

South Staffordshire Council

Examination of the Birmingham Development Plan 2031
Hearing Session Thursday 30th October 2014

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

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

- 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?**

Background

- 1.1 Birmingham City Council (BCC) and South Staffordshire Council (SSC) have discussed items of strategic importance and this is documented through BCC's evidence for SSC in respect of the Duty to Co-operate (DtC) Statements. BCC website has provided updates on a regular basis – October 2013, June 2014 and September 2014 being updates that we have noted.
- 1.2 In addition SSC were invited by BCC to complete a DtC Pro-forma that had been provided to a number of local planning authorities across the West Midlands. Some have been included in the DtC Statement (Appendices) that has been published on the BCC Website.
- 1.3 In accordance with the Constitution of SSC our response to the DtC Pro-forma was a Cabinet Member Decision. This decision was called in for scrutiny by the Council's Overview & Scrutiny Committee on 08 July 2014. The approved DtC Pro-forma response from SSC, which included an amendment, was issued to BCC on 01 August 2014 (Appendix 1).
- 1.4 SSC received a letter from BCC on 16 September 2014 (Appendix 2) inviting SSC to reconsider its position with regard to its DtC response. SSC advised BCC on 22 September 2014 (Appendix 3) that it is not willing to change its position.

Response

- 1.5 SSC's response relates to 1(a) – Strategic Housing Matters. SSC submits that it is crucial to identify a robust spatial framework (geographic area) within which to consider the critical issue of a) objectively assessing housing needs (OAN) and b) developing spatial options/scenarios for where to accommodate future housing growth. SSC consider that the first geographic area of search should be the administrative area of the local planning authority – BCC. This is because there are sound planning reasons of sustainability for seeking to meet housing needs close to the places where they arise. In this way the full potential of opportunities to re-use/redevelop brownfield land can be

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- thoroughly explored. Others, we acknowledge, may point towards housing market areas as the first geographic area in which to undertake this work – guided by NPPF Para 159.
- 1.6 It is clear that BCC chose the mechanism of the Greater Birmingham and Solihull LEP (GBSLEP) as the second geographic area once it had satisfied itself that it had an unmet housing need that it could not accommodate within BCC boundaries – 29,000 dwelling shortfall stated in the DtC pro-forma [*whether this is the case or not will be tested through the consideration of other Matters at the Examination – critically Matters A & E*].
- 1.7 BCC started the process of this wider search earlier in the year when the GBSLEP consulted on an emerging '*Spatial Plan for Recovery & Growth*' and highlighted the emerging Housing Needs Study across the GBSLEP being undertaken by Peter Brett Associates (PBA) – to which SSC responded (Appendix 4).
- 1.8 SSC accepts that the inclusion of the geographic area of the Black Country LEP has strengthened the emerging Study. BCC point out in its DtC Statement that historically 37% of the out-migration from Birmingham goes into the Black Country.
- 1.9 On 31 July 2014 BCC presented the findings of Stages 1 and 2 of the PBA work to a meeting of local planning authorities that BCC identify as '*related authorities*' – South Staffordshire Council, North Warwickshire Council, Stratford-on-Avon Council and the combined authorities of South Worcestershire (Wychavon Council, Worcester City Council and Malvern Hills Council). BCC tabled a report that had been agreed on the previous day by the Supervisory Board of the GBSLEP (Appendix 5). The report sets out proposals for Stage 3 of the PBA Study – 6 Scenarios for accommodating future housing growth. This meeting triggered a response from the leaders of the '*related authorities*' to the leader of BCC. A copy of this letter is attached as an Appendix to North Warwickshire District Council's submissions under Matter F.
- 1.10 PBA stated at the meeting of the '*related authorities*', on 31 July 2014, that the combined geographic area of the GBSLEP and BCLEP had captured a robust housing market area(s) for the purposes of NPPF. SSC submits that this combined geography should provide the geographic area in which the PBA Stage 3 work takes place. Only when, and if, there remains an unmet housing need, after this work has been completed, should the '*related authorities*' be approached for consideration of potential scenarios for accommodating future housing growth.

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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?

Response

- 2.1 SSC submits that through the GBSLEP, and the agreed *Spatial Plan for Recovery & Growth*, BCC has the endorsement and mechanism for discussing the accommodation of future housing growth with its partner authorities on the GBSLEP. This is not an unreasonable conclusion following their collective 'sign up' to the GBSLEP *Spatial Plan for Recovery & Growth*. Whilst it is perhaps less clear, with regard to the position of the 4 local planning authorities within the BCLEP – there may also be a workable mechanism for similar engagement in testing scenarios for accommodating future housing growth within the Black Country.

SOUTH STAFFORDSHIRE COUNCIL

DECISION PROPOSED AND STATEMENT OF DECISION BY MEMBER OF THE CABINET

I propose to make the following decision set out below in accordance with the powers vested in me by Part 3 of the Constitution of the Council approved by the Council pursuant to Section 37 of the Local Government Act, 2000.

The decision will be made by me on or after 01 July 2014, unless called in for scrutiny before that date.

Councillor R.J. McCardle - Cabinet Member, Strategic Services

Date 19 June 2014

BIRMINGHAM DEVELOPMENT PLAN: BASELINE STATEMENT OF JOINT-WORKING – DUTY TO CO-OPERATE

1.0 Summary of Report

- 1.1 The purpose of this report is to seek Cabinet approval to formally agree a baseline statement of joint working with Birmingham City Council under the legal Duty to Co-operate with, as set out in Appendix 1.
- 1.2 This document that sets out an agreed position between the Council and Birmingham City Council on cross boundary planning issues. There is a legal requirement for the Local Planning Authority (LPA) to address cross boundary issues under the 'Duty to Cooperate', which was introduced through the Localism Act 2011.

2.0 Proposed Decision by the Cabinet Member (Strategic Services)

- 2.1 I propose that the baseline statement of joint-working (Appendix 1) setting out agreement between the two Council's on cross boundary issues be approved and signed by the Cabinet Member for Strategic Services.

