



# **Sandwell Local Plan**

## **Duty to Co-operate Statement**

**December 2024**

## Table of Contents

|  |    |
|--|----|
| Introduction.....  | 4  |
| Background.....  | 4  |
| Sandwell Council’s Approach to Meeting the Requirements of the Duty to Co-operate..... | 5  |
| Strategic Matters.....   | 5  |
| Prescribed Bodies.....   | 6  |
| The Black Country Plan and the Duty to Co-operate.....                                 | 7  |
| Strategic Matters.....   | 7  |
| Summary of DtC Engagement Outcomes.....  | 11 |
| Housing Shortfall.....   | 12 |
| Employment Land Shortfall.....   | 12 |
| The Demise of the Black Country Plan.....  | 13 |
| The Sandwell Local Plan.....   | 14 |
| Strategic Matters for Sandwell.....  | 14 |
| Strategic Issues for the Sandwell Local Plan.....                                      | 16 |
| Meeting unmet housing need.....  | 16 |
| Meeting Unmet Gypsy and Traveller Need.....  | 18 |
| Meeting Unmet Employment Land Need.....  | 19 |
| Cross-boundary Issues.....   | 19 |
| Transport.....   | 19 |
| Other.....   | 20 |
| Dudley Council.....  | 20 |
| Other Issues.....  | 20 |
| Green and Blue Infrastructure.....   | 20 |
| Effect of new development on healthcare and the emergency services.....                | 21 |
| Effect of new development on utility companies.....                                    | 21 |
| Effect of new development on flood risk.....   | 22 |
| Effect of new development on biodiversity.....   | 22 |
| Effect of new development on air quality.....  | 22 |
| Effect of new development on the historic environment.....                             | 22 |
| Effect of new development on waste disposal.....                                       | 23 |
| Effect of new development on mineral extraction.....                                   | 23 |
| Local Aggregate Assessment.....  | 23 |
| Climate Change.....  | 24 |
| Next Steps.....  | 24 |

|  |     |
|--|-----|
| Outcomes from Duty to Co-operate Discussions .....   | 24  |
| Appendix One - Evidence Commissioned on a Joint Basis .....  | 26  |
| Appendix Two - Duty to Cooperate Schedule .....  | 28  |
| Appendix Three - Letters from ABCA – July 2018 and August 2020 .....   | 39  |
| Appendix Four - Sandwell Council’s Letters to Neighbouring Authorities – 17 <sup>th</sup> August 2023 .....  | 47  |
| Appendix Five - Letters between Black Country Authorities regarding methodology for apportioning any housing or employment contributions.....  | 63  |
| Appendix Six .....   | 71  |
| Letter to neighbouring authorities of 20 <sup>th</sup> June 2024, confirming timetables for local plan production and clarification of any contributions to unmet housing need ..... | 71  |
| Appendix Seven – Statements of Common Ground.....  | 77  |
| Appendix Eight – Air Quality Statement of Common Ground and Minutes of Meetings .....  | 202 |

## **Introduction**

1. This statement outlines how Sandwell Metropolitan Borough Council (SMBC) is managing the requirements of the Duty to Cooperate throughout production of the Sandwell Local Plan. The Duty seeks to ensure a joined-up approach is taken in plan making, where collaborative working with other relevant organisations and bodies will deliver sustainable development within the Council's administrative boundary and in the wider area.
2. This statement details the work undertaken to date and identifies how Sandwell Council is responding to the key strategic and cross boundary issues identified, particularly since the demise of the Black Country Plan.

## **Background**

### **National Context**

3. The Duty to Cooperate is a statutory duty for all Local Planning Authorities (LPAs). It was introduced in November 2011 through Section 110 of the Localism Act 2011, which established a Duty to Cooperate between relevant bodies in relation to the planning of sustainable development.
4. LPAs are under a Duty to Cooperate with each other and with other prescribed bodies, on strategic matters that cross administrative boundaries. This includes the requirement to co-operate during the preparation of development plan documents and other local development documents with local planning authorities, county councils, and relevant bodies.
5. Relevant bodies include:
  - a. the Environment Agency;
  - b. Historic England;
  - c. Natural England;
  - d. Homes England;
  - e. the relevant Primary Care Trust;
  - f. the Office of Rail Regulation;
  - g. the relevant Integrated Transport Authority;
  - h. the Highways Authority; and
  - i. the Local Enterprise Partnership.
6. Strategic policy-making authorities, in collaborating to identify relevant strategic matters covered in their plans, should also engage with their local communities and infrastructure providers.
7. The NPPF outlines the following matters for which strategic policies should be formulated to address the strategic priorities of the area, including any relevant cross-boundary issues, and which set out the overall strategy for the pattern, scale and quality of development:

- a. housing (including affordable housing), employment, retail, leisure and other commercial development;
  - b. infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - c. community facilities (such as health, education and cultural infrastructure); and
  - d. conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure; and
  - e. measures to address climate change mitigation and adaptation.
8. Whilst, as Planning Practice Guidance (PPG) makes clear, the Duty to Cooperate is not a duty to agree, LPAs should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting local plans for examination. The PPG also states that '*cooperation should produce effective and deliverable policies on strategic cross boundary matters.*' To demonstrate effective and on-going joint working, strategic policy-making authorities are required to prepare and maintain one or more statements of common ground documenting the cross-boundary matters and progress made through co-operatively addressing these.
9. The NPPF notes that the examination of a local plan should include an assessment to identify if the plan has been prepared in accordance with legal and procedural requirements that include the Duty to Cooperate. Constructive co-operation is seen as an integral part of Local Plan preparation and should result in clearer planning policy outcomes capable of being demonstrated through the examination process.

### **Sandwell Council's Approach to Meeting the Requirements of the Duty to Co-operate**

10. It is very important that evidence of the Duty to Cooperate (DtC) starts as early as possible and that regular constructive engagement continues throughout the plan-making process. It is important to show the outcomes of the engagement regarding the strategic cross boundary issues and how this has influenced the submitted Local Plan.
11. To support the production of the Sandwell Local Plan and meet the requirements of the DtC, Sandwell is continuing the DtC work of the draft Black Country Plan by working with the other Black Country authorities to engage with neighbouring authorities and other relevant bodies.

### **Strategic Matters**

12. The main strategic matters being addressed through the Black Country Plan were:
- a. Meeting unmet housing need.
  - b. Meeting unmet employment need.
  - c. Transport and infrastructure matters.
  - d. Natural and historic environment including designated sites; and
  - e. Minerals and waste issues.

13. It is the view of Sandwell Council that these strategic matters continue to be the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.
14. Particularly important will be the need to demonstrate constructive engagement with neighbouring authorities to resolve the continuing issue of unmet housing and employment land needs. This will include identifying a robust mechanism for undertaking strategic cross boundary planning, to examine how housing and employment needs could be accommodated. It will be necessary to consider the implications of any material changes in local housing need with other relevant authorities and agencies (using the outputs of the MHCLG's standard methodology as a starting point).
15. The Council will prepare a Duty to Co-operate Compliance Statement to support the submission version of the Sandwell Local Plan, which will address the following matters:
  - a. The nature of the Duty and the policy and spatial context of the Borough in relation to its nearby authorities.
  - b. A listing of the relevant 'prescribed bodies'.
  - c. A listing of the relevant 'strategic matters' affecting Sandwell and the preparation of its Local Plan.
  - d. The principles of cooperation developed and undertaken by the Association of Black Country Authorities (ABCA) up to November 2022 and then by SMBC (with ABCA support) since November 2022.
  - e. Details of all evidence base work and studies that have been commissioned on a joint basis with neighbouring authorities and other bodies (see Appendix 1)
  - f. Details of all consultations with neighbouring authorities on housing and employment spatial distribution options (see Appendix 2)
16. This is the third iteration of the DtC Compliance Statement. The first iteration was published at Reg 18 stage:  
(<https://www.sandwell.gov.uk/downloads/download/994/sandwell-local-plan-reg19-plan-preparation-documents>). The second iteration was published at Reg19 stage  
(<https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement>).

