

Birmingham Development Plan

DUTY TO CO-OPERATE STATEMENT

June 2014

**Birmingham Development Plan
DUTY TO CO-OPERATE STATEMENT**

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1.0 Introduction

1.1 Birmingham is the largest of the UK's core cities with a sphere of influence that extends well beyond its administrative boundaries. Birmingham acts as the 'engine of growth' within the West Midlands. Although the City has been able to accommodate a significant proportion of this growth, an element of 'overspill' has historically occurred to other adjoining authorities and parts of the West Midlands. Birmingham is also a major destination for international migration with significant inflows of population - with some migrations subsequently moving out of the City to other areas.

1.2 Prior to the introduction of the Localism Act 2011 and the National Planning Policy Framework (NPPF) 2012, cross boundary issues were addressed through the preparation of Regional Spatial Strategies for all of the Regions outside of London. Regional Spatial Strategies (RSS) provided the planning framework upon which more detailed Local Plans were prepared. The RSS prepared for the West Midlands acknowledged that Birmingham has been unable accommodate all of its growth and had sought to distribute some of this growth across the West Midlands region. It was on this basis that the City Council began to prepare the Birmingham Development Plan (formerly known as the Core Strategy) in 2008.

1.3 The Localism Act, however, made significant changes to the planning system including the abolition of Regional Planning. In the West Midlands the RSS was revoked on 20 May 2013. In its place, the Act introduced the Duty to Co-operate which is a statutory requirement for local authorities to work together to deal with cross boundary strategic issues.

1.4 The City Council has sought from an early stage to address the Duty to Co-operate in a pro-active and collaborative fashion working closely with neighbouring areas and building on the strong history of strategic planning in the West Midlands. Duty to Co-operate discussions have focused on a variety of issues including housing provision, transportation, employment land, minerals and waste management.

1.5 This paper explains the City Council's approach to the Duty to Co-operate and supersedes the previous version published in October 2013. The paper also outlines the significant progress which has been made in putting mechanisms in place which will ensure that cross boundary issues are effectively dealt with. Mutual agreement with all parties involved in the Duty to Co-operate has not always been possible, but in these circumstances the City Council has sought to narrow the scope of the differences and clearly set out the understanding of the respective positions.

2.0 What is the Duty to Co-operate?

2.1 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

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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 'engage constructively, actively and on an ongoing basis' to develop strategic policies; and
- Requires Councils to consider joint approaches to plan making.

2.2 Section 33A of the Planning and Compulsory Purchase Act states that the Duty to Co-operate applies to local planning authorities, County Councils and other prescribed bodies (these include the Environment Agency, English Heritage, Natural England, Civil Aviation Authority, Homes and Communities Agency, Primary Care Trusts, Office of the Rail Regulator, Centro - the Integrated Transport Authority and the Highways Agency). Local planning authorities should also have regard to Local Enterprise Partnerships and Local Nature Partnerships.

2.3 On 27th March 2012, the Government issued new national planning guidance for England in the form of the National Planning Policy Framework (NPPF). This reinforces that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to 'strategic priorities'. Consequently, local planning authorities are required to work collaboratively with other bodies to ensure that strategic priorities across administrative boundaries are properly co-ordinated and reflected in development plan documents. The NPPF adds that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.

2.4 Local planning authorities are expected to include reference to activities that fall under the Duty to Co-operate as part of their Annual Monitoring Report and to prepare a background paper for public examinations to demonstrate that they have fully complied with the Duty to Co-operate (including full details of the process of engagement and co-operation and the bodies involved, along with the outcome of this process, including any agreements secured or areas of non-agreement). This document summarises the steps taken to date in relation to the Birmingham Development Plan, although this is an ongoing process.

2.5 The National Planning Practice Guidance (NPPG) provides some helpful clarification on the Duty to Co-operate. Although the NPPG was not published until March 2014, the City Council is satisfied that its approach to the Duty to Co-operate complies with the essential components of the NPPG. In fact, over the preceding period the City Council has committed considerable time and expertise in considering the implications of the Duty to Co-operate

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and, through participation in conferences such as those organised by the Planning Advisory Service (PAS) and professional networks such as the Planning Officers Society and Royal Town Planning Institute, it has played a part in the development of the NPPG.

2.6 The NPPG recognises that the duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It acknowledges that agreement will not always be possible but that LPAs should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. One way to demonstrate effective cooperation, particularly if Local Plans are not being brought forward at the same time, is the use of formal agreements between local planning authorities, signed by elected members, demonstrating their long term commitment to a jointly agreed strategy on cross boundary matters.

2.8 The NPPG states that prior to submitting a Local Plan Local Planning Authorities should have explored all available options for delivering the planning strategy within their own planning area. They should also have approached other authorities with whom it would be sensible to seek to work to deliver the planning strategy. A key element of the examination will be to ensure that there is sufficient certainty through the agreements that an effective strategy will be in place for strategic matters when the relevant Local Plans are adopted.

3.0 Why is the Duty to Co-operate particularly important to Birmingham?

3.1 Birmingham has always relied on neighbouring authorities to accommodate an element of the City's growth and development needs. This is illustrated in table 3.1 below which shows the proportion of the City's housing requirement which has been planned for in previous development plans. The table shows that the percentage of Birmingham's housing need being met within the City has increased through recent development plans as the City has sought to reduce the level of out migration from the City by promoting urban renaissance.

3.2 Past migration flows of population are a good indicator of these important cross boundary relationships as illustrated by Tables 3.2 and 3.3 which show the gross and net internal migration from Birmingham to other Districts within the West Midlands. During the period 2000/01 to 2010/11 there was a net outflow of circa 75,500 people from Birmingham into the other areas within the wider West Midlands. The tables demonstrate significant cross boundary movements of population between Birmingham and the Black Country, Solihull, Bromsgrove and Lichfield. These patterns of migration from Birmingham to other Local Enterprise Partnerships within the West Midlands are shown in table 3.4. Nearly 80% of gross out migration flows from Birmingham occurs to other authorities in the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and the Black Country LEP. The location of the LEPS referred to are illustrated in Plan 1.

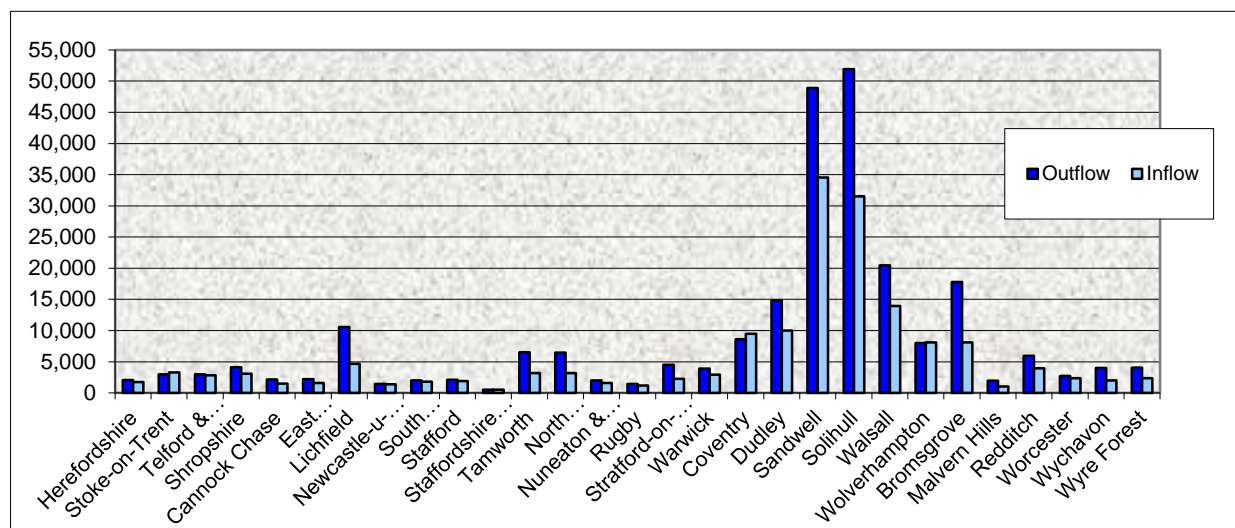
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Table 3.1 – Proportion of household growth met within the City

Plan	Period Covered	Projected Household Growth	Housing Provision in Birmingham (Net Dwellings)	% of Projected Growth met in the City.
The Birmingham Plan (1993)	1986-2001	29,000	7,700	27%
The Birmingham Plan (UDP) Alterations (2005)	1991-2011	87,600	23,400	27%
The Birmingham Development Plan (BDP) (2014)	2011-2031	81,500	51,100	63%

Notes: Where the Plan/guidance uses gross figures these have been reworked to net.
The percentage is approximate as it compares household growth with dwellings.

