

STATEMENT OF COMMON GROUND (SOCG) BETWEEN: SOLIHULL MBC (SMBC) and LICHFIELD DC (LDC)

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.
3. Following on-going discussion between SMBC and LDC, LDC is content that SMBC have fulfilled their legal responsibility under the duty to co-operate and any areas where the authorities are not in agreement relate to the soundness of the plan.

Period Covered by SOCG

4. 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)

5. 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
6. 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
 - Shropshire C
 - Telford & Wrekin C

- Warwick DC
- Warwickshire CC

3. Areas Solihull MBC & LDC are in Agreement

Housing Need

7. Solihull MBC Council and LDC 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
8. 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 37,572¹ dwellings in 2015 to 2,597² dwellings as at 2019.
9. 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. The 2020 HMA Position Statement no. 3 notes that 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) respectively³. Less than a third of this provision would need to be made by 2031 to see the overall HMA shortfall as originally identified by the Strategic Growth Study to 2031 been dealt with.
10. Notwithstanding the Position Statement, LDC have indicated that the Regulation 19 draft of their plan has been approved by their cabinet on 9th February 2021 and will be published for representations in spring / summer 2021. This currently unpublished draft identifies a provision of 2,665 towards the unmet needs of the HMA between 2018 and 2040, with the remainder of the 4500 referenced within the Position Statement provided post 2040. The delivery of the supply towards the unmet need (2018-40) will be focused from 2027/28 to allow for plan adoption and a step change in supply having regard to the Black Country identifying need from 2027/28 in its urban capacity work to date. This means 820 could be available to 2031 (based on average annual supply figures).
11. At this time, both parties recognise that SMBC have made a commitment to test accommodating 2,000 dwellings towards the unmet housing need for the HMA, but recognise that the final details of that contribution must be tested through a Local Plan process in accordance with national guidance. This is primarily associated with the need to release land from the Boroughs Green Belt to support any contributions it makes. This 2,000 contribution has been taken into account in arriving at the 2,597 shortfall (as at April 2019) noted above
12. 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

¹ Strategic Housing Needs Study Stage 3 (PBA August 2015)

² HMA Position Statement No. 3 September 2020 – Table 5 to reflect the position as of the Apr 2019 base date.

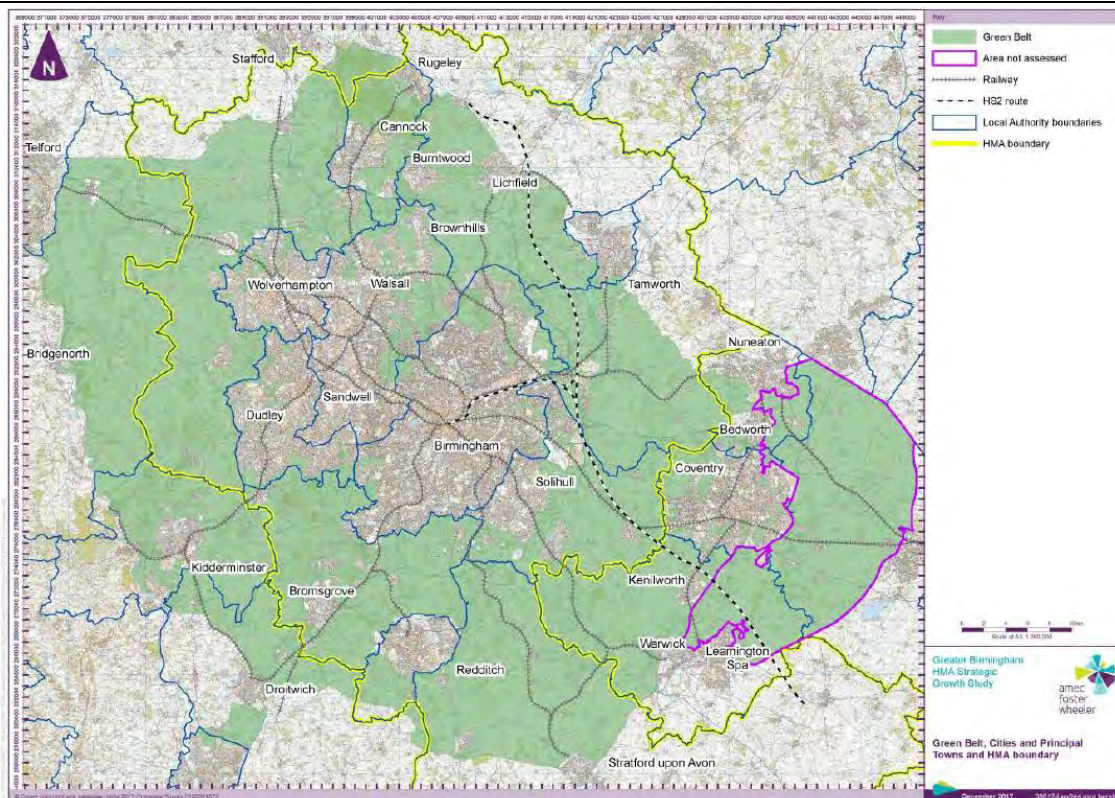
³ HMA Position Statement No. 3 September 2020 – Appendix 2