## **Prescribed Bodies**

17. In addition to the key strategic matters of meeting unmet housing and employment land need, cross-boundary transport issues and minerals and waste issues, there are other strategic matters that will be considered through the DtC. These include the provision of green and blue infrastructure, the effect of new development on emergency services and utility companies including water supply / treatment, flood risk, biodiversity, health and education facilities amongst others.
18. The relevant prescribed DtC bodies for the Sandwell Local Plan are:
  - the Environment Agency
  - the Historic Buildings and Monuments Commission for England (known as Historic England)
  - Natural England
  - Canals and Rivers Trust

- Homes England
- Primary Care Trusts (currently Integrated Care Groups)
- Network Rail
- Transport for West Midlands
- Black Country Transport
- Highways England
- Active Travel
- Sandwell as the Highways authority
- Sandwell as the Authority with responsibility for school places
- West Midlands Combined Authority
- Authorities in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA)
- Black Country Authorities and Birmingham City Council as neighbouring authorities
- Severn-Trent Water
- South Staffs Water
- Western Power/National Grid
- West Midlands Police
- West Midlands Ambulance
- West Midlands Fire Service
- DEFRA
- Environmental Protection UK
- Sport England
- Regional Aggregates Working Party (RAWP)
- Regional Technical Advisory Board (RTAB) - Waste

### **The Black Country Plan and the Duty to Co-operate**

19. From 2016-17 to 2022, the Black Country Authorities (BCAs) for Dudley, Sandwell, Walsall and the City of Wolverhampton were working on the review of the Black Country Core Strategy – the Black Country Plan - as the local plan for the sub-region.

### **Strategic Matters**

20. From a Duty to Cooperate perspective, a range of issues were raised but the common theme was the need for the BCAs to meet as many of their needs within the Black Country (and not necessarily in the urban area); that the Plan needed to be evidence-based; and a recognition of the need to continue to work together. Other identified issues included:
- a. Housing need and supply across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), given the shortfall of housing established through the Birmingham Development Plan and subsequent Position Statements.

- b. The need to establish common ground across the GBBCHMA and Functioning Economic Areas to agree where and how unmet housing and employment land needs could be met.
  - c. Green belt reviews.
  - d. Cannock Chase Special Area of Conservation.
  - e. Strategic Flood Risk Assessments.
  - f. Implications for transport infrastructure on potential levels of growth in the Black Country.
  - g. Future healthcare premises and provision for primary and secondary healthcare provision.
  - h. Minerals and aggregates need and supply.
21. In July 2018 a letter was sent from the Association of Black Country Authorities (ABCA) on behalf of the BCAs to all LPAs within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) as shown on Map 1, constituent and non-constituent members of the West Midlands Combined Authority (WMCA) (shown on Map 2) and other LPAs which have a physical and / or functional relationship with the Black Country (Wyre Forest Borough Council and the South Worcestershire Development Plan LPAs) (see Appendix 3).



Figure 1 Greater Birmingham and Black Country Housing Market Area

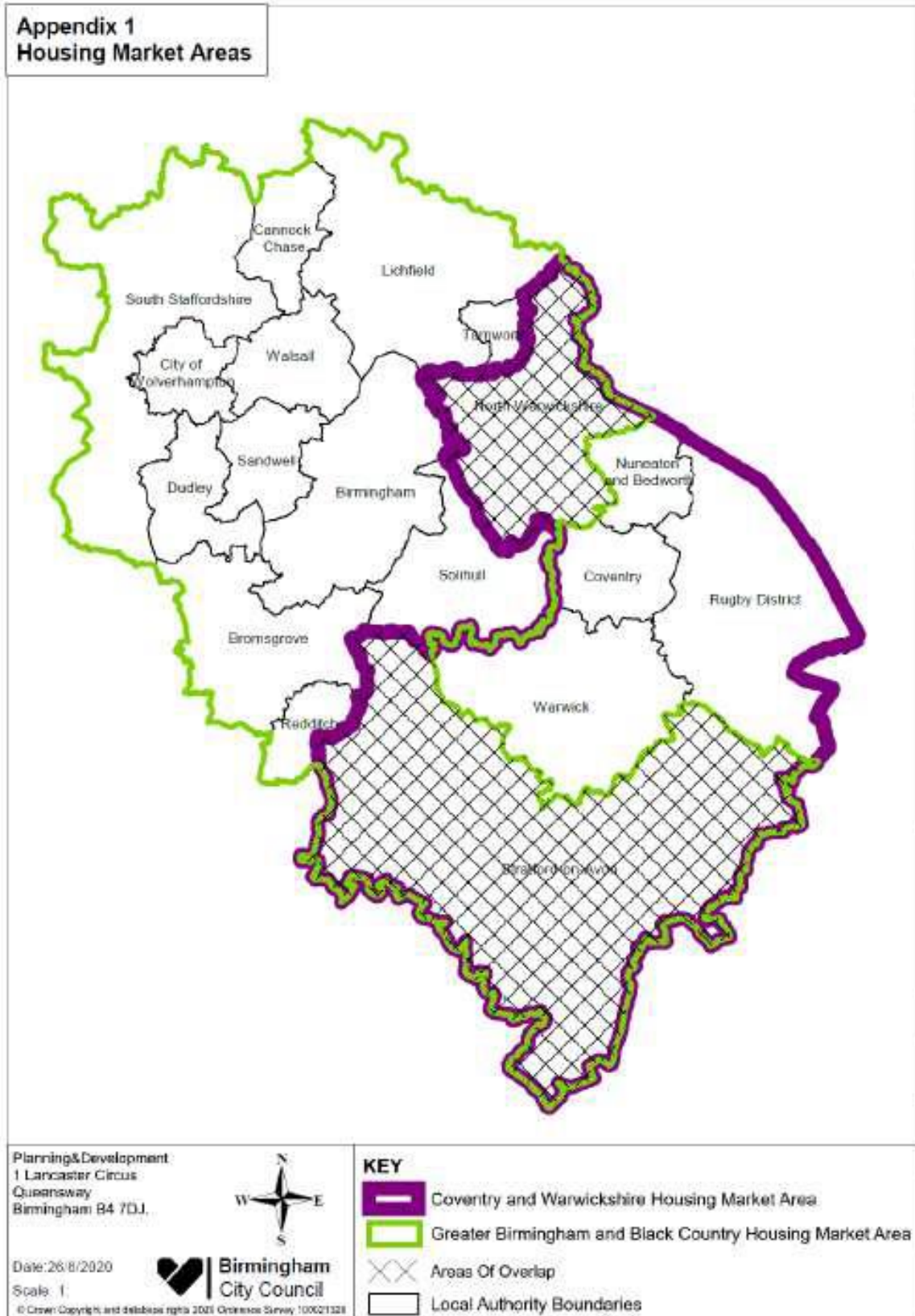
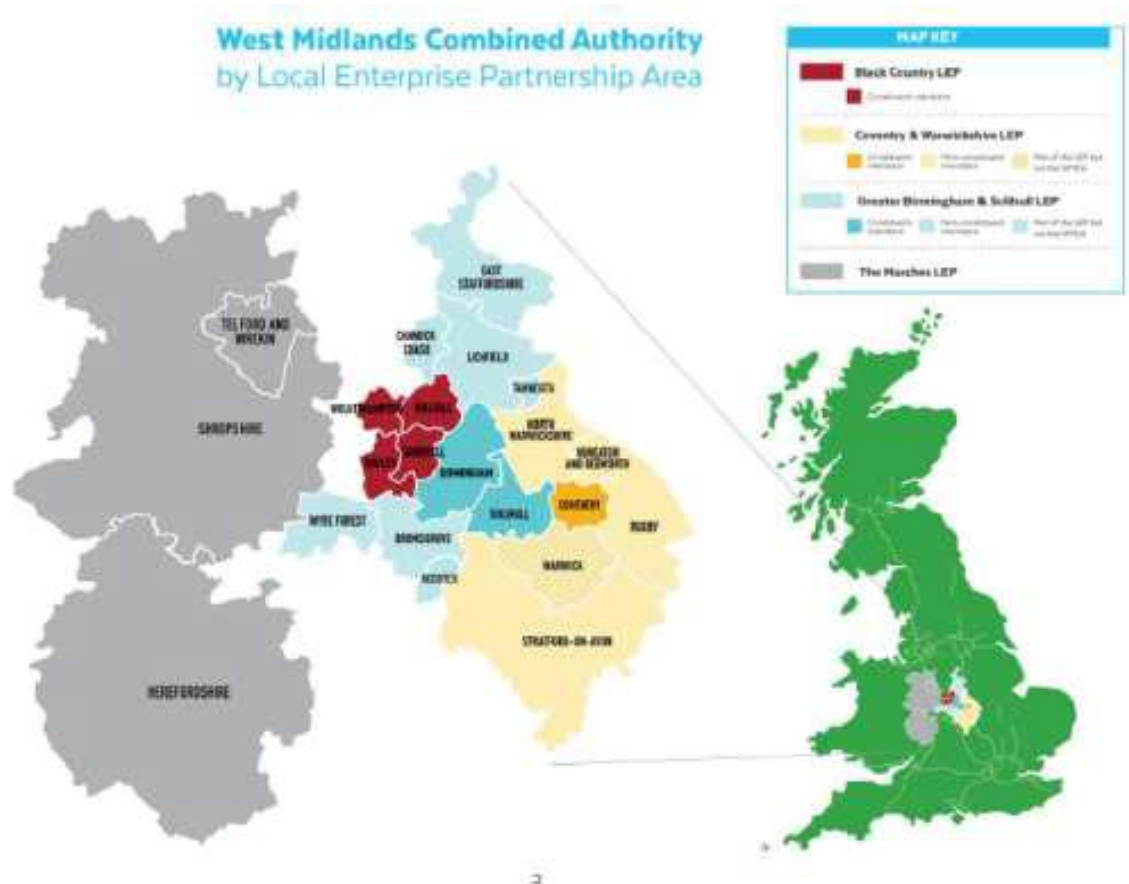