Table 3.2 Internal Migration relating to Birmingham and other Districts within the West Midlands, 2000/01-2011/12



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Table 3.3 Net Internal Migration relating to Birmingham and other Districts within the West Midlands, 2000/01-2011/12

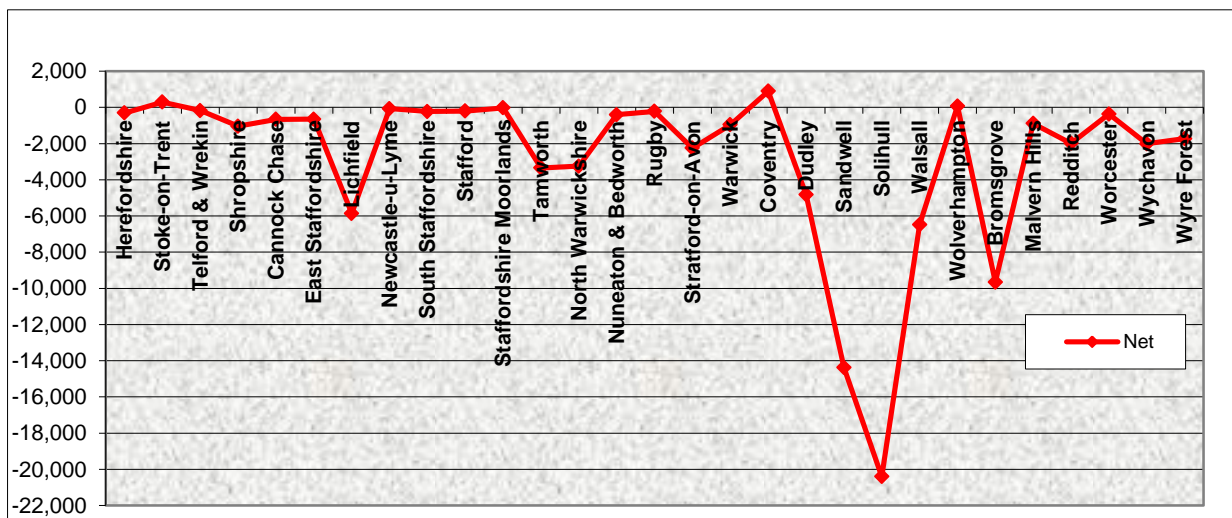


Table 3.4 - The Destination of Gross Intra-Regional Out-Migration Flows from Birmingham 2000/01 to 2010/11

Destination	Percent
Rest of GBSLEP	41.2
Black Country	37
Coventry & Warwickshire LEP	10.9
The Marches LEP	3.8
Rest of Stoke & Staffordshire LEP (i.e. excl. those Districts falling within the GBSLEP)	3.7
Rest of Worcestershire LEP (i.e. excl. those Districts falling within GBSLEP)	3.5

Source: ONS (NHSCR, Patient Register Data and HESA)

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Plan 1 – Birmingham and Surrounding Local Enterprise Partnerships



3.3 The 2008 Regional Spatial for the West Midlands (WM RSS) continued to recognise this pattern of cross boundary movement and required Birmingham to provide for 31,800 homes during the period to 2021. This figure was under review at the time the RSS was revoked under the Localism Act. The City Council began preparation of its 2010 Birmingham Consultation Draft Core Strategy to reflect the figures in the emerging RSS Review. However, the publication of revised population projections for the period 2011 to 2031 along with the publication of the NPPF in March 2012 led the City Council to revisit the approach being taken towards housing provision. The Office of National Statistics revised population projections showed that the City's population is expected to grow by 150,000 by 2031 which translates into a housing requirement of around 80,000 dwellings. This forecast level of growth went beyond that which was planned and proposed by the Draft Core Strategy. The City Council explored all options to accommodate this predicted level of housing growth including a review of the Green Belt and considers it has capacity to accommodate 51,100

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homes, leaving a significant shortfall of at least 30,000 dwellings which would need to be met elsewhere. The Duty to Co-operate is therefore an important mechanism for Birmingham in relation to meeting future housing needs and the following sections will demonstrate the significant progress the City Council has made in partnership with other authorities to work towards a solution to this issue.

3.4 However, the importance of the Duty to Co-operate to Birmingham is not limited to population growth and housing, as significant cross boundary issues are also evident in relation to employment land, transportation and minerals and waste.

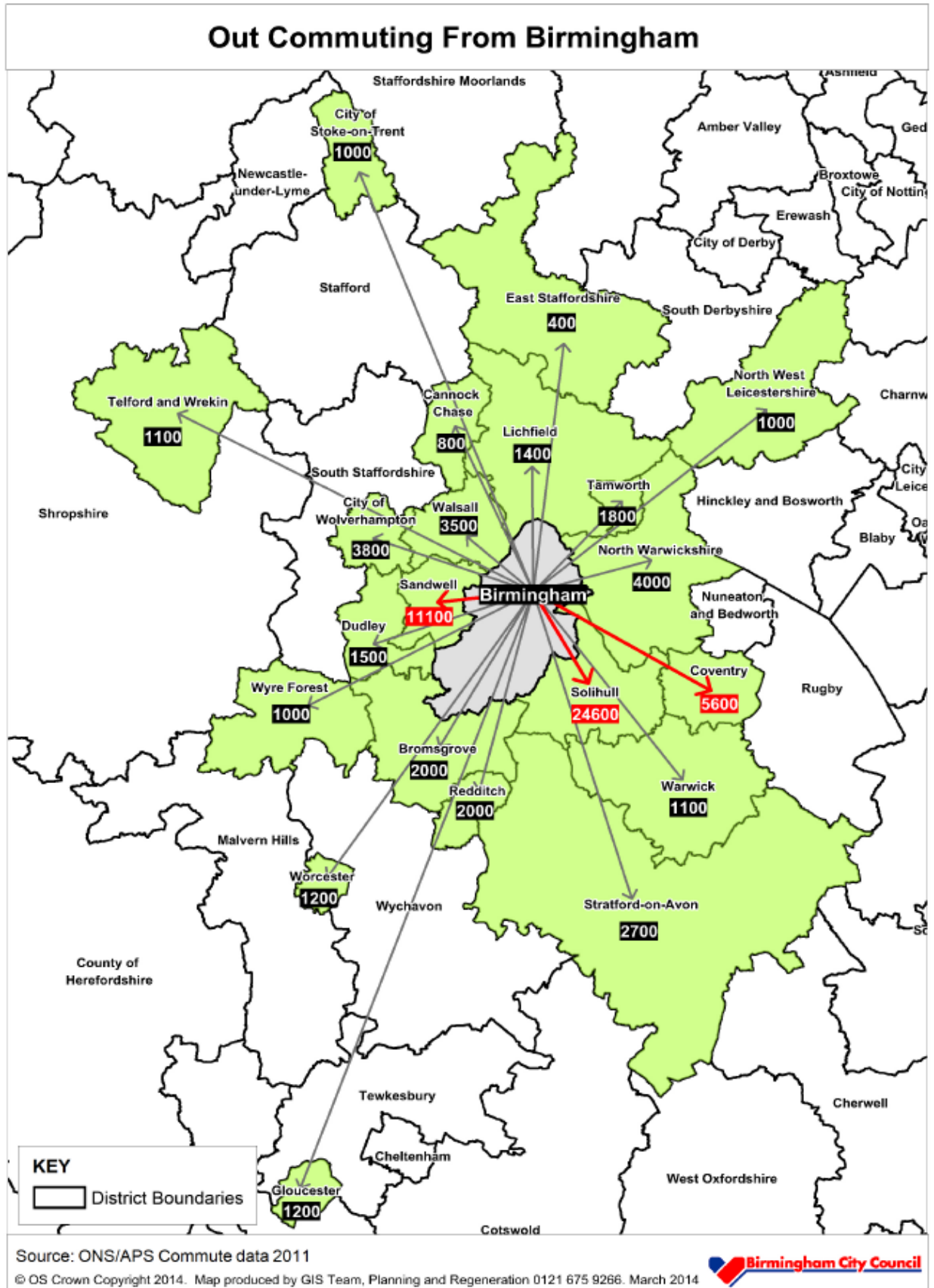
3.5 The City Council along with other authorities in the West Midlands has recognised the importance of having a supply of large strategic employment sites to meet the needs of large scale occupiers. However, the supply of large strategic sites is diminishing with supply and new development opportunities becoming increasingly limited. This follows recent successful developments at large sites such as I54 in Wolverhampton by Jaguar Land Rover and at Birch Coppice in North Warwickshire by Ocado. The evidence base supporting the BDP also suggests that there could be a possible shortage of large sites towards the end of the plan period although the proposed release of Peddimore from the Green Belt increases supply significantly in the short to medium term. The City Council is working with neighbouring authorities through the Duty to Co-operate to consider these issues further.