3.0 Background Information

- 3.1 Birmingham City Council is preparing *The Birmingham Development Plan* which sets out their planning framework up to 2031. They have recently undertaken consultation on their Publication document and with it their intention to hold an Examination into the soundness of this Local Plan during 2014. For this, Birmingham City Council has sought to agree a joint baseline document with a number of local planning authorities across the West Midlands in order to demonstrate to the Planning Inspector that they have

engaged with their neighbouring authorities and met the requirements of the Duty to Cooperate.

- 3.1 The Duty to Cooperate requires neighbouring authorities to 'engage constructively, actively and on an ongoing basis'. As part of this, Birmingham City Council has prepared a baseline joint agreement document which sets out their position on strategic issues such as distribution of housing, employment and retail provision etc. and invites neighbouring authorities to state whether they agree or disagree. Officers are in agreement that baseline statement is an accurate reflection of our shared understanding on these issues and therefore ask for Cabinet approval.

4.0 Alternative Options Considered

- 4.1 An alternative option would be not to engage with Birmingham City Council on planning matters. However, taking this approach could harm the relationship between the two authorities, and would see the Council fail to meet its legal obligation under the 'Duty to Cooperate'.

5.0 Reasons for Decision

- 5.1 It is important that the Council comes to an understanding with Birmingham City Council on our agreed position to *The Birmingham Plan* so they are able to demonstrate to an Inspector at Examination in Public that they have met the requirements of the Duty to Cooperate. Moving forward, this level of cooperation between the two authorities will need to continue, in particular when the Council have to demonstrate that we have met the requirements under the Duty to Cooperate in preparing our Site Allocations Document.

6.0 Links to Council Plan

- 6.1 Commitment to meeting our obligations under the Duty to Cooperate is vital to ensure that the Council is seen as a competent authority. This relates to the Council Plan aim of 'Being a Council you can trust'.

7.0 Scrutiny Powers

- 7.1 The Constitution and associated protocol provides that front line councillors, the Monitoring Officer (Legal and Democratic Services Manager), and the Chief Finance Officer (Director of Finance) will have five clear working days following dispatch of a notification of a proposed decision in which to call in for scrutiny, decisions proposed by the Cabinet or its Members.
- 7.2 In accordance with the provisions of the Constitution and associated protocol, anyone wishing to request that this proposed decision should be called in for scrutiny should do so by giving notice to the

Legal and Democratic Services Manager either by e-mail or in writing before the end of the fifth day specifying the reason or reasons therefore. The Legal and Democratic Services Manager will then call in the proposed decision and arrange for it to be considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to me either by email or in writing by the end of the fifth day.

- 7.3 This proposed decision will be confirmed and implemented or, where appropriate, referred to the Council for consideration at its next meeting, on or after the date to be notified upon circulation of the minutes of the meeting of the Cabinet, unless called in for scrutiny by that date.

8.0 Financial Implications

- 8.1 Unless otherwise stated there are no financial implications arising from this report.

9.0 Legal Powers for Proposed Action

- 9.1 The Planning and Compulsory Purchase Act 2004, The Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

10.0 Crime and Disorder Implications

- 10.1 Section 17 of the Crime and Disorder Act, 1998, places a duty on a local authority to consider crime and disorder implications and to exercise its various functions with due regard to the likely effect of the exercise of those functions on and to do all that it reasonably can to prevent crime and disorder in its area.

- 10.2 Unless otherwise stated below this proposed decision is not considered to have any adverse impact for the purposes of the Crime and Disorder Act and all matters have been considered in relation thereto.

11.0 Equal Opportunities/Diversity Implications

- 11.1 Unless otherwise stated below this proposed decision is not considered to have any adverse implications to and is considered to comply with the Council's equal opportunities and diversity policies.

12.0 Sustainability Issues

- 12.1 South Staffordshire Council is committed to the principles of sustainability. Tackling climate change is a strategic priority and protection and enhancement of our local environment is at the heart of our vision for local communities. As such the Council is committed to:

- Use resources efficiently

- Minimise pollution and waste
- Protect and enhance the local natural and built environments
- Provide services, which meet current local needs whilst ensuring our local environment is protected for future generations.
- Lead by example and consider the environmental impact of our decisions.

Unless otherwise stated below the proposed decision is not considered to result in any significant adverse impact on sustainability or substantially contribute to the causes of climate change.

13.0 Health and Wellbeing Implications

13.1 Unless otherwise stated all matters reported are not considered to have any adverse impact on health and well being and all matters have been considered in relation there to.

14.0 Risk Assessment

14.1 Failure to respond would mean the Council was failing in its obligation under the Duty to Cooperate.

15.0 Consultation Undertaken

15.1 Strategic Management Team & Cabinet.

16.0 Category of Exempt Information (where applicable)

16.1 This matter is not exempt information for the purposes of Part 1 of Schedule 12(A) to the Local Government Act, 1972.

17.0 Background Documents (Schedule)

17.1 None.

18.0 Policy/Budgetary Compliance

18.1 This proposed decision complies with and supports the Council's overall policies and corporate aims and objectives and does not give rise to a change in policy relevant to this service area or to new expenditure or expenditure not falling within the approved budget.

19.0 Key Decision Information

19.1 This is not a key decision as it does not involve expenditure or savings in excess of £300,000 nor is it significant in its effect on two or more wards or electoral divisions within the Council's area and has not therefore been included in the Forward Plan.

20.0 Conflicts of Interest Declared (if any)

20.1 None declared.

21.0 Dispensations granted by the Standards Committee (if any)

21.1 None granted.

22.0 Appendices

22.1 Appendix 1 – Baseline Joint Agreement with Birmingham City Council.

23.0 Confirmation of Decision

23.1 This proposed decision was called in for scrutiny and was duly considered by the Overview & Scrutiny Committee at a meeting on 08 July 2014. The Overview & Scrutiny Committee supported my proposed response to the Baseline Joint Agreement with Birmingham City Council, set out at Appendix 1, subject to the inclusion of the following additional paragraph to emphasise the importance of maximising the opportunity to redevelop brownfield land within the West Midlands Conurbation (in particular Birmingham and the Black Country): -

'Within the sequential approach set out above, we assert that the full potential of existing brownfield land within the urban areas of the West Midlands Conurbation should be fully utilised to meet housing needs as a priority. The re-use of brownfield land in these areas will help to meet housing needs close to where needs arise. Strong protection of Green Belts is a key policy driver within the NPPF and one of the express purposes of Green Belts is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. There are large areas of derelict and other urban land within the West Midlands Conurbation. These areas should be fully utilised to meet housing needs first before release of Green Belt land is considered.'