Figure 2 - West Midlands Combined Authority



22. The letter formally asked whether those authorities were able to help meet some of the Black Country’s housing and employment land needs, given the anticipated shortfall between need and the capacity of the administrative area. The letter also sought to identify any other issues of strategic cross-boundary significance that should influence the preparation of the Plan. The responses to these letters were used to inform the development of the Black Country Plan and subsequent DtC engagement.
- 23.** In summary, the responses to the letter supported the Black Country’s approach of developing brownfield land in advance of any Green Belt releases. Responses requested that all opportunities should be explored to meet needs within the administrative area before neighbouring LPAs could commit to any specific housing or employment land contribution. A more positive commitment was made from Shropshire Council and South Staffordshire Council, recognising the opportunity for their Plans to address wider unmet needs.
24. A follow-up letter was sent in August 2020 (Appendix 3). This letter provided an update on the Plan preparation programme, on strategic housing and employment land issues and asked the LPAs if their Local Plans were delivering levels of housing or employment growth more than local needs that could reasonably be attributed to meeting the needs of the Black Country.
25. The responses to this letter confirmed that at this time, several Local Plans had progressed and included a positive commitment to accommodating unmet needs arising in the Black Country – principally those of Lichfield, Cannock Chase, South Staffordshire and Shropshire.

26. Alongside these letters, two Duty to Cooperate meetings were held - in December 2017 and January 2020 - that the recipients of the letters were invited to attend. The purpose of those meetings was to provide an update on the scope of the Plan, to discuss the key issues arising from the emerging evidence with a focus on the likely scale of unmet housing and employment land needs and to confirm the need for the BCAs and key stakeholders to continue to work together.
27. A third Duty to Cooperate meeting was held in June 2021 to discuss the updated Black Country Urban Capacity Study and the need to develop approaches to address the housing and employment land shortfall through work on current Local Plans and review mechanisms. The related letters and meetings also formed the basis for individual meetings with neighbouring LPAs, and the associated representations made to Local Plan consultations.
28. The BCAs also met with the following regional stakeholders to discuss key strategic matters:
- a. West Midlands Combined Authority – principal interest in the delivery of brownfield land across the region.
  - b. Black Country Local Enterprise Partnership – principal area of interest was strategic economic priorities in the region. The BCLEP is now no longer in existence.
  - c. Greater Birmingham and Black Country Housing Market Area (GBBCHMA) - an open forum for local authorities to discuss cross boundary strategic planning matters, which are of relevance to the GBBCHMA.
  - d. West Midlands Resource Technical Advisory Body (RTAB) – overarching aim is to support and promote co-operation between Waste Planning Authorities (WPAs) and others.
  - e. West Midlands Aggregates Working Party (WMAWP) – principal area of interest is the collect and monitoring of data on aggregates provision as an aid to minerals planning.
  - f. Cannock Chase Special Area of Conservation (SAC) Partnership Joint Strategic Board – principal area of interest is the potential impact of visitors on the value of Cannock Chase SAC.
  - g. Transport for West Midlands (TfWM) - the body that formally performs the statutory Integrated Transport Authority (ITA) function for the West Midlands metropolitan area.
  - h. Highways England (HE) - principal area of interest will be the impact of housing and employment growth on the motorway junctions.
29. Appendix 2 sets out the DtC engagement for both the Black Country Plan and the Sandwell Local Plan from 2017 to 2024.

### **Summary of DtC Engagement Outcomes**

30. The primary strategic focus of DtC engagement for the BCP was around the issues of unmet housing and employment land needs. Through ABCA, the BCAs submitted representations to several local plans with a focus on housing and employment land issues, given the anticipated shortfall between identified need and the capacity of the

urban area to accommodate it. The BCAs also responded to emerging minerals plans with cross boundary impacts.

## **Housing Shortfall**

31. As of October 2021, the 'offers' from neighbouring LPAs to meet wider-than-local housing needs were:
  - a. South Staffordshire - 4,000 homes towards the needs of the GBBCHMA.
  - b. Cannock Chase - 500 homes towards the needs of the GBBCHMA.
  - c. Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA.
  - d. Shropshire - 1,500 homes to meet Black Country needs.
32. These contributions could provide up to 8,000 homes in total. For those LPAs contributing to the needs of the GBBCHMA (South Staffordshire and Cannock Chase), some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.
33. Further contributions were also being sought from Stafford (of up to 2,000 homes), Solihull (a proportion of the 2,105-dwelling contribution in their submitted Local Plan to the whole of the GBBCHMA), and as-yet undetermined contributions from Bromsgrove and Telford & Wrekin, who were both at the early stages of their Local Plan reviews at the time of the BCP Reg 18 consultation in 2021.
34. In the case of Telford and Wrekin, the higher growth option that was set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country was well placed to provide a source of 'need' for this housing. The BCAs saw this as being a minimum level of contribution given the historic role of Telford as a New Town to help address issues of overcrowding and living conditions in the West Midlands conurbation, and very high rates of housing completions over and above local needs in recent years.
35. The BCAs did recognise that further work would be required with GBBCHMA councils to confirm how the HMA-wide contributions should be apportioned between the respective Local Plan areas. It was anticipated that this would be addressed during and after the Black Country Plan Regulation 18 consultation and would inform the Regulation 19 Black Country Plan. These issues have consequently carried over into the production of the Sandwell Local Plan.

## **Employment Land Shortfall**

36. In terms of employment land, at the time of the demise of the BCP, the BCAs had secured 'confirmed contributions' from the Regulation 19 Shropshire Local Plan, which included provision for some 30ha of land to meet Black Country needs.
37. In addition, the South Staffordshire Local Plan review was being supported by a review of the 2017 Economic Development Needs Assessment (EDNA), which suggested that the area had a 'surplus' of some 19ha of land more than its own needs. Given the strong physical and functional relationship between South Staffordshire and the Black Country, any surplus of employment land could have been identified to meet Black Country needs.
38. As part of this work, the Black Country anticipated that a significant proportion of the consented West Midlands Interchange (WMI) site at Four Ashes could be attributed to

meet Black Country warehousing and logistics needs. The developable area of the site is 193ha.

