other authorities, and in particular Birmingham and Tamworth, to objectively establish the scale and distribution of any emerging housing and employment shortfalls. In the event that work identifies a change in provision is needed in the Borough of North Warwickshire an early review of the North Warwickshire Local Plan will be brought forward to address this.”*
- 2.2 The Borough Council has a track record of agreeing to take growth from a neighbouring authority when the evidence indicates that this is the case. There is the Memorandum of Understanding signed with Tamworth and Lichfield. The Borough Council has also signed a Memorandum of Understanding with Birmingham City Council.
- 2.3 The Borough Council considers that currently the mechanism for the delivering of housing and employment beyond Birmingham is through the work of the GBSLEP. The Coventry & Warwickshire LEP is represented on the GBSLEP Spatial Planning Group. The Borough Council is not represented itself. The GBSLEP / Birmingham City Council have had one Leaders meeting with those leaders in adjoining authorities to the GBSLEP area. This took place in July 2014.
- 2.4 It is therefore the Borough Council’s opinion that the requirement for North Warwickshire to consider taking additional housing and employment provision is

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ties up with the GBSLEP work that is currently being carried out. This work is considering the shortfall and options to deal with any shortfall within the GBSLEP area in total and only if there are not the appropriate solutions within the GBSLEP area will solutions elsewhere be considered.

- 2.5 A letter has been sent to the GBSLEP from a number of adjoining local authorities (attached as Appendix A) querying the scope of the Stage 3 work being carried out and raising concerns that the work should be initially confined to the GBSLEP area. This is not saying the Borough Council will not work with the GBSLEP but there needs to be clarity as to the capacity and consistency of consideration of land before an assumption that solutions lie beyond this area.

Our Ref: BRE/SW/AC

5th September 2014

Please ask for: Cllr. B.R. Edwards

Direct Dial: (01902) 696700

Direct Fax: (01902) 696805

Email: b.edwards@sstaffs.gov.uk

Sir Albert Bore,  
Birmingham City Council,  
Council House,  
Birmingham  
B1 1BB

Dear Sir Albert,

### **BDP Public Examination - GBSLEP Strategic Housing Needs Study**

We write to you further to the 'related authorities briefing' that was held on 31 July 2014 at Baskerville House, Birmingham. Peter Brett Associates (PBA), on behalf of the Greater Birmingham & Solihull LEP (GBSLEP), presented their Stage 1 & Stage 2 findings of a Strategic Housing Needs Study commissioned by the GBSLEP.

The 'related authorities' that had been invited to the meeting were Stratford-on-Avon Council, North Warwickshire District Council, South Staffordshire Council and the combined South Worcester Authorities (Wychavon, Worcester City & Malvern Hills).

We understand that the Black Country LEP (BCLEP) have agreed to be part of the Study, although at the time of the meeting endorsement of the Stage 1 & Stage 2 findings had not been received from the BCLEP Board.

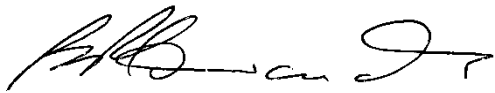
Birmingham City Council (BCC) submitted the Birmingham Development Plan (BDP) to PINs on 01 July 2014. It is now at Public Examination. It is stated in the City Council's Duty to Co-operate proforma that capacity work in 2012 indicated a shortfall of circa 29,000 dwellings up to 2031 and that BCC are seeking to accommodate these new dwellings outside the boundaries of the City. BCC then sought to engage local planning authorities within the GBSLEP in the preparation of a Strategic Housing Needs Study – although we understand that this Study is not a SHMA as defined in the National Planning Policy Framework (NPPF). NPPF (Para 159) lists a number of actions that a local planning authority should undertake in order to gain a '*clear understanding of housing needs in their area*'. This includes '*Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries.*'

We understand that BCC decided to use the geography of the GBSLEP, and subsequently adding the BCLEP, rather than the Birmingham housing market area in order to create the spatial framework within which 'objectively assessed housing needs' could be accommodated. At the briefing on 31 July 2014 PBA stated that the geography of the 2 LEPs creates a justifiable housing market area that could be used to demonstrate compliance with NPPF.

For this reason, we strongly assert that the Phase 3 exercise, to consider spatial options for accommodating future housing growth, should be confined to the geography of the 2 LEPs – GBSLEP and BCLEP. There is no reasoned justification for seeking to accommodate the identified housing needs in administrative areas beyond the 2 LEPs. Surely you would agree that meeting housing needs in locations close to where the need arises is both common-sense and good practice.

We are asking for confirmation that the PBA Stage 3 work will confine its search to the geography of the GBSLEP and BCLEP and not look to areas beyond - such as our administrative areas.

Yours sincerely,



Councillor Brian Edwards  
Leader of the Council  
South Staffordshire Council



Councillor Chris Saint  
Leader of the Council  
Stratford-on-Avon District Council



Councillor P. Middlebrough  
Leader of the Council  
Wychavon District Council



Councillor M.E. Stanley  
Leader of the Council  
North Warwickshire Borough Council

Copy to: Mr. W. Nagir – Director of Planning & Regeneration, Birmingham City Council  
Mr. I. Kemp – Programme Officer – BDP Public Examination