

**BIRMINGHAM DEVELOPMENT PLAN EXAMINATION**

**MATTER F: THE DUTY TO CO-OPERATE IN RESPECT OF  
STRATEGIC MATTERS**

**STATEMENT ON BEHALF OF BIRMINGHAM CITY  
COUNCIL**

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

**General**

- G.1 Birmingham lies at the heart of the West Midlands. It contains the regional centre, with the largest concentration of commercial and employment activity in the region. It is the hub of the area's transport networks, and there are substantial movements across the city's boundary both in terms of migration and travel to work. Birmingham also depends on facilities outside its boundary – for example Birmingham Airport and landfill facilities in adjoining areas. The Council therefore recognises that there are many cross-boundary issues which need to be addressed through collaborative working.
- G.2 For these reasons the City Council has for many years sought to work in partnership with neighbouring Councils to address these issues. The formal mechanisms through which this takes place have changed over the years and currently the mechanism is through the 'Duty to co-operate' established under section 33A of the Planning and Compulsory Purchase Act 2004. The Council considers that it has complied with these requirements and that it continues to do so, (in that the Duty is an ongoing requirement.)

**Issue 1**

**In the preparation of the Plan, have the Council engaged constructively, actively and on an ongoing basis with all those bodies with whom they are required to co-operate, in respect of:**

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

- 1.1 Details of the steps which the City Council has taken to comply with the requirement are set out in detail in the Duty to Co-operate Statement which accompanied the submitted Plan (DC2). This covers all of the issues identified above and explains the contact that the Council has had with all the Duty to Co-operate bodies.
- 1.2 In the case of adjoining local authorities, the City Council has sought to agree statements recording the extent of agreement between the Councils on these issues. Where these statements had been agreed they were included in the Duty to Co-operate statement. Since submission discussions have continued and further agreements have been signed with Cannock Chase District and Worcestershire County Council. Currently agreements have been signed with the following authorities:

Bromsgrove

Cannock Chase  
East Staffordshire  
North Warwickshire  
Redditch  
Stratford on Avon  
Tamworth  
Telford and Wrekin  
Wyre Forest

- 1.3 Discussions are continuing with the remaining authorities and it is expected that there will be further agreements before the examination hearings. An addendum to the Duty to co-operate statement has been produced which updates the position and includes details of ongoing activity post submission. This is attached as an appendix to this statement
- 1.4 It should of course be recognised that the Duty is to co-operate and not to agree – and there are a number of areas where there is a difference of view between the City Council and other authorities. Where this is the case it is recorded in the Duty to Co-operate statement (see paragraph 5.4).
- 1.5 The Duty to Co-operate also applies to a range of other bodies in addition to neighbouring local authorities. The City Council’s involvement with these bodies is also summarised in the Duty to Co-operate Statement (DC2) – see paragraph 5.16.

## **Issue 2**

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

- 2.1 Ultimately the legal basis for this is Section 33A of the Planning and Compulsory Purchase Act 2004 – the Duty to Co-operate - under which neighbouring Councils are required to take account of Birmingham’s objectively assessed housing requirements in preparing and reviewing their own development plans.
- 2.2 Given the number of Councils potentially affected by this and the fact that authorities are at different stages in the development plan cycle, it has been recognised that it would not be possible for the issue to be addressed effectively through bi-lateral discussions between Birmingham and each of its neighbours. The partners within the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) have therefore agreed the following approach:
  1. Undertake a joint Strategic Housing Study to identify a common evidence base in relation to housing land supply and requirements for new housing across the study area and for each of the nine individual local authorities, including identification of any surplus or shortfall (stages 1 and 2 of the Study).

2. Undertake a third stage of this Study, to identify scenarios for accommodating any shortfall.
  3. Selection of a preferred approach for accommodating the shortfall through the preparation of the non-statutory LEP Spatial Plan.
  4. Where necessary, review of individual authorities' development plans to bring forward additional land for housing development in line with the Spatial Plan.
- 2.3 The authorities within the Black Country LEP have recognised the strength of this approach and the Housing Needs Study (steps 1 and 2 above) is also covering the Black Country. North Warwickshire Borough Council has also agreed to co-operate with the Study and discussions are continuing with Stratford-on-Avon and South Staffordshire.
- 2.4 Step 1 has now been completed and work is commencing on step 2.
- 2.5 More detail on the approach is provided in the Duty to Co-operate Statement (DC2) paragraphs 4.2 – 4.13 and an update on the current position is provided in the Duty to Co-operate Addendum.
- 2.6 The strength of this approach is that it provides a means for agreement to be reached on the scale of the issue and on the most appropriate strategy to address it at the level of the Housing Market Area, combined with a commitment for this to be taken forward through individual development plans, but without interrupting the progress of plans that are already well-advanced through the statutory process.
- 2.7 The issue of the need to accommodate housing requirements generated in Birmingham in adjoining areas has already arisen at recent or ongoing development plan examinations, including Cannock Chase, Lichfield, Solihull, North Warwickshire and Bromsgrove/Redditch.
- 2.8 In these cases inspectors have found the approach summarised above to be a sound and pragmatic way of dealing with the issue.
- 2.9 The City Council has sought the inclusion of wording within these plans recognising that there may be a need for land to be identified within these areas to help meet Birmingham's future housing needs, and committing the authority to work collaboratively with partner authorities to address the issue and to undertake a review of their local plan to identify additional land to meet Birmingham's needs should this be shown to be necessary. This has been accepted in each case.
- 2.10 The Council considers that these arrangements provide a robust basis for addressing this issue within the parameters now set for joint working within section 33A of the Planning and Compulsory Act 2004.