39. Consultants were commissioned to carry out an analysis of the likely catchment of the scheme and this study recommended that the Black Country should be apportioned a minimum of 72ha, with the balance potentially available to meet any unmet needs arising in Greater Birmingham (98ha) and North Staffordshire; more than this would become available to the Black Country if it was found that these other areas did not have an unmet need. Work on the South Staffordshire Local Plan was paused in 2023 to await the outcome of the changes to the NPPF and other Government changes.
40. Further capacity was also sought from Stafford (between 30-40ha) and potentially from Telford & Wrekin and Bromsgrove.
41. In summary, the Shropshire contribution, plus the WMI's recommended apportionment could have provided for some 102ha of employment land towards meeting Black Country needs, plus any additional capacity arising from further evidence reviews for the South Staffordshire and Telford and Wrekin Local Plans.

### **The Demise of the Black Country Plan**

42. In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans. This followed Dudley Council's unilateral statement that it would withdraw from the BCP. This decision was confirmed for Sandwell Council through Cabinet approval on 16th November 2022 of a new Local Development Scheme setting out the programme for the preparation of a Sandwell Local Plan (SLP). However, the cessation of comprehensive joint working on the BCP has had implications for the way in which the BCAs undertake the Duty to Co-operate (DtC).
43. Meeting the Duty to Cooperate has always been a significant challenge for the BCAs given the significant shortfall of housing and employment land and the area's reliance on neighbouring authorities to help to meet the needs. While across the Black Country as a whole, the shortfall as set out in the BCP Regulation 18 Plan was some 28,000 homes and 210ha of employment land to 2039, this is not evenly spread, with the employment land requirement subject to significant variation and range in the individual BCAs.
44. At the time, three of the four BCAs had a housing shortfall, and all had an employment land shortfall. However, the housing and employment land shortfall is most severe in Sandwell, due to its historically high level of housing and employment land need and the limited amount of developable land available in the borough to meet it. In the case of employment land, Government guidance requires Councils to assess economic development needs across Functional Economic Areas (FEMAs). In the case of the Black Country, the evidence identifies the BCA as being a single FEMA but with strong economic ties to Staffordshire and Birmingham.
45. Up until the end of the BCP, DtC work for the BCAs, including responses to Local Plan consultations for neighbouring authorities, was led by the Association of Black Country Authorities (ABCA) on behalf of the four Councils. Working together through ABCA gave the BCAs a strong negotiating position regionally with significant contributions potentially being secured from neighbouring areas of some 8,000 homes and 130ha of employment land – all secured on a pan-Black Country basis. The BCAs have also been at the forefront of developing a Statement of Common Ground across the whole of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) which includes the

majority of neighbouring districts which could be expected to contribute towards addressing the shortfall. The current situation now means that any ‘offers’ from neighbouring areas will need to be clarified and apportioned between the BCLAs, which is now more difficult following the change of Government and subsequent consultation on changes to the NPPF and standard method for calculating housing need.

## The Sandwell Local Plan

46. The production of the Sandwell Local Plan and the Local Development Scheme was approved by Cabinet on 16<sup>th</sup> November 2022. The most recent Local Development Scheme was approved by Cabinet on 17<sup>th</sup> January 2024. The timetable for the preparation of the Sandwell Local Plan is as follows:

|                       |   |
|-----------------------|---|
| Nov 2022 – Feb 2023   | Preparation of Issues and Options document  |
| February – March 2023 | Issues and Options Consultation   |
| March – August 2023   | Draft Plan preparation  |
| Nov - Dec 2023        | Six-week Draft Plan consultation (Reg18)  |
| Jan - Sept 2024       | Preparation of Publication and Submission Local Plan (Reg19)                            |
| Sept – Nov 2024       | Publication of the Sandwell Local Plan (Reg19)  |
| December 2024         | Submission of the Plan and representations made through Reg19 to the Secretary of State |

## Strategic Matters for Sandwell

47. As previously stated, the main strategic matters for Sandwell, regarding the DtC, continue to be the shortfall in housing and employment land. However, there are additional strategic matters that will need to be addressed during the production of the Sandwell Local Plan. The following table sets out the strategic matters arising from the emerging Sandwell Local plan and its relevant prescribed body.

| <b>Strategic matters arising from the emerging Local Plan</b> | <b>Relevant Prescribed Body</b>   |
|---|---|
| Meeting unmet housing need                                    | Black Country Authorities and Birmingham City Council as neighbouring authorities.<br>Other authorities in the GBBCHMA                                  |
| Meeting unmet employment need                                 | Black Country Authorities and Birmingham City Council as neighbouring authorities.<br>Other authorities in the FEMA<br>Other authorities in the GBBCHMA |

| Strategic matters arising from the emerging Local Plan             | Relevant Prescribed Body   |
|--|--|
| Cross-boundary transport issues                                    | Highways England<br>Transport for West Midlands<br>Black Country Transport<br>Network Rail                           |
| The development of green and blue infrastructure                   | Natural England<br>Environment Agency<br>Canals and Rivers Trust<br>Sport England                                    |
| Effect of new development on healthcare and the emergency services | Black Country Integrated Care Board<br>West Midlands Police<br>West Midlands Ambulance Service<br>West Midlands Fire |
| Effect of new development on utility companies                     | Western Power Distribution/National Grid<br>Severn-Trent<br>South Staffs Water                                       |
| Effect of new development on flood risk                            | Environment Agency<br>Natural England  |
| Effect of new development on biodiversity                          | Natural England  |
| Effect of new development on air quality                           | Environment Agency<br>DEFRA<br>Natural England   |
| Effect of new development on the historic environment              | Historic England   |
| Effect of new development on waste disposal                        | RTAB   |
| Effect of new development on mineral extraction                    | RAWP   |
| Effect of new development on climate change                        | Environment Agency<br>Natural England  |



## Strategic Issues for the Sandwell Local Plan

### Meeting unmet housing need

48. The level of unmet housing and employment land need in Sandwell is still a major strategic issue for the Council. Prior to the demise of the Black Country Plan in 2022, the Black Country Authorities were working with other local authorities with a view to them providing land to meet some of the unmet need. Prior to consultation on the Draft Sandwell Local Plan (Reg18), Sandwell wrote to colleagues at Lichfield DC, South Staffs DC, Shropshire Council and Telford and Wrekin Council requesting continued discussion and clarification regarding their previous offers of contributions towards the unmet need of the Black Country (see letters in Appendix 4). Sandwell also wrote to the Black Country authorities to discuss how contributions to the Black Country could be apportioned, only Dudley responded. (see letters in Appendix 5).
49. At this stage (December 2024) the current 'offers' from Cannock Chase, Shropshire, South Staffordshire and Telford & Wrekin provide for 4,240 homes and several SoCG have been progressed to reflect this and are shown in Table 1.
50. Following various changes to the NPPF in 2023, Sandwell Council wrote to local planning authorities within the GBBCHMA and other neighbouring authorities in June 2024 to determine whether they were able to make any contribution to the wider housing shortfall, through either current or future local plan reviews. This request was consistent with the NPPF at the time, which confirmed the need for Local Plans to consider how they can accommodate need from neighbouring areas where it is practical to do so whilst achieving sustainable development through the Duty to Cooperate. The councils were asked to provide the following information:
  - a. confirm the timetable for reviewing their Local Plan and the term of this Local Plan.
  - b. confirmation of whether their adopted and emerging Local Plan can meet local housing needs in full within the administrative area.
  - c. confirm how their adopted / emerging Local Plan is responding to the requirements of the NPPF outlined above and whether their council will be able to contribute to the overall unmet need in the wider HMA area.
  - d. confirm whether this contribution will be for the Black Country, Birmingham, or for the wider HMA.
  - e. confirmation of whether their adopted and emerging Local Plan can meet Gypsy and Traveller needs in full within the administrative area.
51. This information was collated and can be found in Appendix 6 along with a copy of the letter.
52. At the time of updating this DtC Statement (December 2024) a draft SoCG is being progressed for agreement with the GBBCHMA authorities on the contributions to the Black Country's and HMA shortfall and the apportionment of contributions. Using the agreed methodology this SocG identifies a potential contribution of 680 homes to meet needs arising in Sandwell from the total contribution figure of 4,240 as shown in Table 1.
53. Subject to its ongoing Examination, should Shropshire's Local Plan not proceed to adoption, the agreed position will need to be reviewed. Any consideration of further contributions from Shropshire as part of future Local Plan Reviews will need to reflect



updates to Shropshire’s own housing need and its ability to accommodate these needs within its administrative boundary.

