

STATEMENT OF COMMON GROUND (SOCG) BETWEEN: SOLIHULL MBC (SMBC) and THE BLACK COUNTRY AUTHORITIES¹ (BCA)

1. Introduction

1. The content of this SOCG is to inform the submission of the SMBC local plan and ongoing works associated with the delivery of The UKC Hub development proposals in particular.
2. This SOCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the signatories to this SOCG. It covers both areas of agreement and areas that remain subject to further discussion and will be updated accordingly.

Period Covered by SOCG

3. From July 2015 when SMBC commenced work on updating the current adopted development plan (the Solihull Local Plan Dec 2013) and it remains a live document to be updated as necessary.

2. Geography Covered

Housing Market Area (HMA)

4. Solihull is one of 14 authorities that make up the Birmingham & Black Country HMA, the others being:
 - Birmingham CC
 - Bromsgrove DC
 - Cannock Chase DC
 - Dudley MBC
 - Lichfield DC
 - North Warwickshire DC (also located with the Coventry & Warwickshire HMA)
 - Redditch DC
 - Sandwell MBC
 - South Staffordshire DC
 - Stratford upon Avon DC (also located with the Coventry & Warwickshire HMA)
 - Tamworth DC
 - Walsall MBC
 - Wolverhampton CC
5. Through membership of the West Midlands Combined Authority, the following authorities also have a relationship with Solihull MBC:
 - Coventry CC
 - Nuneaton & Bedworth DC
 - Rugby DC

¹ Dudley MBC, Sandwell MBC, Walsall MBC and Wolverhampton CC.

- Shropshire C
- Telford & Wrekin C
- Warwick DC
- Warwickshire CC

3. Areas Solihull MBC & BCA are in Agreement

Housing Need

6. Solihull MBC Council and BCA have been active members of the GBSLEP HMA Technical Officers Group since it was created and have contributed to all discussions relating to the delivery of unmet housing need with the HMA
7. This engagement has been ongoing and effective in so far as it has resulted in unmet housing need (to 2031) within the HMA being reduced from 37,572² dwellings in 2015 to 2,597³ dwellings as at 2019.
8. The 2,597 shortfall noted above represents the position using land supply as at 1st April 2019, and as such does not yet include contributions towards the shortfall from authorities that have published plans or emerging plans since then. This includes both Lichfield and South Staffordshire. These authorities have plans that are seeking to make contributions to the HMA of 4,500 (2018-40) and up to 4,000 (2018-38) respectively⁴. However, it is noted that neither authority has yet determined how much of these contributions could be delivered prior to 2031 to assist in meeting the outstanding shortfall of 2,597 up to that time. It is noted that less than a third of this provision would need to be made by 2031 to see the overall shortfall to 2031 addressed.
9. BCA note that the Draft Submission Plan published by SMBC in October 2020 includes a contribution to the HMA shortfall of 2,105 dwellings up to 2031. It is also noted that this contribution represents the difference between the supply SMBC believe to be sustainable and SMBC's Local Housing Need. Whilst BCA still have concerns about this figure and how it was arrived at (see later section), this amounts to an issue about the soundness of Solihull's plan.
10. The BCA agree that SMBC have satisfied the legal duty to cooperate test.
11. It is acknowledged that SMBC have published consultation material relating to its Local Plan review process at the following dates and stages:
 - Scope, Issues and Options – November 2015
 - Draft Local Plan – November 2016
 - Draft Local Plan Supplementary Consultation – January 2019
 - Draft Submission Plan – October 2020
12. In each case BCA have been consulted on these documents and have engaged as they felt appropriate at the time.
13. It is acknowledged that both SMBC and BCA were active partners of the HMA-wide commission undertaken by GL Hearn to produce the Strategic Growth Study.

² Strategic Housing Needs Study Stage 3 (PBA August 2015)

³ HMA Position Statement No. 3 September 2020 – Table 5 to reflect the position as of the Apr 2019 base date.