3.6 Transportation is also a key issue for the City. Birmingham lies at the heart of the UK's motorway and rail network with three main rail line stations, several key motorway junctions, an extensive road network, local bus and suburban rail services and a Metro line. Much of this transport network extends beyond the City's boundary and there are significant daily movements of people by various forms of transport both into and out of the City. These daily movements are illustrated in plans 2 and 3 below. The impact of growth proposed through the BDP, in particular, the Green Belt at Langley and Peddimore on the transportation network therefore needs to be carefully considered. The City Council has sought to engage with neighbouring authorities and key consultees such as the Highways Agency in relation to this issue.

3.7 Birmingham also generates in excess of 3 million tonnes of waste a year and although a large proportion of the waste created is dealt with by facilities within the City, there are also cross boundary movements of waste to facilities outside of Birmingham. Similarly, there is a dependency from other areas on waste management facilities within the City. The City Council has sought to engage with Neighbouring Authorities and the West Midlands Resource Technical Advisory Body (RTAB) to consider this issue. The City Council also relies on adjoining authorities for the provision of primary aggregates to meet the needs of the economy. The City Council has worked with Metropolitan and County Authorities to consider this issue and has also participated in meetings of the Regional Aggregates Working Party (RAWP).

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Plan 3



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4.0 Key Duty to Co-operate issues

4.1 The following section focuses on the key issues which the City Council has sought to address through the Duty to Co-operate:

Accommodating the City's housing growth

4.2 During early 2012 the City Council became aware that there was a significant issue emerging in relation to meeting the City's future housing needs. In order to make its adjoining authorities aware of this emerging situation, the City Council took the step in August 2012, 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. Meetings to discuss the position and the possible implications were held with all of these authorities and will continue to take place as needed. These meetings considered the content of the Birmingham Development Plan and also the emerging Development Plans of the neighbouring authorities. Opportunities to inform adjoining authorities of Birmingham's position were also taken at regular meetings as explained in section 5 below. The City Council recognised that a common evidence base was needed which established scale of the potential shortfall in housing provision and the implications which this would have on other authorities' housing requirements.

4.3 Follow-up letters 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. Bi-lateral discussions were extended as the implications of the emerging housing shortfall were considered to include South Staffordshire District Council, Telford & Wrekin Council, Warwick District Council and Stratford-upon Avon District as well as the three South Worcestershire authorities.

4.4 The City Council has taken a pragmatic approach in relation to consultations on neighbouring authorities' development plans during this period in light of the lack of a common evidence base in relation to housing need and the fact that many development plans were already at an advanced stage. The City Council would support plans which met their own objectively assessed housing needs subject to recognition within the plan that there may be a need for an early review if additional housing provision was required once a common evidence base had been established and a way forward agreed. This approach is discussed further in paras 4.27 to 4.30.

4.5 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

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to identify options regarding where additional development land could be provided to meet any such requirements. This study should provide the common evidence needed and broad spatial options which provide a possible solution to address any shortfall in housing provision. The study would be undertaken in the three stages discussed below:

The first stage carried out a 'Stock Take' of the existing housing situation to provide a common evidence base. This included:

- Auditing the existing evidence base and establishing a baseline position.
- Reviewing existing SHMAs (including methodologies and scenarios used) and identifying any commonalities and differences.
- Reviewing existing SHLAAs (including methodologies) and identifying any commonalities and differences.
- Taking account of current or emerging housing studies of other neighbouring authorities which are not taking part in the study.
- Considering the relevance of the existing evidence base in the light of the NPPF and the latest household projections.
- Advising on the different housing markets that affect the GBSLEP area and the relationships between them.
- Advising on the link between the local GBSLEP economy and the GBSLEP housing markets.
- Identifying any gaps in the base data / shortcomings in the baseline position.
- Identifying any work required in order to arrive at a consistent baseline position which will enable Stage 2 of the study to be undertaken.

4.6 An interim report was presented upon completion of stage 1 in March 2014.

4.7 Stage 2 of the study is grounded in the evidence base from stage 1 and involved the following tasks:

- To undertake an assessment of the amount of new housing which will be required over the period 2011-2033 for the whole of the study area, the capacity of the study area to accommodate new housing and identify the scale of any shortfall or surplus. This will take account of all relevant factors including:
 - The findings of stage 1 of the study
 - DCLG household projections.
 - Socio-economic influences on household formation, variance in fertility and mortality rates
 - Migration, including international migration.
 - Likelihood of a household requiring institutional accommodation.
 - Vacancies and second homes
 - Unmet and backlog need
 - Environmental issues

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- Deliverability
- Where the need will arise (by local authority).
- Review of the level and broad location of the supply of land which has already been identified to provide housing, including an analysis of current and emerging development plans and an analysis of SHLAAs. This should include appropriate analysis for areas which are deemed to be part of housing market area whether these areas are within the GBSLEP area, or not.

4.8 Stage 2 of the study is now nearing completion and a presentation of the key findings is due to be published later in July 2014. The findings will be considered by the GBSLEP Leaders and the Board prior to the commencement of stage 3.

4.9 The final stage of the study is to identify a number of broad spatial options (to be agreed by the Steering Group) for addressing any shortfall of suitable land for housing (or surplus of land suitable for housing after needs within the LPA have been met). These will:

- Take account of migration trends, the relationship with adjoining housing market areas and other relevant evidence.
- Take account of the type and size and tenure of housing where these will affect the strategic nature of the study.
- Be both feasible and deliverable (acknowledging that some existing policy designations may need to be revisited).
- Provide local planning authorities and decision makers with a clear basis on which to undertake more detailed work and where necessary review their development plans.
- Provide broad indicative housing requirement figures for each option for each local authority.

4.10 The brief for stage 3 of the study still needs to be agreed by the steering group following the completion of stage 2. It is expected that the brief will be agreed in July with the final stage of the work completed in autumn 2014.

4.11 Once a way forward has been agreed by GBSLEP Leaders, the future level and distribution of growth will be considered as part of the work on the emerging GBSLEP Spatial Plan for Recovery and Growth (see page 28).

4.12 Significant progress has therefore been made in terms of establishing a common evidence base and looking at options which could provide a solution to the potential shortfall in housing provision. The strength of this approach has been recognised by the Black Country local authorities who have signed up to an extension of this assessment to cover their area. This is particularly welcome since this means that the study covers the whole of the West Midlands conurbation. A copy of the brief for this study is included at Appendix 22.

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4.13 It should also be noted that the Coventry and Warwickshire Strategic Housing Market Assessment (2013), has been undertaken using a comparable methodology.

The supply of large employment sites

4.14 The Chief Executives Co-ordinating Group recognise the value of having a reserve of large employment sites and have jointly commissioned a study across the West Midlands LEPs to consider this issue. A copy of the brief for the study is included in appendix 23. The study will:

A. Identify provision

- a) Review the current planning economic and enterprise policy context at national, sub-regional and local levels
- b) Identify the portfolio of existing very-large-scale development sites and significant known planned provision both within the West Midlands and in neighbouring areas
- c) Identify and take account of any relevant existing and on-going studies seeking to identify very large scale employment development locations in and around the West Midlands
- d) Assess strategic level accessibility of the current and emerging supply

B. Assess demand

- e) Assess long-term market demand for very large scale economic development opportunities including the nature of infrastructure requirements these sites would need
- f) Take account of the impact of known planned and proposed significant infrastructure developments on demand
- g) Assess the frequency of future large scale inward investment opportunities
- h) Identify growth aspirations of Local Enterprise Partnerships as expressed in their Economic Strategies/Strategic Economic Plans.
- i) Assess the extent of past and existing frustrated demand and/or lost opportunities

C. Conclude on the relationship between future demand and supply

- j) Consider how demand has changed since RSS designations
- k) Set out the broad conclusions about the continued relevance of very large scale employment development sites and potential size thresholds
- l) Consider the extent to which the current supply of sites would meet anticipated demand
- m) The desirability and scope to target strategic employment sites to specific sectors, in particular advanced manufacturing
- n) Identify the nature of any shortfall or overprovision and how this relates to the pattern of labour supply (e.g. working age population, unemployment and skills).