13. In each case LDC have been consulted on these documents and have engaged as they felt appropriate at the time.
14. It is acknowledged that both SMBC and LDC were active partners as part of the HMA wide commission undertaken by GL Hearn to produce the Strategic Growth Study.
15. 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 any extent of shortfall beyond 2031 may be.
16. 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 supports the ongoing duty to cooperate 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 identified 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 adopt the Plan in early 2024. Despite initial work around urban capacity and potential Green Belt release within the Black Country area, there remains a significant level of unmet need in the order of at least 4,500 - 6,500 homes and up to 292 ha-570ha of employment land up to 2039.
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. 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.
18. As part of this SOCG, LDC acknowledge the position set out by SMBC, though this approach is not agreed in principle. LDC consistent with the approach in its emerging plan is of the view that the level of need from 2027/2028 identified by the Black Country is so significant that provision should be made in other local authority emerging plans including the emerging Solihull plan.

Housing Opportunities in the Urban Area or Beyond the Green Belt

19. From the onset of the Boroughs 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

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- 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.
20. 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.
21. Notwithstanding the above approximately 67% of the Boroughs 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 have been active participants in the HMA Strategic Growth Study, which included looking at options of density and brownfield land as a primary option 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.
22. 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 and the Black Country given the geographical relationship and level of connectivity. 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

- 23. Solihull considers the UKC Hub area 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. LDC acknowledged the progression of the UKC Hub as part of HS2 phase 1 development. LDC nevertheless remain opposed to the development of phase 2 of HS2 and the proposed route which directly impacts Lichfield District. This is the northern section of the route, which is outside of the UKC Hub.
- 24. As part of the next iteration of the plan, LDC notes SMBC intention to publishing updated evidence regarding housing and economic development needs in the form of a Housing & Economic Development Needs Assessment (HEDNA). The HEDNA includes analysis of employment forecasts including a scenario relating to potential above trend growth at the UK Central Hub. In doing so it uses commuter patterns from the 2011 census that indicate 25.3% of the workforce are Solihull residents.

Employment Land

- 25. LDC has not approached SMBC to ask for assistance in accommodating employment land that cannot be accommodated within LDC.

Minerals

- 26. 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.

27. 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).
28. Discussions have taken place with Warwickshire County Council in May 2019 and with WCC and Walsall MBC in February 2020. Walsall is the only other source of primary sand and gravel aggregates in the Metropolitan Area. These discussions have resulted in a draft SOCG prepared by WCC for its EIP. The draft 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 WCC for the potential loss through any Plan requirement.

4. Areas Subject to Ongoing Discussion

29. The only area of outstanding discussion relates to the delivery of homes to meet unmet housing need within the HMA. This need is likely to arise from Birmingham and the Black Country and will be the subject of on-going duty to cooperate discussions.
30. Whilst both parties agree that work through the Duty to Cooperate has been ongoing, constructive and effective in so far as the level of unmet need has reduced it is acknowledged that some HMA authorities believe that SMBC could do more to deliver additional homes. Both parties agree that this does not amount to a legal deficiency in relation to the Duty to Cooperate, but could be perceived as a matter of soundness. LDC acknowledges that SMBC consider that it has sought to maximise its housing land supply, including by making a meaningful contribution towards the unmet needs of the wider HMA having regard to the unmet need identified in the Strategic Needs Study (2015), whilst also planning positively for the necessary mineral extraction to support development across the HMA. Whilst LDC acknowledge SMBC consider they have sought to maximise it housing supply. LDC is of the view that SMBC contribution towards the shortfall is lower than that proposed by neighbouring authorities and further sites may need to be identified and released from the green belt to meet unmet need in this plan period having regard to the current level of unmet need and the position advanced by the Black Country in its emerging plan. Both parties agree that such matters will be tested further through the period of representations and public examination.

5. Areas Subject to Disagreement

31. There are no areas of disagreement outstanding other than set out above at this stage.

APPENDICES

A. Relevant Notable Events/Timeline

2014

32. 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 LEP⁴ and the 4 Black Country authorities.

2015

33. January – Inspectors interim report into the Birmingham Development Plan confirming the appropriateness of the HMA geography.
34. 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 dwellings⁵.
35. 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.

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

2016

37. January - HMA Housing Conference (hosted by SMBC at Solihull College).
38. 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.
39. November SMBC publishes Draft Local Plan consultation.

2017

40. January – Birmingham Development Plan adopted, thus quantifying (at 37,900 dwellings⁶), 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

⁴ 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.

⁵ Table 2.2

⁶ 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.

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

2018

42. February – Publication of the Strategic Growth Study (GL Hearn).
43. 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.

44. September - HMA Position Statement No. 2

2019

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

2020

46. September - HMA Position Statement No. 3

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

47. HMA Technical Officers Group
48. 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.
49. GBSLEP
50. WMCA

C. Published Documents Referred To

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

D. Signatures

Signed: [x]
[Position]

Dated: x May 2021

A handwritten signature in black ink on a light blue background. The signature reads "M. Andrews" in a cursive style.

Signed:
Mark Andrews
Head of Planning, Design & Engagement Services, Solihull MBC

Dated: 12th May 2021