⁴ HMA Position Statement No. 3 September 2020 – Appendix 2

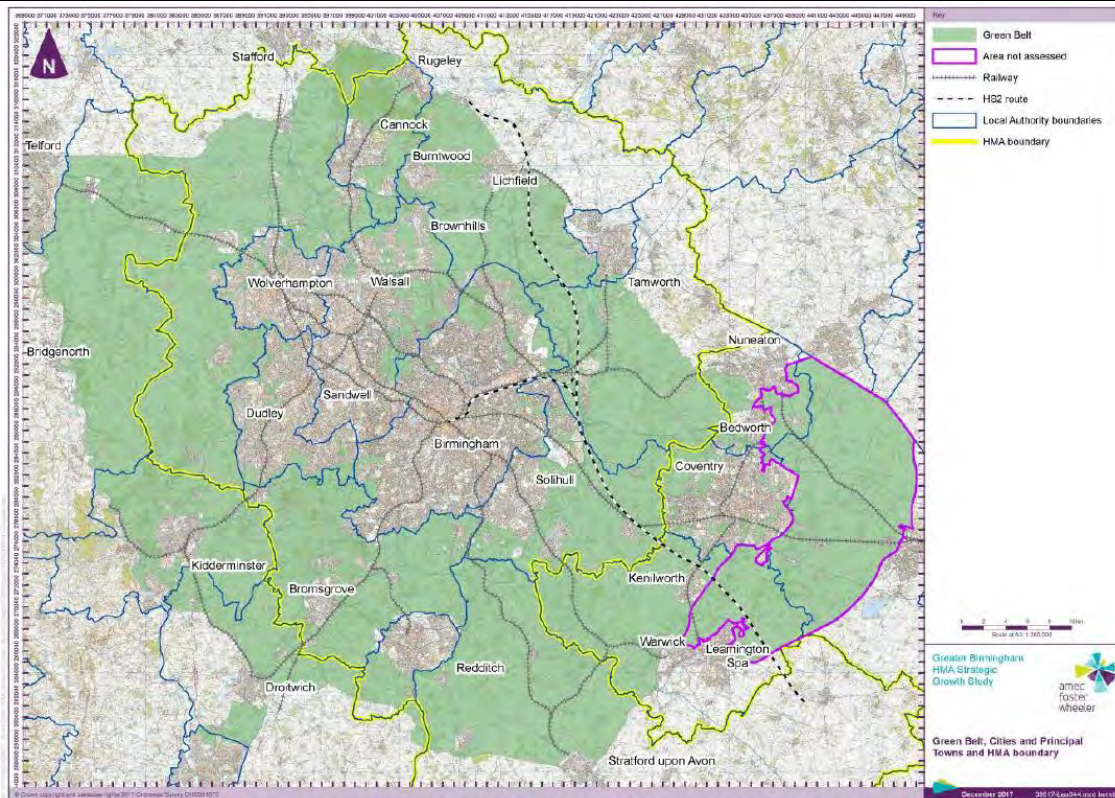
14. It is noted that in December 2019 BCC published an updated Local Development Scheme (LDS), which concluded that an early review [of the 2017 BDP] was not required. This stated that, “... *the Local Planning Authority will start scoping out the work needed to undertake this in 2020 and set out a timetable for any BDP update, if necessary, in the next version of the LDS by January 2022.*” At this early stage Birmingham CC has not made any request to any LPA within the HMA to help with housing need beyond 2031, nor has it set out what the extent of any shortfall beyond 2031 may be.
15. On the 4th August 2020, the Association of Black Country Authorities wrote to all members of the HMA regarding the challenges facing the Black Country Joint Plan review in so far as they related to matters of housing and employment land supply. This letter supported the ongoing duty to co-operate process in so far as it relates to the Black Country Joint Plan, but also plan preparation and review for recipient authorities (extent subject to stage of plan making). The letter updated the Black Country’s plan preparation timescales, identifying that the Black Country Authorities are preparing a Draft Plan for consultation in summer 2021, with an aim to produce a Publication Plan in summer 2022 and to adopt the Plan in early 2024. Despite initial work around urban capacity and potential Green Belt release within the Black Country area, and potential contributions to unmet needs (including those from the Black Country) proposed by other authorities through the Duty to Co-operate, this letter indicates that there remains a significant level of unmet need in the order of at least 4,500 - 6,500 homes and between 292 -570ha of employment land required up to 2039.
16. Wolverhampton has also been subject to a 35% uplift of its housing figures since December 2020. This relates to the cities and urban centres uplift. The PPG also indicates that the uplift is expected to be met by the cities and urban centres themselves, rather than the surrounding areas. Further iterations of the Black Country Urban Capacity Study; and work by BCC when they review the BDP, will need to consider whether the uplift can be met by the areas themselves. Along with the uplift in Birmingham’s housing need requirement, and delivery and capacity constraints in the Black Country and Birmingham conurbation, it is likely to lead to a further shortfall for the HMA to address as the uplift pre-dates an existing acknowledged shortfall.
17. Given the timetable at play here it is the view of SMBC that there remains a significant amount of work to be undertaken to evidence this shortfall and review the overall need in light of recent government changes to the Standard Methodology which, given the timeframes involved, will affect the continued development of the Black Country Plan. Any final shortfall will also be subject to testing through further consultation and public examination. SMBC therefore commits to continuing to work alongside the Black Country Authorities and other members of the wider HMA to review the evidence which supports the unmet need but notes that any outstanding need retains significant uncertainty and is also likely to be relevant towards the latter half of the Plan Period (post 2031 for example). Given the likelihood of a Local Plan review within SMBC prior to 2031 (having regard to the position with the BCC Local Plan and national planning system/guidance), SMBC is of the view that this issue can be more constructively and effectively managed as part of its next Local Plan review. As part of this SOCG, BCA acknowledge the position set out by SMBC.