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4.15 Consultants have now been appointed to undertake the study and the results are expected to be known in summer 2014. Once the results of the study are known, a second phase may be commissioned to advise on how any shortfalls in provision might be addressed. For example this might include setting out the methodology and potential geographies for more specific studies to identify among other things known opportunities, demand and broad locations and investigating the nature of the relationship between Strategic Housing Market Assessments and very large employment allocations.

4.16 The City Council has also been approached by developers promoting land in North Warwickshire for employment uses which would effectively extend the Peddimore proposal. The City Council and North Warwickshire District Council have acknowledged this proposal and resolved that its merits should be considered in the context of the large strategic sites study and not in the current round of Local Plans (see appendix 8).

Transportation issues

4.18 Transportation is a key Duty to Co-operate issue and the City Council has sought early and ongoing dialogue with neighbouring highway authorities including Solihull Metropolitan Borough Council, Staffordshire County Council, Walsall Metropolitan Borough Council, Warwickshire County Council and the Black Country Consortium as well as other key stakeholders, in particular, Centro and the Highways Agency.

4.19 Staffordshire and Warwickshire County Council have both acknowledged the increase in traffic on their networks arising from the Green Belt proposals and have sought clarification of the technical methodology used to derive trip distribution, modal split and modal shift. Warwickshire County Council has also raised concerns over potential impacts of increased traffic in the settlements of Curdworth, Water Orton and Wishaw. The Highways Agency has raised concern over the impact of the BDP on a number of key motorway junctions in particular Junction 9 M42 and to a lesser extent Junction 5 M6 which are closest to the Green Belt proposals. The Black Country Consortium support the re-opening of the Sutton Park freight line for passenger services and have sought support from Birmingham City Council in improving a number a number of key motorway junctions in the Black Country.

4.20 BCC considered each of the comments received and undertook to do the following:

- Regular meetings to be held with the Highways Agency, Staffordshire and Warwickshire County Council's and Solihull MBC to discuss the impact of the BDP proposals on the highway network, in particular Junction 9 M42 and the development of appropriate funding mechanisms.

- The West Midlands strategic transport model (PRISM) has been used to understand the impact of the BDP, and in particular the Green Belt sites, on the local and strategic road network. This model shows increases in traffic volumes and changes in congestion and delay on the transport network. It takes account of background growth, public transport

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alterations and improvement to the highway network. This information has been shared with stakeholders to help them understand the impact on the networks.

- Detailed traffic models have been developed, using traffic surveys, local census data and geometric measurements to provide additional information to stakeholders, but also to prepare public transport and vehicular trip forecasts and therefore infrastructure and services to mitigate the impact of the development. This data has been used to design highway infrastructure to provide access into the Langley and Peddimore sites and to inform other infrastructure schemes on the A38 and Kingsbury Road.

- BCC, the Highways Agency and Warwickshire County Council commissioned a joint study into the operational performance of M42 Junction 9, its roundabout junction with the M6 Toll, the A446 junction with A4091 and the A446 junction with Faraday Avenue. This model along with associated analysis has helped identify potential improvement schemes at the junction, both to deal with existing traffic issues and mitigate the impact of development.

- A report has been prepared into the feasibility of bringing the Sutton Park railway line into use as a passenger line, with stations at Walmley and Sutton Coldfield. This has been published as the Birmingham Eastern Fringe Rail Study.

- The public transport strategy contained within the Emerging Green Belt Infrastructure Strategy has been modified following consultation with Centro and Operators, and a high level financial business case has been developed. This is reported in the Birmingham Eastern Fringe Bus Study.

- The BDP Policies and Infrastructure Delivery Plan (IDP) have been modified to include key infrastructure required to support the Green Belt sites.

4.21 Birmingham City Council will continue to work closely with neighbouring authorities and other stakeholders in relation to transportation issues. For example, further collaborative working and bilateral meetings will take place to identify strategic infrastructure, such as at M42 Junction 9 and A449, and appropriate funding and delivery mechanisms

4.22 The City Council is also engaged in Greater Birmingham and Solihull Local Enterprise Partnership (LEP) and Local Transport Board (LTB) agendas, which focus on the short, medium and longer term delivery of transport infrastructure, linked with and to enable growth. As part of the LEP's Growth Deal with Government, a key piece of cross boundary transport planning is being undertaken with adjoining LEPs, stakeholders and transport operators called 'Midlands Connect'. This work will support and evidence the case for transport investment in the wider West Midlands, with a strong focus on maximising connectivity to HS2 and improving strategic road and public transport connections to key land uses.

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Waste management and Minerals

4.23 Given the flows of waste from Birmingham both into and outside the City, the City Council has sought to engage with neighbouring County Councils and also the West Midlands Resource Technical Advisory Body (RTAB). The RTAB is a group comprising waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives from the waste management industry and representatives of environmental organisations. The RTAB is therefore a key body for addressing Duty to Co-operate issues in relation to waste management.

4.24 The City Council has attended meetings of the RTAB and provided presentations on the BDP to the group. The City Council has also confirmed its commitment to support the work of the RTAB by agreeing terms of reference in relation to the value of the group in respect of the Duty to Co-operate (appendix 30).

4.25 In response to comments raised by the RTAB and Warwickshire County Council on the BDP, the City Council commissioned an update to the Waste Capacity Study (2010) undertaken by Enviros (now Jacobs). This updated study has recently been published and suggests that the City is achieving the 'self-sufficiency' principle, although there is a need to consider waste currently exported outside of the City to landfill sites with limited capacity. Further discussions will be held with Warwickshire County Council and the RTAB in respect of the outcomes of this updated study and the City Council's approach to dealing with this issue.

4.26 In terms of minerals, Birmingham has no active mineral sites and no representations to the BDP have been made by operators suggesting that there is any potential for mineral extraction in the City. Nevertheless the City Council recognises the importance of an adequate supply of minerals to the economy and has discussed this issue with County Councils and other Metropolitan authorities under the Duty to Co-operate. The City Council has attended meetings of the Regional Aggregate Working Party (RAWP) and has presented the emerging BDP to this meeting. It is also currently participating in a Local Aggregate Assessment being undertaken by the Metropolitan Authorities. This assessment will consider the role which Birmingham can play in terms of secondary aggregate recycling.

City Councils approach to other authorities' Development Plans

4.27 The City Council is consulted as a matter of course by neighbouring authorities in the preparation of their own development plans. 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 to ensure the soundness of both the Birmingham Development Plan and adjoining plans.

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4.28 A summary of the position in relation to all development plans produced was considered and agreed in a report to the Strategic Director of Development and Culture in consultation with the Cabinet Member for Development, Jobs and Skills in October 2012. The report and associated appendices are attached at Appendix 1.

4.29 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 once the Strategic Housing Needs Study is complete, 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 successfully taken this approach thus far in relation to the Bromsgrove, Redditch, Solihull, Tamworth, North Warwickshire, Lichfield and Tamworth plans with further details provided in the table below accompanying Section 5.1.

4.30 The two authorities which necessitated a different approach to that outlined above were Coventry (where a serious under-provision of housing appeared to be emerging) and in South Worcestershire (where an ambitious job-led strategy has led to a situation where a significant amount of new housing could be occupied through in-migration from the Birmingham Housing Market Area (HMA)).

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5. Collaborative working

5.1 There are three aspects to the work that the City Council undertakes on the Duty to Co-operate:

I. Working with neighbouring authorities in relation to the production of the Birmingham Development Plan. This also includes reciprocal actions in working with neighbouring authorities in the production of their development plans.

II. Working across local authority boundaries through a variety of working groups and partnerships.

III. Working collaboratively with the other prescribed bodies.

5.2 Each of these aspects is considered in more detail below.

I. Working with neighbouring authorities (bi-lateral working)

5.3 As part of the discussions held under the Duty to Co-operate, the City Council has invited each of the adjoining authorities to enter into an agreement summarising the scope of discussions that have taken place. The current position in relation to each agreement at the time of submitting the plan is included in the table below and, where agreements have been reached and signed by both parties, they are included in the appropriate package of supporting material. The Duty to Co-operate is a continuing process and so in all cases there are on-going discussions, and the position will move forward. Further updates will be provided in later versions of this document in the run-up to the Public Examination and subsequently through the Annual Monitoring Report. Documentation relating to each local authority is included in 'packages' appended to this document.

5.4 The basic format of the standard agreement was as initially discussed through West Midlands Planning Officers Group (WMPOG – see below) but updated to reflect the expectations of the Duty to Co-operate as set out in the National Planning Policy Framework as well as experience elsewhere. The most important point about the format is that it requires the full range of matters affected by the Duty to be systematically covered in discussions. The format of the agreements summarises the approach in the BDP followed by a summary of the respective positions of the authorities, drawing out the scope of any differences. The final part of the agreement is an index to the various meetings, groups and relevant documentation. The colour coding provides an indication of the current state of the agreement which will be updated as necessary.