54. The Council is committed to working with all neighbouring Local Plan areas including those in the GBBCHMA to progress a programme of work involving an update of the 2018 Housing Market Area Growth Study to understand the extent of the combined housing shortfall across the GBBCHMA and to develop scenarios designed to address this shortfall. The work is anticipated to commence in late 2024.

55. In addition, the four BCAs agreed to continue to work together with regard to DtC discussions and a series of meetings has been arranged between the BCAs and the other local authorities, including those authorities in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) plus other authorities with a functional relationship with this area, as well as bilateral meetings (see list of meetings in appendix 4).

56. The latest unconfirmed contributions are set out in table 1 below:

**Table 1 - Potential contributions towards meeting unmet housing and employment land need from neighbouring local authorities**

| Contributing Authority | Contribution to           | Land Type   | Total Potential Contribution | Sandwell’s Confirmed apportionment | Statement of Common Ground  |
|------------------------|---------------------------|-------------|------------------------------|------------------------------------|---|
| Cannock                | GBBC HMA                  | Residential | 500                          | 0                                  | This contribution will be included within the SoCG for the wider HMA SoCG. This SoCG will also deal with the apportionment of any contributions to Sandwell |
| Shropshire Council     | Black Country Authorities | Residential | 1,500                        | 0                                  | SoCG between Shropshire Council and the Black Country Authorities   |
|                        |                           | Employment  | 30 ha                        | 0 ha                               |   |

| Contributing Authority | Contribution to           | Land Type   | Total Potential Contribution | Sandwell's Confirmed Apportionment   | Statement of Common Ground   |
|------------------------|---------------------------|-------------|------------------------------|--|--|
|                        |                           |             |                              |  | (July 2021 / October 2024)<br>Appendix 7   |
| South Staffordshire    | GBBC HMA                  | Residential | 640                          | 0  | SoCG between South Staffordshire DC and Sandwell MBC (July 2024)<br>Appendix 7       |
|                        | Black Country FEMA        | Employment  | 112.2 ha (min)               | (contribution for the FEMA will not be apportioned between the individual authorities) | SoCG with South Staffordshire FEMA (including Sandwell MBC) (Aug 2024)<br>Appendix 7 |
| Telford                | Black Country Authorities | Residential | 1600                         | 0  | SoCG being progressed  |
| <b>Total</b>           |                           | Residential | 4,240                        | 0  |  |
|                        |                           | Employment  | 142.2 ha                     | 0 ha   |  |

### Meeting Unmet Gypsy and Traveller Need

57. The Council commissioned an update to the Gypsy and Traveller Accommodation Assessment (GTAA) in 2022. This evidence suggests that there is still a slight shortfall against the figures set out in the GTAA and so the Council cannot meet its own needs.

58. To try and meet our own needs and to examine the potential to meet the needs of our neighbours (including South Staffordshire (SoCG with South Staffordshire DC July 2024) and Dudley), the Council undertook a thorough survey of Council owned land and contacted landowners who had submitted sites through the Call for Sites process.

However, no new sites were identified as deliverable or developable for permanent gypsy and traveller pitch provision.

## Meeting Unmet Employment Land Need

59. As Sandwell forms part of Black Country Functional Economic Market Area (FEMA) discussions have been on going at a Black Country level on how the unmet employment land need across the four Boroughs can be met. The EDNA forms the main evidence base and has recently been updated. The latest EDNA (November 2024) shows that there is an employment land need of 571.6 hectares up to 2041, across the Black Country FEMA. This is based on the mid scenario of past completions. The total supply across of employment land across the Black Country is 307.65 ha.
60. Discussions have continued between the BC FEMA with Shropshire Council, who have confirmed their contribution of 30 ha to the Black Country Functional Economic Market (FEMA). A SoCG between Shropshire Council and the BCA has been agreed which confirms the employment land contribution made to the Black Country (Appendix 7).
61. Subject to its ongoing Examination, should Shropshire's Local Plan not proceed to adoption, the agreed position will need to be reviewed. Any consideration of further contributions from Shropshire as part of future Local Plan Reviews will need to reflect updates to Shropshire's own housing need and its ability to accommodate these needs within its administrative boundary.
62. Since the pause in 2023, South Staffordshire updated its employment needs evidence, this resulted a contribution of (minimum) 112.2 ha to the Black Country FEMA. This may increase if other authorities in the South Staffordshire FEMA do not wish to 'claim' a contribution. A SoCG has been agreed (Appendix 7) between those authorities within the South Staffordshire FEMA, including Sandwell Council as part of the BC FEMA confirming the contribution from South Staffordshire towards meeting needs arising in the Black Country as of August 2024.
63. Authorities within the West Midlands Strategic Employment Sites Study Area (WMSESS) together agreed a brief and commissioned a study to understand the future requirements for strategic sites across the area and the findings have been published. The report (<https://www.sandwell.gov.uk/downloads/file/3238/west-midlands-strategic-employment-sites-study-august-2024>) identifies road opportunity areas which are considered to provide a guide on optimum locations for future (road based) strategic employment sites. A number of these locations are within areas that have an identified functional economic relationship with the Black Country and so have the opportunity to meet needs arising in the Black Country of a scale that may close out the current shortfall. The Council will continue to work with the relevant local authorities to ensure that the recommendations of the work are being fully considered.

## Cross-boundary Issues

### Transport

64. The Council regularly liaises with key transport infrastructure providers across the region with a common recognition that there remain several challenges, including highways, parking, freight, rail and metro, bus and active travel. There are also a number of opportunities that both the Council and the infrastructure providers will work together to exploit. At the same time there is a recognition that the current transport proposals will

not be sufficient to bridge the gap to Government targets and that an integrated approach to infrastructure investment and demand management is required to increase the pace of behavioural change.

## **Other**

65. Discussions have also been held with our neighbouring councils – Birmingham City Council, Dudley Council, Walsall Council and the City of Wolverhampton Council. The following issues were raised:

## **Dudley Council**

66. Dudley Council want to ensure that the replacement of any playing pitches due to the potential redevelopment of those at Lion Farm, will take account of potential cross-boundary sport usage.
67. Dudley Council also want to ensure that, regarding proposed residential development at Edwin Richards Quarry, the cumulative impacts on cross boundary infrastructure, including highways, should be considered via detailed planning application.
68. In respect of education, historically for cross-border flow of pupils, the largest flow for Dudley MBC is with Sandwell MBC. As such Dudley MBC's Education Team have requested ongoing discussions in relation to housing allocations near to the Dudley/Sandwell boundary. They are particularly aware that the allocation at Bradley's Lane (SH25) and the various allocations around Cradley Heath are located closer to primary schools within Dudley borough than those in Sandwell.
69. Sandwell Council has agreed to these requests.
70. Dudley Council has prepared a Statement of Common Ground setting out the cross-boundary issues that the two councils agree on, plus the matter where the councils disagree - the release of green belt in Dudley to reduce their housing supply shortfall.

## **Other Issues**

### **Green and Blue Infrastructure**

71. The Environment Agency (EA) engaged with the BCAs regarding the draft BCP. Since then, Sandwell Council has worked with the EA and has incorporated their suggestions on green and blue infrastructure, climate change, flood risk and mitigation within the various iterations of the Sandwell Local Plan where appropriate. The EA reviewed the methodology for the Level 1 Strategic Flood Risk Assessment and their recommendations have been incorporated into the relevant policies. The EA were also consulted on the approach used for the sequential test during August 2024. They did not raise any issues or objections. The EA also submitted a number of representations on the Regulation 19 version of the Local Plan. They identified that the Sustainability Appraisal excludes the fact that some of the allocated sites listed in appendix B of the Plan are in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b and will require Level 2 SFRA assessments. The Council is undertaking the level 2 assessments where necessary.
72. Existing identified sports pitch provision needs will be the main green infrastructure priorities for the Sandwell Local Plan, notwithstanding changes to levels of participation in different sports throughout the plan period. The Council has been working throughout

the production of the Local Plan to identify areas where replacement football pitches could be located.