Housing Opportunities in the Urban Area or Beyond the Green Belt

18. From the onset of the Borough’s Local Plan Review in 2015 it has been clear that significant housing pressures existed across the HMA, and beyond. Prior to the onset of the Plan review, SMBC notes that the development and examination of the BCC Local Plan which, following the publication of the Inspectors report in 2015, confirmed a significant shortfall in housing need that was required to be met within the wider HMA. In part of reaching this

decision BCC were deemed to have demonstrated exceptional circumstances to justify the release of Green Belt land. In the proceeding 5 years SMBC have also noted the development and examination of other Local Plans across the HMA (for instance Bromsgrove) that exceptional circumstances were demonstrated to justify the release of Green Belt land to meet housing needs.

19. In addition, SMBC are active members of the Coventry, Solihull and Warwickshire Planning Officers Group and engaged actively with the respective authorities in relation to the development and adoption of their Local Plans and the Memorandum of Understanding that underpinned them. This is a further important step as each authority demonstrated exceptional circumstances to justify the release of land from the Green Belt to meet the housing needs of the HMA. In the case of Stratford and North Warwickshire (where this matter remains subject to a live EIP), active proposals are also made to support the GBBC HMA.
20. Notwithstanding the above, approximately 67% of the Borough's land area is covered by Green Belt with significantly limited brownfield opportunities within the urban area or the rural settlements. As part of developing the Solihull Local Plan, the Borough has been an active participant in the HMA Strategic Growth Study, which included looking at density and brownfield land as primary options for additional development ahead of releasing land from the Green Belt. In this respect SMBC have sought to maximise the efficiency and deliverability of land within its existing urban areas.
21. Lastly, the plan below shows the extent of Green Belt coverage across the West Midlands Area. SMBC are mindful that a key part of the NPPF, and draft proposals for the future national planning system, is the principle of sustainable development and conversely the importance of meeting development needs as close as possible to where they arise. The above summary therefore clearly demonstrates that it would be unsustainable and inappropriate not to plan positively for meeting local housing needs within the Borough and where possible any of the unmet need within the wider HMA, especially arising from Birmingham. This therefore provides part of the justification for exceptional circumstances in Solihull and demonstrates how SMBC have engaged with and supported the wider HMA in considering the most sustainable options for meeting development needs.



The West Midlands Green Belt and Greater Birmingham HMA (Figure 24 from Strategic Growth Study (GL Hearn Feb 2018))

UK Central

- 22. The UKC Hub area is recognised as being of strategic importance to the local, regional and national economy. It will provide for an effective and efficient use of land associated with the development of HS2 and facilitate future and long term economic growth for the area. This will also include significant connectivity improvements with other areas both to the north and south east. The development proposal is supported by the WMCA and Mayor for the West Midlands.