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Colour coding:

	Agreement signed by each authority to the agreement
	Agreement signed by one party, waiting finalisation
	Discussions continuing
	Request for an agreement declined

Local Authority (listed alphabetically)	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>Both Councils have acknowledged the high level of co-operation between the two authorities reflected by the jointly prepared cross-boundary Longbridge Area Action Plan and in respect of discussions on the respective development plans. Joint working is continuing on the technical evidence base and approach to the scale and distribution of long term growth under the GBSLEP.</p> <p>Bromsgrove has expressed concerns over the possibility of some of Birmingham’s housing requirement being satisfied outside the City boundary.</p> <p>The City Council requested that Bromsgrove include in their emerging District 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. Bromsgrove have responded positively to this submission (see paragraphs 1.14, 8.17, 8.21, 8.25 and Policy BDP4 – Green Belt of the Bromsgrove Submission Plan).</p> <p>Further discussions will take place in the context of Bromsgrove’s Submission Plan which is currently under examination with the preliminary hearings held on 16-17 June 2014.</p> <p>A package of documentation relating to the Duty to Co-operate with Bromsgrove District Council is set out at Appendix 2.</p>
Cannock Chase	<ul style="list-style-type: none"> * Bi-lateral meeting held . * GBSLEP Planning Group and Spatial Planning Group. 	<p>No representations made on the Birmingham Development Plan.</p> <p>Exchange of correspondence has led to an agreed approach to addressing the potential housing shortfall in Birmingham.</p>

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	<ul style="list-style-type: none"> * Steering group meetings for the GBSLEP Strategic Housing Needs Study. * The City Council attended the public examination into the Cannock Chase Local Plan No 1. 	<p>This is reflected in the Cannock Chase Local Plan No.1 (para. 1.8) adopted on 11 June 2014.</p> <p>The City Council confirmed its support for the approach at the Examination into Cannock’s Plan held in August 2013. The area will be covered by the GBSLEP Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with Cannock District Council is set out at Appendix 3. A Duty to Co-operate agreement between the two authorities was in preparation at the time of submission of the BDP.</p>
Coventry	<ul style="list-style-type: none"> * Two bi-lateral discussions held as side meetings to Duty to Cooperate Task & Finish Group. * 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. * Coventry City Council is represented on the Steering Group for the Strategic Employment Sites Study. 	<p>In early 2013 Birmingham City Council appeared at the preliminary hearings into the Coventry Development plan questioning its soundness 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 has been undertaken for Coventry and Warwickshire. There have been further discussions on the relationship between the new Coventry and Warwickshire SHMA and its interrelationship with the GBSLEP Strategic Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with Coventry City Council is set out at Appendix 4. A Duty to Co-operate agreement between the two authorities was in preparation at the time of submission of the BDP.</p>
Dudley	<ul style="list-style-type: none"> * West Midlands Joint Committee & support arrangements including the Duty to Cooperate 	<p>The four Black Country Districts (i.e. Dudley, Sandwell, Walsall and Wolverhampton) have expressed a desire to work jointly with the City Council in relation to the Duty to Co-operate.</p>

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	<p>Group.</p> <ul style="list-style-type: none"> * Two bilateral meetings have been held with the Black Country Districts specifically in relation to the Birmingham Development Plan. * The Black Country Districts are represented on the Steering Groups for both the GBSLEP Strategic Housing Needs Study and also on the Strategic Employment Sites Study. 	<p>Initial 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 was provisionally identified.</p> <p>Subsequently the Black Country authorities have agreed to co-operate with the GBSLEP Strategic Housing Needs Study by commissioning a complementary study working to the same brief and using the same consultant.</p> <p>A package of documentation relating to the Duty to Co-operate with the Black Country Districts is set out at Appendix 5. A Duty to Co-operate agreement between the two authorities was in preparation at the time of submission of the BDP.</p>
<p>East Staffordshire</p>	<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. 	<p>East Staffordshire is located some distance from Birmingham and East Staffordshire has 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> <p>A package of documentation relating to the Duty to Co-operate with East Staffordshire Borough Council is set out at Appendix 6.</p>
<p>Lichfield</p>	<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 * The City Council attended the Lichfield Local Plan Public Hearing. 	<p>Lichfield has raised concerns over the sustainability of Green Belt housing and employment development options in Birmingham and their potential impact on Lichfield. These issues have been addressed through additional evidence-based work.</p> <p>An exchange of correspondence has led to an agreed approach to addressing the potential housing shortfall in Birmingham through a reference in the Lichfield Local Plan.</p> <p>The City Council has confirmed its support for this approach at the Examination into the Lichfield Plan, and it will be dealt with</p>

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		<p>via a Proposed Modification as set out in the Inspector's Initial Finding (para 3), 3rd September 2013.</p> <p>The area will be covered by the GBSLEP Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with Lichfield District Council is set out at Appendix 7.</p>
North Warwickshire	<ul style="list-style-type: none"> * Bi-lateral meetings held * The City Council attended the preliminary hearing into the North Warwickshire Core Strategy * Meeting of CSWAPO 	<p>North Warwickshire has pointed to the fact that their area has not previously been identified as a potential location for Birmingham 'overspill'.</p> <p>The City Council made representations on the North Warwickshire Pre-submission and revised Pre-submission Plan, seeking inclusion of a reference to Birmingham's housing shortfall and the need for further joint work to address the issues and outcomes to be reflected in the next review of the development plan. North Warwickshire Borough Council has accepted these points, and this is reflected in the Inspector's letter in response to the Preliminary and Exploratory Hearings (10th June, 2013 - Para 6). North Warwickshire has also agreed to co-operate with the GBSLEP Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with North Warwickshire Borough Council is set out at Appendix 8.</p>
Redditch	<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. 	<p>No representations made to date on the Birmingham Development Plan.</p> <p>There is a shortage of land within Redditch to meet housing needs arising within Redditch resulting in the allocation of sites on the edge of Redditch but across the administrative boundary with Bromsgrove. There is no realistic potential for housing to help meet Birmingham's needs in the Redditch Local Plan. An exchange of correspondence has led to an agreed wording on this issue for inclusion in the Redditch Local Plan No 4 which includes a commitment for full participation in joint working through the GBSLEP.</p> <p>Further discussions will take place in the context of Bromsgrove's Submission Plan which is currently under examination with the preliminary hearings held on 16-17 June</p>

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		<p>2014.</p> <p>A package of documentation relating to the Duty to Co-operate with Redditch Borough Council is set out at Appendix 9.</p>
Sandwell	See Dudley entry above	See Dudley entry above
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 has 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. The agreed form of words (para 8.4.5) remains in the plan following the recent High Court Judgement.</p> <p>Solihull MBC is the lead authority in relation to procurement of the GBSLEP Strategic Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with Solihull MBC is set out at Appendix 10.</p>
South Staffordshire	<ul style="list-style-type: none"> * Bi-lateral meeting held. * South Staffordshire District Council is represented on the Steering Group for the Strategic Employment Sites Study. 	<p>South Staffordshire District Council was not originally identified by the City Council as one of the authorities likely to be directly affected by the emerging housing shortfall. South Staffordshire District Council requested that the City Council complete a Duty to Co-operate proforma in relation to its local plan and the effect of this prompted a meeting between the two authorities. Since the work on the Strategic Housing Needs Study has progressed and, with its extension to cover the Black Country, the discussions between the two authorities proved timely.</p> <p>South Staffordshire District Council is also closely involved in the Strategic Employment Sites Study, not least acting in the role as procuring authority.</p> <p>A package of documentation relating to the Duty to Co-operate</p>