### **Effect of new development on healthcare and the emergency services**

73. At this stage, engagement with Black Country Integrated Care Board (ICB) has indicated that they have no concerns in terms of primary healthcare capacity when considering Sandwell's proposed planned growth. However, those areas needing the greatest level of new investment have been identified. The ICB aim to be proactive in engaging with local authorities and developers alike, partnering in the delivery of schemes to achieve the greatest outcomes for healthcare infrastructure.
74. The engagement with the emergency services operating within Sandwell has indicated that future requirements are usually determined through both NHS national requirements and the ongoing requirements of the West Midlands Police Force and are linked to the delivery of new developments. Therefore, the Council will continue to liaise with the relevant parts of the emergency services throughout the Local Plan period as the levels of growth and location of new sites become a reality. West Midlands Police have suggested a formula for calculating S106 contributions to raise additional resources to fund the Police service in Sandwell but did not identify any particular infrastructure need arising from new housing development.

### **Effect of new development on utility companies**

75. With regard to water supply, the council tried to engage with South Staffordshire Water, as the water supplier for much of the Sandwell area, as part of the production of the Infrastructure Delivery Plan (IDP). However, South Staffs did not respond to any requests to meet and did not provide any information. This lack of engagement means that at this stage of plan production, there is limited understanding of the extent of drinking water supplies or sewerage and drainage capacity within Sandwell. However, the Council has commissioned a Water Cycle Study as part of the evidence base to support the delivery of the local plan and will act based on recommendations in that report. The Water Cycle Study will plug this gap and provide an indication of specific infrastructure needs and associated costs that can be factored into site-specific policies and viability assessments.
76. Severn-Trent Water has engaged with the local plan process through the Infrastructure Delivery Plan and will take action to provide water and sewage infrastructure in line with the statutory duty. Severn-Trent has indicated that they will provide specific comments on the suitability of individual site allocations with respect to the water and sewerage network. Where there are concerns over the capacity of the network, modelling work may be undertaken to better understand the potential risk. The infrastructure requirements /stresses are included within the Infrastructure Schedule.
77. Discussion with National Grid Electricity Distribution (NGED) highlighted several constraints and issues with the electricity network in the borough which will need to be addressed. A number of network reinforcement works have been identified through the IDP. These are summarised in part two of the IDP.
78. The Council regularly responds to request from NGED for information regarding planned developments in Sandwell, to enable their network planning process. This engagement will continue.

### **Effect of new development on flood risk**

79. Both Natural England and the Environment Agency engaged with the BCAs regarding the draft BCP and Natural England submitted representations to Sandwell's Issues and Options consultation. The EA were also consulted on the approach used for the sequential test; no issues or objections were raised. However, the EA did submit representations on the Regulation 19 Local Plan and suggested various amendments along with a recommendation that several housing sites undergo a level 2 SFRA. The Council is liaising with the SFRA consultants and have undertaken level 2 assessments where appropriate.

### **Effect of new development on biodiversity**

80. Natural England has engaged with the BCAs regarding the draft BCP and Sandwell's Issues and Options consultation. Sandwell Council forwarded the final draft Natural Environment policies to Natural England before the consultation on Reg 19 for their consideration. Any comments made by Natural England have been considered and included as minor modifications where appropriate.

### **Effect of new development on air quality**

81. The Environment Agency engaged with the BCAs on the draft BCP. Sandwell Council has taken on board their comments and included policies and proposals that will mitigate the effects of new or existing developments that contribute to poor air quality.

82. Sandwell Council, alongside neighbouring authorities, met with Natural England and other partner authorities on several occasions [see Appendix 8 for minutes of the meetings] to discuss potential impacts on Special Areas of Conservation (SACs). Several sites (Fens Pool SAC; Oakhanger Moss SSSI; Cannock Chase SAC and Cannock Extension Canal SAC) were discussed and the group and NE came to an agreement that adverse effects on site integrity could be ruled out for reasons set out in paragraphs 18-27 of the SoCG (Appendix 8).

83. Natural England raised issues in their response to the Reg 19 consultation regarding Air Quality on SACs and commented on recreational impacts at Cannock Chase SAC. To understand their concerns Sandwell met with NE where it was agreed that the NE Reg19 response needed to be clearer and they have subsequently submitted an addendum to their original Reg 19 response. (Appendix 8).

### **Effect of new development on the historic environment**

84. Historic England engaged with the BCAs regarding the draft BCP. It also liaised with the Council on Sandwell's Issues and Options consultation. Sandwell Council met with Historic England to discuss their response to Reg 18 consultation and their requirements for heritage assessments of allocations. The site assessment methodology and a sample of site assessments and draft Historic Environment policies were forwarded to Historic England before the Reg 19 consultation for their consideration. Further changes to the text of the historic environment policies were agreed and incorporated into the Regulation 19 version. Following pre-submission public consultation on the draft Reg 19 SLP, further comments from Historic England were received and will be incorporated as *de minimis* changes when the SLP is adopted.

## **Effect of new development on waste disposal**

85. The Council has been involved in waste discussions through the West Midlands Resource Technical Advisory Body (RTAB), a body set up to support and promote co-operation between Waste Planning Authorities (WPAs) and others. The Council sent DtC letters out to those Waste Planning Authorities (WPAs) where waste movements were above the agreed thresholds for waste movements.
86. Letters were set out on the 19th of April 2023 and were followed up on the 25th of May 2023. Staffordshire, Dudley and Walsall Councils considered the matter to be significant enough to warrant a Statement of Common Ground (SoCG), whereas Cheshire East and Chester Council requested further discussions on the matter. However, since then waste movements taken from the Environment Agency's Waste Data Interrogator (2018-2022) were used to gauge whether the waste movements from Sandwell to other WPAs were considered strategic and whether there was a need to engage in DtC dialogue with these WPAs. Using the new WMTRAB waste movement thresholds the information from the Waste Data Interrogator showed that there were no significant waste movements between Sandwell and other WPAs. Therefore, there was no need for DtC dialogue or a SoCG.
87. To be considered a significant waste movement, a local authority would have to send 20% of its waste generated to a WPA for three out of five years and 40% in the last year. Sandwell is a net importer of waste and over the last five no waste movements to other WPAs meet the WMTRAB thresholds.
88. Sandwell has continued to meet with the Black Country authorities and it is considered that a Black Country Statement of Common Ground (SoCG) is also not required. DtC discussions are also continuing through WMRTAB.

## **Effect of new development on mineral extraction**

89. Any issues around the extraction and preservation of minerals are discussed at the West Midlands Aggregates Working Party (WMAWP) whose principal area of interest is the collection and monitoring of data on aggregates provision as an aid to minerals planning. Any cross-boundary issues regarding minerals are discussed at this meeting. At present, the provision of minerals is not considered to be a strategic matter for Sandwell, although, the Council is willing to participate in any discussions if required.

## **Local Aggregate Assessment**

90. Local Aggregates Assessment (LAA) for the West Midlands Metropolitan Area updates the previous document published in 2016 and provides information as of 2022. The LAA for the West Midlands comprises the seven metropolitan authorities.
91. Each Metropolitan Area local authority is a minerals planning authority. However, unlike County Councils they do not prepare specific Minerals Local Plans, instead local plan policies address planning for and recycling of aggregates as appropriate. The Metropolitan Area is a producer of primary land won sand and gravel, most of which occurs in Solihull with some smaller workings in Walsall; there are currently no viable crushed rock reserves. An inevitable consequence of this is that the Area is a significant importer of aggregates, and this situation is expected to continue. Facilities where recycled and secondary aggregates are produced are distributed more widely across the Area.

92. Work has been progressing on updating the LAA, through continued discussions. It is hoped to have an updated assessment by the end of 2024.

## Climate Change

93. The Environment Agency engaged with the BCAs regarding the draft BCP. Sandwell Council has continued to work with them to include policies and proposals that will mitigate against the effects of climate change across the borough and the wider area. The Environment Topic Paper sets out in some detail the work that has been undertaken to ensure the SLP climate change policies meet current legislative requirements and address areas of concern for both the Council and other interested parties. This work was undertaken with the assistance of consultants Bioregional and Edgars and produced a set of updated policies.
94. Further to the receipt of representations to the Regulation 19 public consultation on the SLP's revised climate change policies, they have again been engaged to consider and respond to the comments that were submitted by developers, interested bodies and individuals.