Minerals

- 23. SMBC has been an active member of the West Midlands Aggregates Working Party, which provides a forum for discussion of strategic matters relating to minerals, and for agreeing Local Aggregate Assessments.
- 24. SMBC was actively involved in the preparation of the West Midlands Metropolitan Area Local Aggregates Assessment 2015, which sets out the annual apportionment for sand and gravel for the sub-region. An update to the LAA 2015 is being prepared. The LAA makes clear that Solihull is the principal contributor to the sub-regional apportionment figure for sand and gravel aggregates of just under 0.5 million tonnes per annum (which amounts to over 90% of the supply from the sub-region).
- 25. Discussions have taken place with Warwickshire County Council in May 2019 and with BCA and Walsall MBC in February 2020. Walsall is the only other source of primary sand and gravel aggregates in the Metropolitan Area. These discussions resulted in a SOCG being agreed between the BCA and Warwickshire CC prior to its EIP. The SOCG acknowledges that there will be some sterilisation of mineral resources in Solihull due to HS2 but indicates that SMBC is not currently seeking compensation from BCA for the potential loss through any Plan requirement.

4. Areas Subject to Ongoing Discussion

Housing Need

26. Both parties agree that one area of outstanding discussion relates to the delivery of homes to meet unmet housing need within the HMA beyond 2031. This need is likely to arise from Birmingham and the Black Country and will be the subject of on-going duty to co-operate discussions.
27. BCA note SMBC's position that no trigger mechanism has been incorporated into the plan as SMBC believe this would be a duplication of the statutory national requirement to review the plan within at least five years of adoption. Both parties acknowledge that this is an issue that the Inspector may wish to explore further and if required both parties will seek to agree appropriate wording that could form the basis of a modification to the plan. Such wording would include trigger points (including for instance progress of other plans around the HMA) that may point to an earlier review of the plan. Notwithstanding this, the BCA still has fundamental concerns with the soundness of deferring post-2031 housing shortfalls to a future review of the Solihull Local Plan, which are set out in the following section.
28. Whilst both parties agree that work through the Duty to Co-operate has been constructive, active and ongoing, in so far as the level of unmet need has reduced, it is acknowledged that some HMA authorities, including the BCA, believe that SMBC could do more to deliver additional homes to address both pre- and post-2031 shortfalls. Both parties agree that this does not amount to a legal deficiency in relation to the Duty to Co-operate but could be perceived as a matter of soundness.
29. The BCA acknowledge, but does not agree with, the view of SMBC that it has sought to maximise its housing land supply, including by making a meaningful contribution towards the unmet needs of the wider HMA, whilst also planning positively for the necessary mineral extraction to support development across the HMA. BCA will review the Borough's draft Plan and provide representations as appropriate. Both parties agree that such matters will be tested further through the period of representations and public examination.
30. Both parties will continue to engage, alongside others in the HMA, with a view to establishing, the possibility of an apportionment of growth above LHN levels to one or more areas within the HMA that have a shortfall.

Employment Land

31. Both parties will continue to engage to establish whether and to what extent employment land at the UK Central Hub can be attributed towards addressing the needs of the Black Country. It is further noted that this is likely to be towards the end of the current plan period and primarily part of the next plan period. In that context ongoing co-operation will be key.

Minerals

32. Whilst the principle of the policy is supported, both parties will continue to engage to determine whether and to what extent the justification text for Policy P13 Minerals needs to be amended to indicate how any likely future (but not currently identifiable) demand should be reflected in the plan.