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		with South Staffordshire District Council is set out at Appendix 11.
South Worcestershire	<ul style="list-style-type: none"> * Bi-lateral meeting held * Meeting of Worcestershire Planning Officers Group * The City Council attended the stage 1 of the public examination into the South Worcestershire Development Plan 	<p>The City Council did not initially identify South Worcestershire as a location which would be appropriate for significant housing provision to meet Birmingham’s requirements. At the initial opening hearings of the public examination the City Council supported the level of housing provision proposed although the City Council had, however, raised issues over the apparent imbalance between the levels of housing and employment land proposed for South Worcestershire and more specifically the detailed wording in relation the proposed Worcester Technology Park.</p> <p>The Inspector did not share the City Council’s views and has requested, following reopened hearing sessions that the level of housing provision should be raised significantly to reflect the jobs-led approach in the plan. As a consequence the level of housing provision appears to be set at a level significantly above demographic need relying on in-migration or in-commuting to fill the increasing employment levels. At the reopened hearing the City Council responded by suggesting that the consequence was that at least some of the increasing level of housing provision might help contribute to meeting the emerging housing shortfall in the conurbation, possibly through the rippling effects of migration. This is an opportunity that can be further investigated as part of the ongoing work on the GBSLEP Strategic Housing Needs Study.</p> <p>A package of documentation relating to the Duty to Co-operate with the South Worcestershire Councils is set out at Appendix 12.</p>
Staffordshire	<ul style="list-style-type: none"> * Bi-lateral meetings held 17/09/13 and 04/03/14. * GBSLEP Planning Group and Spatial Planning Group * Both authorities members of Regional Planning Officers Group 	<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. A further meeting on the Duty to Co-operate was held with Staffordshire County Council to discuss these matters and to attempt to reach a compromise position but this could not be achieved.</p>

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		<p>A package of documentation relating to the Duty to Co-operate with Staffordshire County Council is set out at Appendix 13.</p>
<p>Stratford-upon-Avon</p>	<ul style="list-style-type: none"> * Bi-lateral meetings held. * Meeting of CSWAPO 	<p>Stratford upon Avon District Council was not originally identified by the City Council as one of the authorities likely to be directly affected by the emerging housing shortfall. As work on the GBSLEP Strategic Housing Needs Study has progressed it has become clear that parts of Stratford District could be affected depending on the distribution of future growth and the potential impact from the rippling of migration.</p> <p>There have been helpful discussions on this possibility and an agreement that collaborative working should continue to take place. The Proposed Submission Local Plan (June 2014) notes the overlap of the Coventry / Warwickshire and Birmingham Housing Market Areas and commits to future working if necessary (para 1.38).</p> <p>A package of documentation relating to the Duty to Co-operate with Stratford upon Avon District Council is set out at Appendix 14.</p>
<p>Tamworth</p>	<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. 	<p>Tamworth had 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 the Tamworth Local Plan at the Examination Inspector’s Request – but the Plan has subsequently been withdrawn. The Council published a further Draft Local Plan (March 2014), and the City Council responding requesting continued joint working via the GBSLEP.</p> <p>The area will be covered by the GBSLEP Housing Needs Study.</p>

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		A package of documentation relating to the Duty to Co-operate with Tamworth Borough Council is set out at Appendix 15.
Telford & Wrekin	<ul style="list-style-type: none"> * Bi-lateral meetings held. * Joint meetings with other Metropolitan Districts through the Duty to Co-operate Group. * Telford and Wrekin Council is represented on the Steering Group for the Strategic Employment Sites Study. 	<p>There have been a number of discussions held between the City Council and Telford and Wrekin Council which revolve around the situation where there is a housing shortfall in Birmingham whereas the opposite situation potentially exists in Telford. This is not surprising given the position of Telford as a former New Town and Regional Growth Point under the now revoked Regional Spatial Strategy. While direct migration from Birmingham to Telford has historically been quite low the discussions have focussed how the opportunity might be grasped, working with the Black Country through the Strategic Housing Needs Study, to harness the potential surplus capacity through a rippling of migration movements.</p> <p>A package of documentation relating to the Duty to Co-operate with Telford & Wrekin Council is set out at Appendix 16.</p>
Walsall	See Dudley entry above	See Dudley entry above
Warwick	<ul style="list-style-type: none"> * Bi-lateral meeting held * Meeting of CSWAPO 	<p>Officers from both the City Council and Warwick District Council have met to consider if there was a need for more extensive discussions under the Duty to Co-operate. Given the relatively low level of direct migration between the two Districts, and in the context of a significant potential shortfall of housing in Coventry there was an agreement not to pursue a Duty to Co-operate Agreement at this stage.</p> <p>Liaison between the authorities continues through discussions on the GBSLEP Strategic Housing Study and the relationship this work has to the Coventry & Warwickshire SHMA.</p>
Warwickshire	<ul style="list-style-type: none"> * Bi-lateral meetings held * Meeting of CSWAPO * Both authorities members of Regional Planning Officers Group 	<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, and further technical work has been undertaken in this respect.</p>

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		A package of documentation relating to the Duty to Co-operate with Warwickshire County Council is set out at Appendix 17.
Wolverhampton	See Dudley entry above	See Dudley entry above
Worcestershire	<ul style="list-style-type: none"> * Bi-lateral meeting held * GBSLEP Spatial Planning Group * Both authorities members of Regional Planning Officers Group * Worcestershire County Council is represented on the Steering Group for the Strategic Employment Sites Study. 	<p>No Issues identified.</p> <p>The two Councils are working closely together on the SA for the GBSLEP Spatial Plan for Recovery and Growth and on the Strategic Employment Sites Study.</p> <p>A package of documentation relating to the Duty to Co-operate with Worcestershire County Council is set out at Appendix 18.</p>
Wyre Forest	<ul style="list-style-type: none"> * Bi-lateral meetings held 4 October 2012 * GBSLEP Planning Group and Spatial Planning Group * Steering group meetings for the GBSLEP Strategic Housing Needs Study 	<p>No substantive issues raised by Wyre Forest.</p> <p>The area will be covered by the GBSLEP Strategic Housing Needs Study.</p> <p>Since Wyre Forest has an adopted plan it is recognised that any review of that plan will deal with the outcome of this Study.</p>

II. Collaborative working across local authority boundaries (multi-lateral working)

5.5 Since the abolition of Regional Spatial Strategies, a number of working groups have been established to discuss cross boundary strategic issues. These working groups are summarised below:

5.6 **GBSLEP Planning Group** – established late 2011, the group reports directly to the LEP Board with membership from the nine local planning authorities covering the LEP area. The group considers strategic planning matters across the LEP. The group also looked into concerns over how the planning system was operating in the GBSLEP culminating in the publication of a Planning Charter endorsed by the LEP Board. Notes of the GBSLEP Planning Group are included in Appendix 21.

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5.7 **GBSLEP Spatial Planning Group** - The LEP Board has endorsed the preparation of a Strategic Spatial Plan which is known as the GBSLEP Spatial Plan for Recovery and Growth (SPRG). The Spatial Planning Group co-ordinates this work and consists of members from the GBSLEP local authorities. Representatives from neighbouring LEPs, i.e. the Black Country and Coventry and Warwickshire are also invited to meetings. Progress on the SPRG has concentrated around a series of consultation events. One of the key elements of the consultation was to garner views on the alternative ways of accommodating future growth. The outcomes of the initial round of events fed into a scenario testing phase and, in April 2013 a Planning Summit was held to publicise the work of the group and to assist in drawing together a First Iteration of the SPRG for consideration by the LEP Board. This version of the SPRG was published in September 2013 for an extended period of consultation. A copy of the consultation document can be found at www.centreofenterprise.com/sprgcon/.

5.8 The next iteration of the SPRG will need to take into account the conclusions of the Strategic Housing Needs Study and Large Employment Sites Study discussed earlier as well as a Sustainability Appraisal of the SPRG. A copy of the work plan for the SA work is included at Appendix 26. The next iteration of the SPRG is expected in the latter part of 2014. Copies of reports to the GBSLEP Board dealing with the Spatial Plan are included at Appendix 20.

5.9 GBSLEP Spatial Planning Group has taken on a responsibility to help facilitate the operation of the Duty to Co-operate. Local planning authorities are encouraged to discuss their emerging plans with the Group at key stages in the plan preparation process. The City Council presented both the consultation document on 'Planning for a Growing Population' and the Pre-submission version of the plan at meetings of the Spatial Planning Group. Copies of the notes from the GBSLEP Spatial Planning Group are included as a package at Appendix 27. The Spatial Planning Group also provides input into the wider work of the LEP such as the Strategic Economic Plan (SEP).

5.10 **West Midlands Joint Committee (WMJC) and its associated arrangements** - established in 1986 WMJC has co-ordinated cross-boundary strategic planning including joint monitoring within the Metropolitan Area for more than a quarter of a century. In response to recent changes to the planning system, the WMJC was concerned that without the Regional Spatial Strategy 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. A copy of the Framework is included as part of Appendix 26. The Framework demonstrates an ongoing commitment to urban renaissance and the Duty to Co-operate process. The Framework 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.

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5.11 **Duty to Co-operate Group** – This group was established in June 2012 and includes membership from the seven West Midlands Metropolitan Authorities and the ITA / Centro. Individual authorities are 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. This includes making joint representations on neighbouring plans to help ensure that the approach on urban renaissance is not prejudiced. Copies of relevant minutes from meetings of the Group are included in Appendix 27.