I agreed to this amendment and accordingly duly made this decision for the reasons and having regard to the alternative options and circumstances set out above.



Councillor R.J. McCardle
Cabinet Member – Strategic Services

BIRMINGHAM DEVELOPMENT PLAN
Duty to Co-operate
Final Response following Member Scrutiny on 08/07/14

Local Planning Authorities and other bodies party to this agreement/ understanding:
A. Birmingham City Council (BCC) B. South Staffordshire Council

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

Stage in the process forming part of this agreement:
Pre-Submission* *NB: In the event of any changes to the plan prior to submission and/or as part of modifications proposed during the Examination process then updated versions of this document may be prepared.

Checklist criteria NB: this is a starting point, list to be mutually agreed between the parties to this agreement. Checklist discussed and agreed: Yes/ No	Summary status Eg: Full or partial agreement, / Shared understanding on area(s) of disagreement, or/ Not applicable Delete as appropriate	1. Summary of the approach in the plan 2. Summary of agreed position and any outstanding concerns or other comments NB: Refer to attachments and appendices if required
a) Overall approach incl. relationship to urban and rural renaissance	Partial Agreement	<p>1. The vision, strategic objectives and approach set out in the BDP envisages that by 2031 Birmingham will be renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness.</p> <p>Following around half a century of decline in the latter half of the C20 the city's population is expected to grow rapidly extending and building on the success of the strategy for urban renaissance that has been the hallmark of planning in the city since the 1980's.</p> <p>2. Following abolition of the Regional Spatial Strategy the City Council has worked and continues to work with adjoining authorities in the GBSLEP and West Midlands Metropolitan Area and beyond not only to ensure the continuing success of urban renaissance but also, through the GBSLEP Strategic Spatial</p>

		<p>framework Plan, the Strategic Policy Framework for the West Midlands Metropolitan Area and local plans, to ensure that there remains an appropriate balance between growth and development to meet needs in both urban and rural areas. There are no outstanding issues in relation to the strategy set out in the BDP between the parties signatory to this document.</p> <p><u>South Staffordshire Council response</u> We support the strategic aims of urban and rural regeneration but would suggest that the balance is between development/growth and environmental protection. We would suggest that the presumption in favour of sustainable development (NPPF) is a better way of expressing the need for balanced development going forwards. In this way the need to balance economic, environmental and social factors is clear.</p>
<p>b) Estimation of housing requirements and the level and distribution of housing provision</p>	<p>Shared Understanding on areas of disagreement</p>	<p>1. The Birmingham SHMA which underpins the BDP estimates a housing requirement of c80,000 net new dwellings in the period up to 2031. The 2012 SHLAA's best estimate of likely capacity without incursion into Green Belt (except at the site of the former Yardley Sewage Works) and including an allowance for c700 on land at Longbridge within Bromsgrove District is c45,000 dwellings, including allowance for windfalls. The Pre-Submission version of the BDP proposes that 51,100 net new dwellings - should be provided including the removal of land from the Green Belt to increase capacity within Birmingham leaving a balance to be found outside the city's boundary of c29,000 dwellings.</p> <p>2. The major issues concern the scale of the housing requirement, the extent to which capacity exists or can be identified within Birmingham's boundary and then the scale and distribution of any resultant shortfall. The BDP sets out Birmingham City Council's position in respect of these matters and it is envisaged by the parties signatory to this document that the satisfactory resolution of these issues will be achieved through (1) completion of the GBSLEP Strategic Housing Needs Study (2) Distribution of the overall housing need and resultant 'overspill' housing through the Second Iteration of the GBSLEP Strategic Spatial Framework Plan and</p>