5. Areas Subject to Disagreement

33. Based on the consultation material and supporting evidence published so far, including the current consultation on the Draft Submission Plan, BCA has yet to agree that SMBC has sought to maximise its housing land supply in order to further reduce the level of unmet need. The contribution to the shortfall should have regard to (but not necessarily defined by) all significant existing physical and functional relationships and the nature of where and when within the HMA any unmet needs have or will arise to 2031 and beyond. BCA and SMBC will continue to engage with a view to establishing that further capacity has, at least, been tested in the SMBC Local plan in order to maximise housing delivery and further contribute to meeting any outstanding unmet need within the GBBCHMA.
34. The BCA believe that SMBC's plan should consider the need for a contribution to address a post 2031 shortfall across the HMA.
35. As part of this SOCG, the BCA acknowledge the position set out by SMBC but do not agree with the proposed approach. Given the successive indications of unmet needs arising from the Black Country urban area since 2017 and the independent strategic evidence of unmet needs up to 2036 offered in the 2018 GBHMA Strategic Growth Study, it is the view of the BCAs that by deferring the strategic issue of post 2031 unmet housing need this presents a significant soundness issue for Solihull's Local Plan Review. For the Solihull Local Plan review to be found sound, the BCA request that such cross boundary unmet housing needs are dealt with as part of the current review rather than deferred to a future review of the Plan. Therefore, the BCA do not agree that the SMBC Local Plan review can be considered sound without effectively addressing this matter.
36. The BCA disagree with SMBC's approach to how SMBC has used the outcome from the Strategic Growth Study. In particular they believe that SMBC has not given the study's findings for a new settlement between Birmingham and Coventry (ie around Balsall Common) enough weight or demonstrated why such an option would not be appropriate.
37. The BCA note that SMBC have looked at the findings and recommendations of the GL Hearn study of the Greater Birmingham and Black Country Housing Market Area Strategic Growth Study, 2018, which identified the potential for a new settlement in the vicinity of Balsall Common. SMBA have made clear in their evidence that they have approached the GL Hearn work as a non-policy study and have taken it into account on that basis.
38. While the status of the GL Hearn study is as described, in reality it has been used to provide a well-defined framework for discussions across the HMA on housing numbers and distribution. It is also likely to form a part of discussions at various local and strategic plan examinations and as such, the BCA feel SMBC should address its findings and recommendations more clearly and clarify how it has been used to shape the SMBC position.
39. For example, while SMBC has made it clear it intends to treat the study as evidence only, it has also chosen to reinterpret / amend the wording of the report to refer to "... *including Balsall Common as one of four new **or expanded** settlements around the Greater Birmingham housing market area.*". The original study made no reference to expanded settlements in the context of the four locations identified as being suitable for new communities; it did refer to urban extensions of between 1500 and 7500 dwellings. The combined increase in figures at Balsall Common totals just over 1600 new dwellings, putting it at the lower end of the extension range.

40. This would suggest that SMBC is using the study to support a course of action the study itself did not identify (e.g. considering expanded settlements alongside new ones). To ensure the SMBC plan is sound and the evidence base is robust, SMBC need to set out much more clearly how it has arrived at the position it has adopted on the extensions in and around Balsall Common being used in lieu of a new settlement as identified in the GL Hearn work.
41. The various growth scenarios tested in the SA look at significant urban extensions to the north east of Balsall Common, rather than at a free-standing new site such as at Dickens Heath. Whilst the GBHMA Strategic Growth Study indicated its proposals should be subject to more detailed feasibility work, such as Transport Assessments or detailed Green Belt Studies, the BCA are conscious that the principle of a new settlement in this location was considered at the time of that study to perform better than other strategic locations in the GBHMA. The GBHMA Strategic Growth Study also indicated that larger scale sites would be required to address the longer-term housing shortfalls within the GBHMA. The findings of the Sustainability Appraisal of the Solihull Local Plan are noted, but due to the findings of the GBHMA Strategic Growth Study, the BCA are concerned that failure to deliver this strategic location may displace housing growth into less sustainable locations in the wider GBHMA. An explanation of how SMBC considered this issue as part of the wider clarification of how the authority arrived at its preferred development strategy would be helpful.

APPENDICES

A. Relevant Notable Events/Timeline

2014

42. November – Publication of the Strategic Housing Needs Study Stage 2 (Peter Brett & Associates (PBA)). This study considered both geographies and needs/supply across the study area and was commissioned by the Greater Birmingham and Solihull LEP⁵ and the 4 Black Country authorities.

2015

43. January – Inspectors interim report into the Birmingham Development Plan confirming the appropriateness of the HMA geography.
44. August - Publication of the Strategic Housing Needs Study Stage 3 (PBA). This provided an update to the stage 2 study and noted the BDP Inspectors comments on the HMA geography. The housing need/supply balance across the HMA was noted to result in a shortfall of 37,572 dwellings⁶.
45. September – HMA Housing Conference (hosted by SMBC at the NEC). The conference was attended by representatives of all 14 HMA authorities and typically included a relevant Cabinet Member, Director/Head of Service and Heads of Policy. It was agreed:
- That the housing shortfall (37,500) is a shared problem for the HMA authorities;
 - To collaborate as part of our duty to co-operate to find a solution;
 - To share resources, expertise and provide mutual support towards a solution;
 - To establish HMA Technical officer group.