5.12 **West Midlands Planning Officers Group (WMPOG)** - The West Midlands Planning Officers Group (WMPOG) is the only forum in which local planning authorities continue to meet at the regional level. The Group consists of representatives from all unitary and metropolitan district authorities together with a representative District Council in two-tier areas from across the West Midlands Region. Other key partner organisations such as the LEPs, Environment Agency, business community, CPRE and academia are also represented on the group. WMPOG was the first cross-boundary grouping of local planning authorities in the West Midlands to consider the Duty to Co-operate and this remains a standing agenda item.

5.13 The Group's consideration of the implications of the Duty to Co-operate started in late 2011 at the time when the National Planning Policy Framework was in draft form. At that stage the matters that were discussed included what form a Duty to Co-operate agreement or Memorandum of Understanding might look like. All of this work has helped inform the approach taken by the City Council to the Duty to Co-operate. A copy of a presentation from this early work subsequently utilised in various meetings and seminars (e.g. Planning Advisory Service and Royal Town Planning Institute) is attached at Appendix 28 and a copy of the initial Duty to Co-operate agreement included at Appendix 29.

5.14 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 material is published annually at District and LEP levels comparing the data from the latest year to the average over the preceding decade. Copies of the joint monitoring outputs are available on request.

5.15 **Regional Aggregate Working Party (RAWP) and West Midlands Resource Technical Advisory Body (RTAB)** – Membership of these groups includes local authorities from across the West Midlands as well as representatives from other organisations including the Environment Agency and minerals and waste industry. These bodies consider cross boundary minerals and waste issues. A package of papers relating to the RTAB and RAWP are included in appendices 30 and 31.

III. Working collaboratively with the other prescribed bodies.

5.16 As part of the plan preparation process and now as part of the Duty to Co-operate the Council is required to consult and engage with a range of Prescribed Bodies in order to help

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ensure that a sound development plan is prepared. This section summarises the action that has been taken to meet this requirement and highlights where future discussions may be required.

Organisation	Consultation/Meetings	Current Position
Centro	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Regular contact and joint working. The City Council is part of the third local transport plan for the metropolitan area.</p>	<p>Joint working on public transport issues continuing.</p> <p>No fundamental outstanding issues</p>
Civil Aviation Authority	<p>Consulted on Issues and Options, Draft Core Strategy Higher Growth Option and Pre-submission stages.</p>	No issues identified.
English Heritage	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Regular contact through Historic Landscape Characterisation process.</p>	<p>Detailed issues at earlier stages addressed through additional evidence work.</p> <p>No fundamental issues outstanding, but some detailed comments made on Pre-submission Plan, some addressed through minor modifications. Continued liaison will take place.</p>
Environment Agency	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Follow-up meetings held.</p> <p>Regular contact through for example SFRA process.</p>	<p>Issues raised in relation to flood risk, water quality, waste management and green infrastructure.</p> <p>Policies have been revised throughout the process to reflect these</p>

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		<p>concerns. Minor modifications agreed to address some points raised at the Pre-submission stage.</p> <p>Some points of disagreement remain. Continuing liaison will be required.</p>
Highways Agency	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Regular contact and joint working.</p>	<p>Issues raised over the impact of growth proposals on the motorway and primary route network.</p> <p>Joint work has been undertaken in relation to this and the issues have been resolved.</p>
Homes and Communities Agency	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Regular involvement particularly through Strategic Housing Land Availability Assessment process where HCA are part of Steering Group.</p>	No issues identified.
Natural England	<p>Consulted on Issues and Options, Draft Core Strategy, Higher Growth Option and Pre-submission stages.</p> <p>Natural England has funded subsequent Green Infrastructure work which has fed into the Plan.</p>	<p>No fundamental issues identified.</p> <p>Comments at Pre-submission stage addressed through minor modifications.</p>
Office of the Rail Regulator	Not previously consulted	<p>No known issues.</p> <p>No fundamental issues raised by Network Rail</p>

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<p>Primary Care Trusts (PCTs)/Clinical Commissioning Groups (CCGs)</p>	<p>PCTs consulted on Issues and Options, Draft Core Strategy and Higher Growth Option stages.</p> <p>The PCTs were abolished on March 31st 2013.</p> <p>CCGs consulted on Pre – submission Plan. Follow-up meeting subsequently arranged.</p>	<p>No issues raised by PCTs prior to their abolition.</p> <p>Discussion with CCGs focusses on the health infrastructure implications of the Langley Sustainable Urban Extension. The outcome will feed into the Masterplanning process.</p>
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6. Summary of and City Council response to main points made by non-LA representors

6.1 In total around 285 responses were received as part of the consultation on the BDP in relation to the Duty to Co-operate. Reference to outstanding concerns from neighbouring local authorities and the other prescribed bodies are referred to above.

6.2 Many of the concerns raised by other representors have a number of common themes in relation to Duty to Co-operate and cross boundary issues and these are summarised below:

- The proposal to build on land in the Green Belt at Langley fails to consider reasonable alternatives and as a consequence respondents have been unable to take these into consideration.
- The Sustainability Appraisal of the BDP is incomplete since it fails to consider how cross-boundary needs will be met. This also means it is not possible to conclude there is an appropriate split of housing delivery within and outside the city.
- The BDP identifies a significant shortfall in housing provision and is relying on neighbouring local authorities to make good the shortfall but the scale and distribution and agreements to back this up are not in place.
- The joint work to address the scale and distribution of the housing shortfall is not completed and therefore unavailable to inform representations on the BDP.
- There was insufficient consultation with the local community, local organisations and service providers particularly in relation to the proposed developments in the Green Belt.
- There is a lack of evidence on the nature of co-operation with neighbouring authorities.

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6.3 The City Council considers that it has complied with the Duty to Co-operate and will continue to do so. The City Council's position in relation to these points is as follows:

- In relation to the consideration of reasonable alternatives, the City Council does not accept the basis of the representation i.e. that the plan is deficient because the strategy it adopts has not been considered against all reasonable alternatives. The starting point for any development plan is to establish objectively assessed needs and then to attempt to accommodate these needs within the plan area. This is the process that the City Council has followed leading to the designation of land within the Green Belt for development with the choice of site based upon a consideration of all reasonable options within the City's administrative area, and taking account of deliverability issues. Having completed this process, there is a substantial shortfall against needs and the City Council will be seeking to distribute the balance into neighbouring areas.
- In seeking to deal with the housing shortfall, the scale and distribution of the housing shortfall will be considered through the GBSLEP's Strategic Housing Needs Study and the Spatial Plan for Recovery and Growth and other appropriate mechanisms.
- The City Council considers that it would be wholly inappropriate to expect neighbouring areas to accommodate some of Birmingham's housing shortfall without Birmingham first having made reasonable and appropriate provision within its administrative area.
- The Duty to Co-operate is not intended to cover the extent and nature of the consultation process. Extensive public consultation in accordance with the City Council's adopted Statement of Community Involvement was carried out including meetings and exhibitions that reflect not only the fact that the BDP is a plan for the whole City but also responsive to those areas experiencing more change, such as the proposals to build in the Green Belt to the east of Walmley. Discussions under the Duty to Co-operate continue and include liaison with the appropriate local service providers.
- With regard to the concerns of a lack of evidence on the nature of consultation with adjoining local authorities, the initial Duty to Co-operate Statement was published in October 2013 summarising the extent of consultation. This replacement statement updates progress made together with a compendium of all the background documentation. This illustrates the broad range and extent of the collaboration that has been taking place.

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Conclusions

7.1 The introduction of the new Duty to Co-operate coupled with the revocation of Regional Planning Strategies was one of the most significant changes to the planning system introduced following the last General Election. The new Duty has proved to be very challenging with a number of development plans faltering. Some commentators have described the new system as unworkable. This is not the view of the City Council, whose approach has been to endeavour to make the new system work. At the heart of this perspective is recognition that the Duty is a continuing process and it would be unrealistic to expect all issues to be resolved at one point in time, especially for a City the size of Birmingham at the heart of a very complex urban system.