	<p>through arrangements negotiated with other authorities beyond the GBSLEP as justified by the evidence and (3) Subsequent accommodation of the 'overspill' growth in the review of Local Plans in adjoining areas. This approach is accepted by the parties signatory to this document.</p> <p><u>South Staffordshire Council Response</u> We strongly object to the rationale for Birmingham City Council seeking to accommodate Birmingham 'overspill growth' in the review of Local Plans in areas that do not adjoin Birmingham and are not part of Birmingham's housing market area(s).</p> <p>We understand the context in which Birmingham is not specifically looking at South Staffordshire as a direct destination to meet any of the Birmingham short-fall. We are aware that in relation to the Black Country something like 37% of gross out-migration from Birmingham goes to the Black Country and that this explains why the Black Country Authorities (BCAs), although not part of the GBSLEP area, have agreed to take part in the GBSLEP strategic housing needs study.</p> <p>South Staffordshire's starting point in addressing future housing needs is the NPPF – which requires local planning authorities to identify '<i>objectively assessed housing needs</i>' and then work with neighbouring authorities within their housing market areas to accommodate the needs. This should also be the starting point for Birmingham City Council and the BDP. Accordingly we assert that BCC's SHMA for its administrative area should be widened into a Joint SHMA with neighbouring authorities within Birmingham's housing market area(s). The Housing Needs Study being undertaken by PBA within the GBSLEP area is a) not a SHMA and b) does not use housing market area(s) as its geographic base.</p> <p>Accordingly South Staffordshire Council strongly assert that the requirements of NPPF would point to an alternative sequential approach to the one being suggested by BCC. Namely;</p> <p>a) Firstly, BCC administrative boundaries (including Green Belt)</p>
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		<p>b) Secondly, (i) within BCC housing market area(s) where strong links identified and physically adjoin administrative boundaries of Birmingham CC (eg. Solihull, Bromsgrove, North Warwickshire, Walsall, Dudley, Sandwell, Tamworth, Lichfield) – see PBA CLG Housing Market Area Study and then (ii) where links are less strong and areas do not physically adjoin Birmingham’s administrative area eg Wolverhampton and Redditch.</p> <p>c) Thirdly GBSLEP boundaries in recognition of link between employment and housing – this would include Cannock, East Staffs & Wyre Forest.</p> <p>We accept that we are part of the Black Country housing market area(s) and that is why the engagement of the BCAs in the GBSLEP housing needs study could also draw in South Staffordshire.</p> <p>Within the sequential approach set out above, we assert that the full potential of existing brownfield land within the urban areas of the West Midlands Conurbation should be fully utilised to meet housing needs as a priority. The re-use of brownfield land in these areas will help to meet housing needs close to where needs arise. Strong protection of Green Belts is a key policy driver within the NPPF and one of the express purposes of Green Belts is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. There are large areas of derelict and other urban land within the West Midlands Conurbation. These areas should be fully utilised to meet housing needs first before release of Green Belt land is considered.</p> <p>The existing adopted Core Strategies of South Staffordshire/BCAs are complementary and the nature of urban/rural regeneration in this instance is that the BCAs, absorb some of South Staffordshire’s unmet housing needs. We have concerns therefore about the capacity of the BCAs to take further housing need from Birmingham and which may compromise and potentially undermine the existing strategy. This could cause a ‘ripple effect’ which may have a significant</p>
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		<p>effect on South Staffordshire.</p> <p>The evidence base that underpins the BDP includes an assessment of options for developing within Birmingham's Green Belt. We understand that a 'Housing Delivery Report' concluded that only one Sustainable Urban Extension (SUE) of circa 5,000 dwellings could be delivered by the market within the Plan Period (up-to 2031). We consider that this conclusion should be robustly tested before it is concluded that only one SUE within Birmingham is deliverable up-to 2031. If, after an exhaustive search of Birmingham's administrative boundaries, this is demonstrated to be the case then we strongly assert that a similar exhaustive search of the boundaries of other local planning authorities that are within the Birmingham Housing Market area(s), and physically adjoin the administrative area of Birmingham, should be undertaken.</p> <p>We can understand BCC's reluctance to explore the further potential of its Green Belt areas for accommodating its future housing needs – to any greater extent than they are willing to in the Pre-Publication Plan (c 6,000 dwellings). We respectfully draw attention to the Planning Advisory Service (PAS) document: <i>'Ten key principles for owning your housing number – finding your objectively assessed needs'</i>. In particular, we would like to bring to BCC's attention section 5 which states <i>'It is entirely inappropriate to ask your neighbours to accommodate housing on land with the same capacity constraints or environmental designations that you have dismissed'</i>.</p>
<p>c) Appropriate provision made for migration</p>	<p>Shared Understanding on areas of disagreement</p>	<p>1. The Birmingham SHMA takes account of migration in establishing the overall housing requirement and, broadly speaking, the effects of migration trends are then taken into account in the estimation of housing requirements in adjoining areas through the preparation of local plans.</p> <p>2. The identification of a housing shortfall or 'overspill' requirement refers to potential additional housing over and above that included in population and household projections that is needed outside Birmingham's boundary in order that housing</p>

		<p>needs can be met. The process for resolution of this matter is as set out in b)2 above. This approach is accepted by the parties signatory to this document.</p> <p><u>South Staffordshire Council response</u> See response to b) set out above.</p>
d) Level and distribution of employment land provision	Agreed	<p>1. The BDP identifies a serious emerging shortfall of land to accommodate future employment growth and investment. The plan addresses this issue by protecting the city's core employment areas from competing uses so they offer a continuing supply of recycled land supplemented by the release of a major new employment site (80ha) at Peddimore. Proposals for six economic zones are primarily focussed within the existing employment areas and include two Regional Investment Sites. The possible longer-term need for further strategic employment sites is to be addressed by the GBSLEP Spatial Plan for Recovery and Growth and associated technical work with adjoining LEPs. This will be informed by the joint commissioning of a Review into the West Midlands-wide need and provision of very large employment development opportunities.</p> <p>2. This approach is accepted by the parties signatory to this document.</p>
e) Hierarchy of centres and the level and distribution of retail provision	Agreed	<p>1. The BDP defines a retail hierarchy of centres in Birmingham. The approach in the BDP is to make provision for a net increase of 270,000 m² in comparison retail floorspace concentrated in the City Centre, Sutton Coldfield town centre and three District Growth Points. Growth elsewhere will be small scale.</p> <p>2. This approach is accepted by the parties signatory to this document.</p>
f) Level and distribution of office provision	Agreed	<p>1. The approach in the BDP is to encourage 745,000 m² gross of new office development in the network of centres primarily focussed in the city centre including a substantial proportion of the new office floorspace expected to be provided within the Enterprise Zone.</p>

		2. This approach is accepted by the parties signatory to this document.
g) Appropriate provision made for public and private transport including Park & Ride and commuting patterns	Agreed	<p>1. The BDP incorporates a range of transport policies and proposals across all modes. These are consistent with the extant Local Transport Plan and emerging Birmingham Mobility Action Plan (BMAP). There are proposals to improve networks both within and beyond the boundary which will impact, for example, on modal choice for commuters. Major development proposals close to the city boundary have impacts that can extend across the administrative boundary. Close cross-boundary co-operation on transportation matters continues through both West Midlands Shadow ITA and the associated Local Transport Boards (LTB).</p> <p>2. There is no desire to increase the levels of in-commuting across the city boundary so there is an expectation that there will be a broad balance between the levels of housing and employment growth taking place in areas beyond the city boundary which is a matter to be addressed in the relevant local plans. This approach is accepted by the parties signatory to this document.</p>
h) Consistency of planning policy and proposals across common boundaries such as transport links and green infrastructure	Not applicable	<p>1. To be identified and discussed as appropriate across common boundaries but would include matters such as landscape, designations of natural areas, river basin management and transport networks.</p> <p>2.</p>
i) Green Belt matters	Shared Understanding on areas of disagreement	<p>1. Significant changes to the Green Belt are proposed in association with major development proposals at Langley and Peddimore to the north-east of Birmingham and at the site of the former Yardley sewage works. The changes to the Green Belt boundary have been made in such a way as to identify new boundaries that will endure in the long-term and allow for development to be accommodated that will not undermine the essential purposes or integrity of the wider West Midlands Green Belt. The City Council acknowledge that additional land which is currently designated as Green Belt in adjoining areas may need to be identified for development – as a consequence of the process to the determine the level and</p>