46. November – SMBC publishes Scope, Issues and Options consultation.

2016

47. January - HMA Housing Conference (hosted by SMBC at Solihull College).
48. March – Inspectors final report into the Birmingham Development Plan issued. The Inspector took into account the Strategic Housing Needs Study (both stage 2 and 3). He concluded that the city had a need for 89,000 dwellings and a supply of 51,100, leaving a shortfall of 37,900 dwellings.
49. November SMBC publishes Draft Local Plan consultation.

2017

50. January – Birmingham Development Plan adopted, thus quantifying (at 37,900 dwellings⁷), through an adopted plan, the extent of the Birmingham shortfall which is the principal cause of the HMA shortfall. The plan recognises that the “Council will also play an active role in promoting, and monitor progress in, the provision and delivery of the 37,900 homes

⁵ Although it was noted that some authorities in the LEP are not part of the HMA, and some authorities not part of the LEP are part of the HMA.

⁶ Table 2.2

⁷ To 2031

required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city.” Furthermore policy TP48 goes onto state that if other local authorities do not submit plans that provide an appropriate contribution to the shortfall, then the Council needs to consider the reasons for this and determine whether it is necessary to reassess Birmingham’s capacity by means of a full or partial BDP review after three years.

51. March – GL Hearn commissioned by the 14 HMA authorities to produce the Strategic Growth Study

2018

52. February – Publication of the Strategic Growth Study (GL Hearn).
53. February – HMA Position Statement No. 1 – Issued alongside the publication of the Strategic Growth Study. The statement noted:
- That the Strategic Growth Study *“is an independently prepared, objective study and not a policy statement. It does not in any way commit the participating authorities to development of any of the geographic areas referred to (nor does it exclude the testing of alternatives), but it is a thorough evidence base to take matters forward through the local plan review process.”*
 - That there is a minimum shortfall of 28,150 to 2031, but that higher densities might increase supply on identified sites by up to 13,000.

54. September - HMA Position Statement No. 2

2019

55. January – SMBC publishes Draft Local Plan Supplementary Consultation.

2020

56. September - HMA Position Statement No. 3
57. October – SMBC published Draft Submission Plan






B. Relevant Organisations and or Groups SMBC is a Member of or Participates in.

58. HMA Technical Officers Group
59. CSWPO – Coventry, Solihull and Warwickshire Planning Officers group. The group was initially established to support work on the West Midlands Regional Plans but following their abolition evolved to support the Duty to cooperate process for the area. As a neighbouring authority to Coventry, North Warks and Warwick, Solihull attend monthly meetings to gain a full understanding of emerging development pressures and policy developments across the area. The introduction of HS2 and UKC Hub has also given a strategic significance to ongoing meetings of this group given the existing and planned connectivity and growth opportunities. SMBC is also able to provide a useful link (alongside SADC and NWBC) between the Coventry and Birmingham HMA’s.
60. GBSLEP
61. WMCA

C. Published Documents Referred To

62. HMA Position Statement No. 1 (February 2018) - <https://www.solihull.gov.uk/Portals/0/Planning/Greater-Birmingham-HMA-Position-Statement-February-2018.pdf>
63. HMA Position Statement No. 2 (September 2018) – [web link to be provided]
64. Strategic Growth Study (GL Hearn February 2018) - <https://www.solihull.gov.uk/Portals/0/Planning/Greater-Birmingham-HMA-Strategic-Growth-Study-Standard.pdf>
65. HMA Position Statement No. 3 (published September 2020) – [web link to be inserted here]

6. Signatures

Authority	Signature	Name & Position
Dudley MBC		Councillor P Harley Leader of the Council
Sandwell MBC		Councillor M Crompton Deputy Leader of the Council
Walsall MBC		Councillor M Bird Leader of the Council
City of Wolverhampton Council		Councillor I Brookfield Leader of the Council
Solihull MBC		Mark Andrews Head of Planning, Design and Engagement Services

April 2021