7.2 In this concluding section, therefore, the opportunity is taken to review the City Council's activities under the Duty to Co-operate and a useful context for this is to consider the NPPG 'tests' as highlighted by the Inspector in relation to the Runnymede Local Plan issued on 29 April 2014. These 'tests' relate to:

- The processes undertaken
- Has the engagement been constructive?
- Has the engagement been active?
- Has the engagement been on-going?
- Has the engagement been collaborative?
- Has the engagement been diligent?
- Has the engagement been of mutual benefit (the broad outcomes)?
- Conclusions

7.3 In relation to *the processes undertaken*, the City Council has taken a considered and systematic approach to the Duty to Co-operate at regional, sub-regional and in bi-lateral discussions. During the early consideration of the Duty, the City Council exercised leadership in its consideration through the former Regional Planning Officers Group. This was subsequently taken forward in joint working within the GBSLEP and the West Midlands Metropolitan area. In relation to the latter two, this engages at a high level with elected Members through the GBSLEP Board which includes all the Council Leaders and the West Midlands Joint Committee respectively. This has been important following the abolition of the former regional arrangements. The notes of the various groups demonstrate the extensive and continuing nature of these discussions since the Duty was first mooted. These discussions, of course, carry on reflecting the continuing nature of the legal requirement.

7.4 In terms of bi-lateral discussions the City Council has engaged across more than 20 neighbouring local authorities. Overall these discussions have been positive and fruitful and the extent of any difficulty restricted to links with Staffordshire County Council. The point of dispute with Staffordshire County Council relates to the possible pre-extraction of sand and gravel on the edge of Sutton Coldfield. The City Council takes the view that, in the

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circumstances, the position adopted by Staffordshire County Council is unreasonable and they have resisted a compromise put forward by the City Council. The City Council is firmly of the view that there would be no sense in delaying the progress of the BDP on this ground.

7.5 The City Council has also been mindful of the need to ensure that cross-boundary discussions do not unduly focus on housing issues. Correspondence in appendices 2-19 identified a full range of matters considered and which has been reflected in the coverage of the proposed Duty to Co-operate Agreement documents.

7.6 *Has the engagement been constructive?* The City Council believes that its engagement with neighbouring authorities has been constructive and the extent of the evidence included in this document demonstrates this beyond any reasonable doubt. The commissioning of a Strategic Housing Needs Study across two LEPS is a demonstration of the recognition of the need to deal effectively with development needs emanating from Birmingham that will have to be met elsewhere.

7.7 *Has the engagement been active?* The City Council has put a lot of effort in seeking to bring the Duty to Co-operate into operation in an effective way. There are aspects of the work where progress has been slower than the City Council would prefer, but there are understandable reasons for this. For example, the joint Strategic Housing Needs Study is taking longer to prepare than originally hoped, but this can be explained by a number of adjoining authorities concentrating their efforts on the preparation of their own ongoing local plans/ core strategies. The position has changed, and continues to change, as the effects of the operation of the Duty to Co-operate come increasingly into focus.

7.8 *Has the engagement been on-going?* The City Council has demonstrated through the extensive material included in this document that the engagement has been ongoing from the point where the concept of the Duty was first mentioned. The quality and intensity of the discussions has improved as time has moved on and the implications of the Duty have been more widely appreciated. The cross boundary groupings meet on a regular basis to address the issues and will continue to do so.

7.9 *Has the engagement been collaborative?* The City Council's view on the Duty to Co-operate from the outset was that partnership and collaborative working would be the touchstones to ensure it is achieved. The City Council has demonstrated leadership in taking forward discussions on a collaborative basis. This is generally because Birmingham, as the major city at the heart of the West Midlands, is 'expected' to show this, but in such a way which is collaborative and responsive to positions of adjoining areas and not in a domineering fashion. Should the City Council have taken a more aggressive approach in looking to address cross-boundary matters? The City Council would strongly refute such suggestions, which appear to run counter to advice in the NPPG, since operating in this way would not have delivered (or be delivering) collaborative working. On the contrary, it would be very difficult for work on any local plans to proceed and it is conceivable that joint initiatives such as the GBSLEP and WMJC could have been damaged.

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7.10 *Has the engagement been diligent?* By carefully considering the emerging plans of neighbouring authorities coupled with working through cross boundary groupings at regional, sub-regional and metropolitan area levels, the West Midlands local authorities have been able to share and develop ideas and to understand the consequences of the operation of the Duty to Co-operate. Organisations such as the Planning Officers Society, the Planning Advisory Service and the Royal Town Planning Institute have provided further opportunities to share and learn.

7.11 *Has the engagement been of mutual benefit (the broad outcomes)?* Examples of the early work to ensure mutual benefit across the wider West Midlands include the mapping work and consideration of the extent of coverage of any agreements or memoranda of understanding. Following on from this, the decision to undertake an informal strategic spatial plan within the GBSLEP, leading to the joint commissioning of technical work to underpin this are examples where the engagement has been advanced and where the benefits will be shared across a much wider area than the City. The recognition by Inspectors of the suggested approach to dealing with the housing shortfall in itself acknowledges the joint working that has been occurring to deal with this very challenging matter. The City Council has also been careful to forewarn neighbouring authorities as early as practicable of its housing shortfall.

7.12 *In conclusion* the City Council considers that it has worked in such a way that the co-operation and collaboration being undertaken will result in effective and deliverable policies across the full range of matters covered by the Duty, and specifically not limited to housing. The approach has been pragmatic and while everything is not in-place now, the die has been cast to enable its delivery. This view is recognised by neighbouring authorities in almost all respects and has been considered and accepted by Inspectors on plans in neighbouring areas including Cannock Chase, Lichfield, North Warwickshire and Solihull.

7.13 The Duty to Co-operate is a continuing requirement which the City Council recognises. Ongoing activity will be required to complete the GBSLEP Spatial Plan and to work with neighbouring authorities to take forward and implement the agreed development strategy that emerges from this.

7.14 The City Council recognises the importance of finalising a NPPF compliant development plan, not least to help deliver the Government's commitment to increase significantly housing delivery. It commends the BDP to the Inspector as having substantially exceeded the requirements to meet the Duty to Co-operate.

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APPENDICES

1. Report to the Strategic Director of Development and Culture in Consultation with Cabinet Member for Development, Jobs and Skills, October 2012, Emerging Development Plans in areas around Birmingham: Consultation with Neighbouring Authorities (including appendices)
2. Bromsgrove - Package of documentation relating to the Duty to Co-operate
3. Cannock Chase - Package of documentation relating to the Duty to Co-operate
4. Coventry - Package of documentation relating to the Duty to Co-operate
5. Black Country - Package of documentation relating to the Duty to Co-operate
6. East Staffordshire - Package of documentation relating to the Duty to Co-operate
7. Lichfield - Package of documentation relating to the Duty to Co-operate
8. North Warwickshire - Package of documentation relating to the Duty to Co-operate
9. Redditch - Package of documentation relating to the Duty to Co-operate
10. Solihull - Package of documentation relating to the Duty to Co-operate
11. South Staffordshire - Package of documentation relating to the Duty to Co-operate
12. South Worcestershire - Package of documentation relating to the Duty to Co-operate
13. Staffordshire - Package of documentation relating to the Duty to Co-operate
14. Stratford upon Avon - Package of documentation relating to the Duty to Co-operate
15. Tamworth - Package of documentation relating to the Duty to Co-operate
16. Telford & Wrekin - Package of documentation relating to the Duty to Co-operate

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17. Warwickshire - Package of documentation relating to the Duty to Co-operate
18. Worcestershire - Package of documentation relating to the Duty to Co-operate
19. Wyre Forest - Package of documentation relating to the Duty to Co-operate
20. Greater Birmingham and Solihull Local Enterprise Partnership - Package of Board reports and related documentation related to the Spatial Plan for Recovery and Growth and other planning matters
21. Package of notes of meetings of the Greater Birmingham & Solihull Local Enterprise Partnership, Planning Sub-Group held between March 2011 and May 2014
22. Invitation to tender for the provision of: Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) joint Strategic Housing Needs Study, September 2013
23. Study Brief: West Midlands Strategic Employment Sites Study, April 2014
24. Greater Birmingham & Solihull Local Enterprise Partnership, Sustainability Appraisal of the Spatial Plan for Recovery and Growth - Draft Work-Plan, May 2014
25. Package of notes of meetings of the Greater Birmingham & Solihull Local Enterprise Partnership, Spatial Planning Group held between May 2012 and May 2014
26. Package of reports and related papers relating to the Duty to Co-operate considered by the West Midlands Joint Committee arrangements
27. Package of minutes from the West Midlands Metropolitan Area Duty to Co-operate Group
28. Copy of presentation emerging from West Midlands Planning Officers Group on the implications of the Duty to Co-operate (June 2012) and copies of the minutes of the West Midlands Planning Officers Group from September 2011 until March 2014 and Regional Planning Officers Group from June 2010 until June 2011
29. Initial template for a Duty to Co-operate or Memorandum of Understanding relating to the Duty to Co-operate (March 2012)

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30. Package of papers relating to Regional Technical Advisory Body (RTAB)
31. Package of papers relating to West Midlands Regional Aggregates Working Party (WMAWP)