		<p>distribution of future growth set out under b)2 above - but the responsibility for those proposals, should they arise, will lie with the respective local planning authority (working collaboratively with other relevant authorities) to be determined through a review of the relevant local plan(s).</p> <p>2. This approach is accepted by the parties signatory to this document.</p> <p><u>South Staffordshire Council response</u> See response to b) set out above.</p>
j) Minerals, waste and water resources including flooding	Agreed	<p>1. As a major city Birmingham is reliant on minerals predominantly produced in adjoining shire areas to help facilitate its growth and development. The City Council recognises that it can reduce the demand for mineral extraction through effective recycling and reuse of building materials and aggregates. Similarly the City Council recognises that its 'footprint' can be reduced through self-sufficiency and vigorous adoption of the waste hierarchy. The City Council is an active member of both the West Midlands Aggregates Working Party (AWP) and the Regional Technical Advisory Body (RTAB) covering waste. Both groupings help ensure discharge of the DtC. In respect of water resources and flooding the City Council is fully aware of its responsibilities and will vigorously pursue the principles of sustainable drainage to reduce the risks of flooding both within the city and beyond its boundaries.</p> <p>2. This approach is accepted by the parties signatory to this document.</p>
k) Air quality matters	Agreed	<p>1. The City Council is committed to the improvement of air quality for its residents and those in surrounding areas. It is, and will remain an active participant in initiatives to address these matters jointly with adjoining authorities and other agencies subject to the nature of actions being consistent with the city's aspirations for growth. Detailed policies on air quality and noise matters will be set out in a separate Development Management DPD.</p> <p>2. This approach is accepted by the parties signatory to this document.</p>

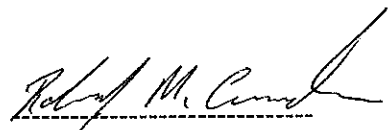
I) Any other matters that might reasonably be identified under the Duty to Co-operate	Agreed	1. No other matters identified. 2.
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Log of meetings, reports and other records to substantiate the collaborative working:

	Details:
Meetings	
Groups	
Responses to consultation and correspondence	
Additional points	

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

Authority A*



Authority/ Organisation B (& C, D etc)*

✓ * Must be signed by either Council Leader or responsible Cabinet Member/ or responsible Chief Executive or Chief Officer only. For non-local authority organisations signatory should be at equivalent level.

Andrew Johnson
Director of Planning and Strategic Services
Strategic Management Team
South Staffordshire Council

Sent via email: A.Johnson@sstaffs.gov.uk

11 September 2014

Dear Mr Johnson

Duty to Co-operate Agreement

Thank you for the revised Duty to Co-operate document that you kindly sent to us.

There are aspects of the extensive revisions that you have suggested to section b) on housing requirements that the City Council is not able to accept. The key points are summarised below:-

- The work by Peter Brett Associates on the Strategic Housing Needs Study for both Birmingham and the Black Country identifies South Staffordshire District as a 'related authority' effectively forming part of the wider housing market area. Government policy is clear that objectively assessed housing needs should relate to housing market areas.
- Past migration patterns do not show a strong direct relationship between Birmingham and South Staffordshire District. Over the period 2001/2 to 2011/12 shows a net flow of people from Birmingham to South Staffordshire of just 19 people per annum. The situation with the Black Country is a different matter with migration into South Staffordshire approaching 1,000 people per annum. This suggests that around a quarter of the movement from Birmingham ripples into South Staffordshire. Given this situation the effect is that South Staffordshire is unquestionably part of Birmingham's wider housing market area. These trends have been taking place in the context of the Black Country Core Strategy which is not based on an up-to-date and NPPF/NPPG compliant objective assessment of housing need.
- Finally, in relation the points in your paper about a sequential approach I would like to emphasise that we have only suggested development on the Green Belt on the basis that the brownfield aspects have been stretched to the highest reasonable level and that there is no question of the City Council expecting other authorities to countenance development in locations that we would not consider ourselves.

It would be helpful if you could reconsider your position on these points. If you are not able to change your view, it would of course be possible for us simply to note the fact that we have a disagreement on these issues.

Yours sincerely



Waheed Nazir
Director of Planning and Regeneration



Date: 22 September 2014

Andy Johnson

Our Ref: AJ/JF

696457

Your Ref:

696403

a.johnson@sstaffs.gov.uk

Mr W Nazir
Director of Planning & Regeneration
Birmingham City Council
PO Box 28
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B1 1TU

Sent by e-mail

Dear Mr Nazir

**Duty to Co-operate Agreement - BDP Public Examination - GBSLEP
Strategic Housing Needs Study**

Thank you for your letter dated 11 September 2014, in respect of the Duty to Co-operate (DtC) Agreement between Birmingham City Council and South Staffordshire Council.

You refer to '*extensive revisions*' to our Duty to Co-operate (DtC) Agreement. I must take issue with you over this phrase that you have used. The Constitution of South Staffordshire Council requires responses of this nature to be made by the Cabinet Member (Strategic Services) and is not delegated to Officers. This fact was made clear to your colleague Mr David Carter when he invited South Staffordshire's response to the DtC Proforma that you have provided to a number of Local Planning Authorities across the West Midlands.

A number of these completed pro-formas are displayed on your website as part of the evidence base to support the submitted Birmingham Development Plan (BDP). South Staffordshire's response to your DtC Proforma was signed by the Cabinet Member (Strategic Services), Cllr Bob McCardle, following scrutiny by back-bench Members at a meeting on 08 July 2014. The Overview & Scrutiny Committee requested that the Cabinet Member strengthen the points made regarding the importance of utilising brownfield land within the conurbation (Birmingham & the Black Country) first, before seeking to find greenfield/Green Belt locations to accommodate unmet housing needs. It is noted that this point is raised by CPRE West Midlands in their representations before the Inspector at the forthcoming Examination Hearings of the BDP (Matter A). I then sent the formal response of the Cabinet Member (Strategic Services) by e-mail to Mr David Carter on 01



August 2014. For this reason I am struggling to see where 'extensive revisions' have been made as you have only been provided with the one formally approved document from South Staffordshire Council.

South Staffordshire Council did not submit a representation relating to the soundness (or otherwise) of the BDP. Again, this was a decision of the Cabinet Member (Strategic Services) that was taken on 20 February 2014. I attach a copy of the decision and draw your attention to Paragraph 3.5 where we state that '*...this pre-submission consultation invited comments solely relating to the soundness and legal compliance of the Birmingham Development Plan, which sets out future growth only within its administrative boundary and as such, does not impact upon South Staffordshire.*'

Included as part of this decision by our Cabinet Member (Strategic Services) was the Council's formal response to the GBSLEP's '*Spatial Plan for Recovery & Growth Consultation Draft*'. I attach a copy of that letter.

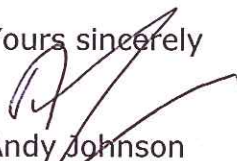
I turn attention now to the 3 key points that you have made in your letter of 11 September 2014: -

- The City Council has used the mechanism of the GBSLEP to facilitate the engagement of other Local Planning Authorities. It was the LEP geography rather than the Birmingham housing market area that provided the spatial parameters of the Study. Subsequently, the BCLEP also joined the Study. At the '*Related Authorities*' meeting on the morning of 31 July 2014, Ms Christine Howick (Peter Brett Associates) gave a presentation to Leaders and Chief Executives of the '*Related Authorities*'. It was stated by PBA, that the combined geography of the GBSLEP & BCLEP creates a sufficient coverage of housing market areas to provide an appropriate assessment of 'objectively assessed housing needs' - and hence NPPF/NPPG compliant. I anticipate that you will assert that the GBSLEP provides you with a suitable mechanism to ensure that unmet housing needs are shared across identified housing market areas. Perhaps you will also assert that you have a similar mechanism through your engagement of the BCLEP. However, what is not clear is how you intend to pursue your aspirations to seek to accommodate some of your unmet housing needs in the administrative areas of what you have identified as '*related authorities*'. The attached letter from the Leaders of the '*Related Authorities*', follows on from the meeting on 31 July 2014 and is included in the representation that North Warwickshire District Council has made to the forthcoming Examination of your BDP (Matter F).
- The flow of out-migration from the Black Country has been slowing down in recent years. That is because the aims and objectives that underpin the adopted Core Strategies of the Black Country and South Staffordshire and their carefully crafted policies - are working. Urban Regeneration remains a fundamental purpose of the Green Belt at national and local level and therefore I do not see these aims and objectives, and the policies that support them, changing significantly in the future.

- A sequential approach, we still consider, has significant merit. Maximising the potential to accommodate new housing land within your administrative boundaries, close to where the need arises, is more sustainable than casting your net wide - seeking locations in '*related authorities*' that you have identified, like South Staffordshire. For example, the dispersed approach that you are taking is likely to increase commuting to work journeys - back into the conurbation. You have stated that '*the brownfield aspects have been stretched to the highest reasonable level*'. Whether or not this is the case will, I feel sure, be tested at the forthcoming Examination hearings. Indeed, so will the Council's assertion that only one sustainable urban extension in Birmingham, of circa 6,000 dwellings, is achievable within the Plan Period. The completion of the PBA Stage 3 work within the geography of the GBSLEP/BCLEP, would enable these issues to be properly addressed, within the context of spatial options/scenarios for accommodating the unmet housing needs, within the administrative areas of the local planning authorities contained within the 2 LEPs. This work has not been done. Accordingly it is premature to cast your net wide and seek locations within '*related authorities*' to accommodate Birmingham's unmet housing needs.

You have asked in your letter that we reconsider our position on the points that you have raised. I have discussed this request with our Cabinet Member (Strategic Services), Cllr Bob McCardle. For the reasons set out here and contained within the formal Pro-forma response, the Council is not willing to change its position. Accordingly, I ask you to note that we have a disagreement between us on these issues and to place the signed Pro-Forma and this exchange of correspondence on the Duty to Co-operate Update that you have published on the Examination Website. I have copied this letter to the Programme Officer and asked that he draws it to the attention of the Inspector and adds as related documentation to North Warwickshire's representations that includes the letter from the Leaders of the '*Related Authorities*'.

Yours sincerely



Andy Johnson
Director (Planning & Strategic Services)

Cc Mr I Kemp - Programme Officer - BDP Public Examination
Mr I Culley - Wolverhampton City Council
Mr M Smith - Walsall MBC
Ms P Smith - Sandwell MBC
Mr M Dando - Dudley MBC
Ms D Barratt - North Warwickshire DC
Mr D Nash - Stratford-on-Avon DC
Mr J Hegarty - Wychavon DC
Mr G Mitchell - South Staffordshire Council
Mrs K Harris - South Staffordshire Council

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**Please ask
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6th March 2014

Dear Mr Carter,

**South Staffordshire Council comments on the GBSLEP Spatial Plan
for Recovery and Growth Consultation Draft**

You will recall that I wrote you on 22nd January providing an interim response from South Staffordshire Council to the GBSLEP Spatial Plan. Our response has now been through our formal constitutional process where no changes were proposed. Therefore please accept this letter as the Council's formal response to the above consultation.

These comments relate specifically to the potential options to accommodate future growth, as set out in Appendix 5 of the GBSLEP Spatial Plan for Recovery and Growth Consultation Draft. In particular Option 10: '*Accommodating some of the GBSLEP's growth elsewhere*'. The Council's comments are:

South Staffordshire Council is of the view that of the options set out in Appendix 5: Option 10 '*Accommodating some of the GBSLEPs growth elsewhere*' is far too vague and open to interpretation. The spatial plan should be clearer on which areas outside the GBSLEP may be considered, and what evidence there is to support the identification of areas outside the functional HMA. Whilst the Council accepts that there are growth issues and that meeting development needs within existing administrative boundaries will be challenging, it is the Council's view that Option 10 should be the last resort.

Firstly, each authority within the GBSLEP should aim to meet its own objectively assessed need and should explore all options within their boundaries. Only once it is clearly demonstrated that an authority cannot meet its objectively assessed need should it then explore whether neighbouring authorities within respective Housing Market Areas and/or the GBSLEP could accommodate any of this need. Only as a last resort and once all options are fully considered, should it be explored whether



authorities outside the GBSLEP and/or identified Housing Market Areas could accommodate this need.

When undertaking this work it is advised that the GBSLEP consider the PAS document: '*Ten key principles for owning your housing number – finding your objectively assessed needs*'. In particular, we would like to bring to the GBSLEPs attention section 5 which states 'It is entirely inappropriate to ask your neighbours to accommodate housing on land with the same capacity constraints or environmental designations that you have dismissed'. Given that South Staffordshire is a largely Green Belt authority, with considerable environmental constraints, this should be a key consideration when considering where to accommodate future growth.

Yours sincerely



Andy Johnson
Director of Planning and Strategic Services



Report to the Greater Birmingham and Solihull Supervisory Board

30 July 2014

STRATEGIC HOUSING NEEDS STUDY

INTERIM REPORT FOLLOWING STAGES 1 and 2 AND DEVELOPING THE SCENARIOS FOR TESTING IN STAGE 3 – REFINEMENT OF BRIEF

1. Purpose of the Report

1.1 This report summarises the key outcomes following the completion of Stages 1 and 2 of the Strategic Housing Needs Study and refines the brief for Stage 3 of the work.

2. Recommendation(s)

- (1) That the Supervisory Board notes the outcome of the interim report stage of the Strategic Housing Needs Study.
- (2) That Members are asked to endorse the LEP Board decision of 16 July 2014 to agree the brief for Stage 3 of the Strategic Housing Needs Study as set out in paragraphs 4.5 to 4.11 of the report
- (3) That the arrangements for a briefing meeting for other local authorities and a workshop for partner organisations be noted.
- (4) That any minor revisions to the brief as a consequence of the workshop with partner organisations on 31 July be delegated to the Supervisory Board Chair in liaison with the Chairman of the Black Country Joint Committee and otherwise to the full Supervisory Board, electronically if needed for speed of decision-making.
- (5) That Members note that a further report to the Supervisory Board will cover the final consultants' report and consequential preferred scenario for sign-off at a future meeting.

3. Background

3.1 The Strategic Housing Study has been commissioned to look at the long term scale and distribution of housing growth. This report summarises the key outcomes for the GBSLEP following the completion of Stages 1 and 2 of the work and refines the brief for Stage 3. The approach in the report is designed to reduce the level of risk to all constituent local authorities and to provide the information to 'mix and match' elements taken from the various distribution scenarios which, in turn, will help inform a decision on the level of growth that should be taken forward in the Spatial Plan for Recovery and Growth (SPRG).

4. Key Issues

Progress to Date

Stages 1 and 2 – Interim Findings

- 4.1 The Interim Report stage of the Strategic Housing Needs Study sets out the Objective Assessment of Needs for the GBSLEP and the Black Country which the consultants (Peter Brett Associates - PBA) consider to be a Housing Market Area (HMA) in accordance with government guidance based on consideration of factors such as migration and commuting patterns. This confirms a significant housing shortfall across the HMA. The findings for the GBSLEP at this stage are set out in a series of slides with commentary which is attached at Appendix 1. The findings for the Black Country will be reported separately to the Black Country Joint Committee.
- 4.2 PBA's preferred estimate of objectively set needs (PBA Trends 2001-11 in Appendix 2) for the GBSLEP area over the period 2011 to 2031 is 8,000 households per annum which results in a housing shortfall of c2,900 dwellings per annum compared to proposals in emerging and adopted development plans.
- 4.3 PBA has also estimated (ONS/PBA 2012 in Appendix 2) that housing need could be reduced following the publication of new population projections on 29 May 2014. These would result in a need to accommodate 6,800 households 2011-31. This would translate into a housing shortfall of 1,700 dwellings per annum in the GBSLEP. PBA advise that this later estimate should be treated with caution since it projects forward recessionary trends and is therefore open to challenge.
- 4.4 A decision will need to be taken on the level of growth that should be carried forward but at this stage it is recommended that this should be deferred until full completion of the study. This is because the assessment of need has to be a 'policy off' assessment with relevant policy considerations applied at the end of the process. This would also mean that the interim findings can be shared and considered by partners.
- 4.4 Appendix 2 also includes a District breakdown of the study results. While the proposed levels of growth appear high it is important to stress that representatives of the development industry (see for example, Barton Willmore, Birmingham Sub-Regional Housing Study 2014, submitted as a response to the Birmingham Development Plan consultation) have published their own assessments with significantly higher results. As an example, for Birmingham, the highest PBA estimate equates to c12,000 household growth 2011-31 whereas the developers estimate the household increase is in a range 135,000-153,000 over the same time period. The Barton Willmore report then proposes a market driven distribution of the housing shortfall across the HMA. This emphasises the importance that the PBA work is brought to a conclusion.

Stage 3 – Refinement of the Study brief

- 4.5 Stage 3 of the study will look at realistic scenarios to distribute the potential shortfall and be informed by the response to consultation on the First Iteration of the GBSLEP's Spatial Plan for Recovery and Growth (SPRG). The suggested approach reflects the discussion at the Housing Study Steering Group meeting held on 16 April 2014, the Executive Officers meetings on 21 May 2014 and 25 June 2014 and a joint meeting of Leaders from all local authorities in the GBSLEP and Black Country held on the 3rd July. A copy of the brief for Stage 3 in the original tender brief is included for information at Appendix 3.
- 4.6 An important caveat to the exercise is that in distributing growth to each scenario it is important that the levels are constrained to that which would be realistically deliverable given sustained optimistic market conditions. The policy assumptions/ resource implications of possibly differing levels of growth under each scenario will need to be made explicit. This means the full extent of the shortfall may not be practically distributed in each of the scenarios. The suggested scenarios are as follows:

Scenario 1 – Intensification. Seek to distribute the shortfall by local planning authority with the scope for extra dwelling capacity being delivered through increased density and/or intensification in existing urban areas.

Scenario 2 – Peripheral Urban Extensions. Distribute the shortfall to the urban periphery of the conurbation close to areas where growth pressures are greatest. The proportion of growth in each sector (N. Birmingham, Solihull, Bromsgrove, Dudley, Wolverhampton, Walsall) broadly related to sound planning and sustainability features.

Scenario 3 – Public Transport Corridors of Growth. Distribute the shortfall on the basis of development at ‘beads on a string’ using spare capacity coupled with consideration of the growth potential of the local rail network. This option should take account of the implications of HS2 which might include, for example, the release capacity on the classic network.

Scenario 4 – The Enterprise Option. Distribute the housing shortfall to growth as part of UK Central and the towns in the Enterprise Belt. Distribute the additional housing in proportion to the scale of employment proposed whilst ensuring a broad balance between the levels of housing and employment growth proposed.

Scenario 5 – Dispersed, Multi-centred Growth – Distribute the growth to shire districts with distribution based on the population of the main urban settlements. This scenario should include certain centres beyond the GBSLEP and Black Country where there is scope to accommodate in-migration e.g. such as Telford, South Worcestershire and parts of Warwickshire.

Scenario 6 – New towns/settlements - Focus the distribution of the shortfall to expansion at Redditch and Telford together with new potential settlements (including locations arising in the recent consultation).

- 4.7 The Steering Group will be required to endorse the distribution to be quantified by PBA for each local planning authority under each scenario. Significant proposed and as yet uncommitted allocations of the types highlighted in each scenario should be considered as part of this. For example the UK Central proposal includes some additional housing which should be considered as forming part of Scenario 4. PBA will be expected to work with planning officers in each local planning authority in identifying the potential levels of growth under each scenario.
- 4.8 The realistic scope of development capacity beyond the GBSLEP and Black Country areas should be built in only where this is consistent with the particular scenario under consideration. This should include consideration of the realistic potential in the ‘related authorities’.
- 4.9 The analysis should then include SWOT testing of the implications of that scenario for each local planning authority as well consideration as part of the Sustainability Assessment (SA) which will take place as a parallel workstream. This analysis should take account of any views expressed by the respective local planning authorities.
- 4.10 At this stage the respective local planning authority should then give its views (caveated as necessary) on its ability to accept the level of growth under each scenario, taking account of the SWOT analysis and SA assessment. The analysis should be subject to peer review before the outcomes are completed.
- 4.11 At this point this should be the limit of the work to be undertaken as part of the PBA Study.

Developing the Preferred Option

- 4.12 The final study and its findings should then be subject to discussion by Leaders with the scope for the preferred approach to be identified. In reality this is likely to draw on elements from a number of the scenarios. If the preferred approach relies on capacity outside the GBSLEP/ Black Country areas then this should be based on formal agreement with the respective authority(ies).
- 4.13 The Leaders discussions should be informed by an analysis which enables all LPAs to indicate both the preferred approach for their District - although it is important that all Districts do not simply default to the lowest level as this would not be NPPF-compliant – and their preferred approach for the housing market area as a whole.

Future Considerations

- 4.14 Since the work under Stage 3 and the final outcome could have significant implications for some local authorities out with the GBSLEP and Black Country LEP at the Joint Leaders meeting it was agreed that a briefing for the Leaders of North Warwickshire District Council, South Staffordshire District Council, Stratford upon Avon District Council and Telford & Wrekin Council should be held. Subsequent to that meeting it has been suggested that the South Worcestershire authorities should also be invited.
- 4.15 There is much interest in this work from other sectors. To reflect this, and to enable discussion on the implications at this interim stage the Joint Leaders meeting (endorsed by the GBSLEP Board) agreed that a meeting be held to which partner organisations are invited. This would receive the presentation by PBA alongside the Stage 3 brief. The discussion at this event due to be held on 31 July 2014 will be carefully recorded so that due consideration could be given to any points that are made and where relevant and appropriate duly taken into account. It is suggested that any minor* changes to the brief could be signed off by the Supervisory Board Chair in liaison with the Chairman of the Black Country Joint Committee.
[*minor means any changes that does not alter the substance and intent of the approach set out in paragraphs 4.5 to 4.11.]
- 4.16 A timescale for taking this work forward will be outlined at the meeting.

5. Financial Implications

- 5.1 Funding for Stages 1 to 3 of the Strategic Housing Study has been approved by the GBSLEP Board. The Black Country 'add-on' is funded separately but this has no financial implications for the authorities in the GBSLEP. The study has been procured by Solihull MBC.

6. Conclusions

- 6.1 Members will be aware of the controversy surrounding the level of housing growth in relation to the preparation of development plans. Completion of the technical study will provide a reliable analysis of objectively assessed housing needs. This will be followed by collaborative working to agree the scale and distribution of growth which, under the current planning system, is the point at which policy considerations can be applied. This work is not only essential to enable the production of sound development plans and to facilitate the Duty to Co-operate.

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Agenda item No 8

Appendix 2 – Headline results for the Objective Assessment of Housing Needs 2011-31

GBSLEP

Local authority		Birmingham	Bromsgrove	Cannock	East Staffs	Lichfield	Redditch	Solihull	Tamworth	Wyre Forest	Total
Net new households per annum	CLG 2008	4,077	364	274	479	428	214	679	221	317	7,053
	CLG 2011	3,668	305	232	485	406	211	633	248	268	6,456
	PBA Trends 2007-12	6,297	211	335	526	272	258	563	158	75	8,695
	PBA Trends 2001-11	5,620	261	293	603	338	286	434	111	83	8,029
	ONS/PBA 2012	4,317	288	290	448	324	174	589	204	194	6,828
Housebuilding (AMR 2002-12) New dwellings per annum (dpa)	Past 5 years	1,710	149	213	537	295	139	324	165	196	3,728
	Past 10 years	1,843	288	308	464	420	240	454	216	274	4,507
Latest (proposed) target dpa	Local plan	2,555	368	241	613	478	336	500	250	200	5,541

PBA Trends 2001-11 = PBA Preferred Scenario, ONS/PBA 2012 = PBA Alternative post 2012 ONS Population Projections Scenario

Appendix 3 - Extract from Original Tender Brief

Stage 3

The opportunity will be taken to review and refine the specification for Stage 3 of the study taking account of the outcomes of stages 1 and 2.

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.

In developing options a Sustainability Appraisal (SA) process will need to be developed and undertaken in parallel with the Housing Needs Study. The consultants appointed to undertake the needs study will be required to work closely with the body appointed to undertake the SA.