## Next Steps

95. The Council is continuing to make every effort to liaise with key stakeholders and prescribed bodies with a view to reaching a consensus on how to deal with the strategic matters and enter into statements of common ground where appropriate.

## Outcomes from Duty to Co-operate Discussions

96. Sandwell Council has undertaken a number of duty to cooperate discussions throughout the preparation of the Sandwell Local Plan. These discussions have resulted in changes to the policies and proposals on the published Plan.
97. Where considered appropriate, Statements of Common Ground (SoCG) with relevant partners are being prepared. Specifically, the following Statements of Common Ground are to be submitted:

**Table 2 Statements of common ground**

| Organisation  | Strategic Issue Addressed  | Status  |
|---|--|---|
| Black Country Local Authorities and South Staffordshire District Council FEMA | Employment land contribution   | August 2024<br>Appendix 7                                 |
| Black Country Local Authorities FEMA  | Apportionment of employment land contributions between the four BCAs | In progress   |
| Dudley Council and Sandwell Council   | Cross boundary issues  | Draft available – not yet agreed and signed<br>Appendix 7 |
| Sandwell MBC and Telford and Wrekin Council                                   | Housing land contribution  | In progress   |



| Organisation  | Strategic Issue Addressed  | Status   |
|---|--|--|
| Greater Birmingham and Black Country Housing Market Area (GBBCHMA)  | Update of Local Plan reviews and emerging shortfall to 2042. Agreement to approach of apportioning current contributions to the Black Country and to the GBBCHMA   | Draft SoCG received (appendix 7). Work in progress                           |
| Natural England and Cannock Chase DC; City of Wolverhampton Council; Dudley MBC; East Staffordshire BC; Lichfield DC; Sandwell MBC; Stafford BC; South Staffordshire DC and Walsall Council | Agreement that the relevant evidence demonstrates air pollution resulting in exceedance of critical loads and / or levels is present at the four identified European sites, however adverse effects on site integrity can now be ruled out for the reasons set out in paragraphs 18-28 in the SoCG | Agreed December 2024 (Appendix 8)  |
| South Staffordshire District Council  | Agreement of housing contribution to GBBCHMA and employment land contribution to BC FEMA. South Staffordshire to review Sandwell Council's approach to site search for Gypsy and Travellers in Reg 19 Plan   | Agreed July 2024 (Appendix 7)  |
| Shropshire Council and Black Country Authorities  | Housing and Employment Land contribution – addendum to existing SoCG   | Agreed July 2021 / Addendum October 2024 as part of Examination (Appendix 7) |
| West Midlands Resource Technical Advisory Body  | Matters of agreement between the Waste Planning Authority members of WMRTAB in terms of how waste will be planned for in the West Midlands   | Agreed – signed September 2023 Appendix 7                                    |

## **Appendix One - Evidence Commissioned on a Joint Basis**

A significant number of evidence base studies were prepared between 2019 and 2024 to support the emerging BCP and subsequent individual local plans, including the Sandwell Local Plan. The most important of these studies are listed below:

### Centres

Black Country Centres Study (2020) – Lambert Smith Hampton

Black Country Centres – 2021 Update – Vols. 1-3 - Lambert Smith Hampton

Black Country Centres – addendum 2022 - Lambert Smith Hampton

Black Country Centres Study – further update 2024 - Lambert Smith Hampton

### Economy and Employment

Black Country Employment Area Review (BEAR) and Appendices (July 2021)

Black Country Economic Development Needs Assessment Update (EDNA2) (Warwick Economics & Development Ltd) (2022)

Black Country Economic Development Needs Assessment Update – 2020-2041 (August 2023)

Black Country Economic Development Needs Assessment Update – 2020-2041 (October 2023)

### Housing

Sandwell Strategic Housing Land Availability Assessment (SHLAA) 5 Year Housing Land Supply Update as of April 2024 (September 2024)

The Black Country Housing Market Assessment Final Report (HDH Planning & Development Ltd) (March 2021)

Black Country Urban Capacity Review Update (May 2021) – to be updated

Black Country Gypsy and Traveller Accommodation Assessment (April 2022)

### Sustainability Appraisal

Sustainability Appraisal of the Black Country Plan - Volume 1 - Regulation 18 SA Report (Lepus Consulting) (July 2021)

### Health and Wellbeing

Draft Black Country Plan Health Evidence Base Report (August 2021)

### Minerals and Waste

Black Country Minerals Study - Review of the Evidence Base for Minerals to support preparation of the Black Country Plan (Wood Environment & Infrastructure Solutions UK Limited) (January 2020)

Black Country Minerals Study Update (November 2023)

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Black Country Waste Study - Review of the Evidence Base for Waste to support preparation of the Black Country Plan (Wood Environment & Infrastructure Solutions UK Limited) (April 2020)

BCA Waste Study Update (September 2023)

### Transport

Black Country Parking Study Stage 1 Report Sandwell Metropolitan Borough Council (AECOM) (August 2021)

Black Country Transport Modelling Report (2023) – SWECO

Black Country Transport Modelling Report – update – SWECO (2024)

### Environment

Habitats Regulations Assessment of the Black Country Plan - Interim HRA (Lepus\_Consulting) (July 2021)

The Black Country Authorities Level 1 Strategic Flood Risk Assessment Final Report (JBA Consulting) (June 2020)

Black Country Councils Water Cycle Study: Phase 1 Scoping Study (JBA Consulting) (May 2020)

Black Country Historic Landscape Characterisation Study Final Report (Oxford Archaeology) (October 2019)

Local Sites Ecological Surveys for Sandwell SINC/SLINC sites

### Green Belt

Black Country Green Belt Study – Stage 1 and 2 Report (LUC) (September 2019)

Black Country Landscape Sensitivity Assessment Main Report and Sandwell MBC Landscape Sensitivity Assessment (LUC) (September 2019)

### Infrastructure and Delivery

Black Country Plan Viability and Delivery Study (Aspinall Verdi) (May 2021)

Black Country Utilities Infrastructure Capacity Study (Stantec) (September 2019)

### Sites Assessment

Draft Black Country Plan Site Assessment Report: Assessment and Selection Methodology and Results and Appendix B - Sandwell MBC (August 2021)

### WMCA Brownfield Land Study

The Black Country Plan: Assessment of the Potential for Additional Brownfield Land Development Capacity (West Midlands Combined Authority) (Chilmark Consulting) (March 2022)

## Appendix Two - Duty to Cooperate Schedule

It should be noted that it is not the intention or purpose of this document to record every discussion and all the joint working that has occurred during the Local Plan Review process. The table below sets out the cross strategic planning issues and the local authorities relevant to the matter. This table will act as a 'live document' and will be updated as the plan progresses.

| Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022 |  |  |  |
|---|--|--|--|
| Meeting type  | Public body/ organisation  | Meeting dates  | Topics discussed   |
| Duty to Cooperate discussions with individual LPAs                          | Birmingham City Council (from November 2020 onwards)               | 20/05/2021; 25/11/2020; 04/11/2020   | Local Plan programme and issues arising from Black Country Plan evidence gathering.                    |
|   | Cannock Chase Borough Council (May 2020 onwards)                   | 22/04/2021; 16/02/2021; 15/012/2020; 13/10/2020; 22/05/2020  | Cannock Chae Local Plan and key issues emerging from Black Country Plan evidence                       |
|   | Lichfield Borough Council (from June 2020 onwards)                 | 19/01/2021   | Lichfield Local Plan Regulation 19 Plan  |
|   |  | 14/07/2020; 04/06/2020   | Lichfield Local Plan and key issues emerging from Black Country Plan evidence                          |
|   | Shropshire Council (meetings from April 2020 onwards)              | 09/03/2021; 22/01/2021; 13/11/2020; 22/10/2020; 24/09/2020; 25/08/2020; 30/07/2020; 19/06/2020; 21/05/2020; 02/04/2020 | ABCA representations to Shropshire Local Plan and Black Country Plan Evidence.                         |
|   | Stafford Borough Council (from January 2020 onwards)               | 26/03/2021   | West Midlands Interchange apportionment work   |
|   |  | 23/12/2020; 14/10/2020; 09/07/2020; 30/06/2020; 20/05/2020; 24/03/2020; 27/02/2020; 30/01/2020                         | Stafford Local Plan and key issues emerging from Black Country Plan evidence.                          |
|   | South Staffordshire Council (meetings from September 2019 onwards) | 12/07/2021   | Presentation to South Staffordshire Councillors on the Black Country Plan as presented to BCA Cabinets |
|   |  | 09/06/2021; 12/05/2021; 02/02/2021; 13/11/2020; 04/06/2020; 12/05/2020; 24/04/2020; 20/03/2020; 19/12/2019; 24/09/2021 | Local Plan timetables and issues arising from Black Country Plan evidence gathering.                   |
|   | Telford & Wrekin Borough Council (from November 2020 onwards)      | 26/03/2021; 06/01/2021; 14/12/2020; 19/11/2020   | Local Plan programme and issues arising from Black Country Plan evidence gathering.                    |

| Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022 |  |  |   |   |
|---|--|--|---|---|
| Meeting type  | Public body/ organisation  | Meeting dates                              | Topics discussed  |   |
|   | Wyre Forest Borough Council (from October 2019 onwards)          | 05/12/2019; 03/10/2019                     | Local Plan timetables and ABCA representations to Wyre Forest Local Plan.   |   |
| Regional Stakeholder meetings   | West Midlands Combined Authority Housing and Land Delivery Board | 03/03/2021                                 | Strategic outline business case for an Affordable Housing Delivery Vehicle, Zero Carbon Homes Charter and Routemap, Advanced Manufacturing in Construction Routemap |   |
|   |  | 13/01/2021                                 | Affordable Housing Delivery Vehicle, Zero Carbon Homes Charter and Routemap   |   |
|   |  | 02/11/2020                                 | Local Plans: Progress, Zero Carbon Homes Programme, Advanced Manufacturing in Construction  |   |
|   |  | 07/09/2020                                 | CV19 Recovery – Town Centre Living and Regeneration, Advanced Manufacturing in Construction Routemap  |   |
|   |  | 27/04/2020                                 | Affordable homes delivery vehicle, Zero carbon homes  |   |
|   |  | 15/01/2020                                 | Affordable housing policy, inclusive growth corridors – delivery and investment plans   |   |
|   |  | 30/09/2019                                 | Regional design charter and modern methods of construction  |   |
|   |  | 21/02/2019                                 | Regional design charter and town centres programmes   |   |
|   |  | 20/12/2018                                 | Growth corridors and strategic development opportunities  |   |
|   |  | 06/09/2018; 25/10/2018                     | Town centres programmes   |   |
|   |  | 21/02/2018; 16/17/2018                     | WMCA Spatial Investment and Delivery Plan   |   |
|   |  | Black Country Local Enterprise Partnership | 12/02/20  | Presentation to LEP Board on key issues and opportunities, the emerging vision and evidence update. |
|   |  |  | 01/07/2019  | Presentation to LEP Board on key issues and opportunities, the emerging vision and evidence update. |
|   | June 2019  |  | Presentation to LEP Board on key issues and opportunities,  |   |

| Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022 |  |   |  |
|---|--|---|--|
| Meeting type  | Public body/ organisation  | Meeting dates   | Topics discussed   |
|   |  |   | the emerging vision and evidence update.   |
|   |  | 17/12/2018  | Presentation to LEP Board on Black Country Plan scope, key issues and next steps.  |
|   | Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Officer Group | Quarterly meetings  | Regular updates on progress of the Black Country Plan and key issues emerging from evidence with a focus on housing and employment land shortfalls. This work has informed the HMA position statement updates and discussions over the potential for SoCGs and future joint working. Meetings have also discussed recommendations from the West midlands Strategic Employment Sites Study and Regional Aggregates Assessment.  |
|   | West Midlands Resource Technical Advisory Board (RTAB)                           | 10/06/2021;08/12/2020; 05/03/2020; 10/09/2019; 11/05/2018 | <p>WMRTAB have been informed that the 4 Black Country Authorities are producing the Black Country Plan (BCP), which is anticipated for adoption during 2024, with draft plan consultation during Aug/ Sept 2021. Also made aware of the substantial additional housing land required and will need to allocated sites including green belt land.</p> <p>WMRTAB have been kept updated on the evidence base produced by Wood, which has informed the Waste chapter policies of the Black Country Plan Draft Plan stage.</p> <p>WMRTAB chair and WPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Waste issue) on</p> |

| Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022 |  |  |  |
|---|--|--|--|
| Meeting type  | Public body/ organisation  | Meeting dates  | Topics discussed   |
|   |  |  | 14 January 2020 and 9 June 2021.   |
|   | West Midlands Aggregates Working Party (WMAWP)                             | 16/04/2021; 23/04/2020; 08/10/2019; 09/07/2019; 13/07/2018 | <p>WMAWP informed and updated over time by the 4 Black Country Authorities as to the emerging Black Country Plan (BCP) – including as to housing and employment growth, the likely need to develop some green belt land, draft plan consultation in Aug/Sept 2021 and anticipated adoption in 2024.</p> <p>WMAWP has been kept updated on the evidence base produced by Wood consultants (including a detail presentation by Wood at the 8 October 2019 meeting) – the Dec 2019 / Jan 2020 Minerals Study informing the Minerals chapter policies in the BCP Draft Plan.</p> <p>WMAWP chair and MPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Minerals issues) on 14 January 2020 and 9 June 2021.</p> |
|   | West Midlands Combined Authority Strategic Transport Officers Group (STOG) | Monthly 2017-2021  | STOG has received updates on the BCP's progress at intervals over the last 4 years. The group has oversight of the West Midlands LTP and will ensure that there is alignment between the policies it contains and the transport elements of the BCP through the involvement of the WMCA transport Support Group  |
|   | West Midlands Combined Authority Transport Support Group (TSG) (formerly   | Quarterly 2017-2020; Monthly 2020-2021                     | Local Plan progress is a standing item on the agenda for this meeting. TSG has been kept up to date on the evidence being prepared as  |

| Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022                          |   |  |  |
|--|---|--|--|
| Meeting type   | Public body/ organisation   | Meeting dates  | Topics discussed   |
|  | Connected to Growth Group)  |  | part of the Parking study and Transport Modelling study. TfWM officers are part of the groups overseeing the commissions for both pieces of evidence.  |
| Other meetings with prescribed bodies / key stakeholders   | Cannock Chase SAC Partnership – Joint Strategic Board and Officer Working Group   | Various 2017-2021  | Implementation of the current MOU. Update of the evidence base during 2018-2021 (including visitor survey and projected housing completions arising from Draft BCP). Potential revision of the Partnership MOU to reflect updated evidence base. |
|  | Environment Agency  | Various 2018-2021  | Various meetings that have focused around the development of the Level 1 and 2 SRFA and Water Cycle Study work.  |
|  | West Midlands Combined Authority  | 2018 – 2021  | Various discussions to ensure alignment of the Black Country Plan with WMCA strategic priorities.  |
|  | Natural England   | Various 2019-2021  | Discussed overall approach to policies and use of Natural Capital. The development of NRN was also discussed and agreed to include NE reps as work progresses to gain endorsement.   |
|  | Staffordshire County Council School Organisation and South Staffordshire Council Planning Teams   | 12/06/2019; various dates in 2021  | Potential cross-boundary implications of future housing development within the Black Country and South Staffordshire on school place provisions and planning.  |
| To discuss health needs in the Black country and develop and agree BCP policies on health, including | Dudley, Sandwell & West Birmingham, Walsall and Wolverhampton Clinical Commissioning Groups (CCGs) (now Black country and West Birmingham | 01/07/2021; 13/05/2021; 29/01/2021; 23/10/2020; 24/06/2020; 07/01/2020; 20/09/2019 | Progress on Black Country plan, draft Health & Wellbeing Chapter, draft policies including health infrastructure policy on developer contributions (including methodology at some meetings), potential demand for health infrastructure from new |



| <b>Duty To Cooperate Engagement related to the Black Country Plan - 2017- 2022</b> |   |                      |  |
|--|---|----------------------|--|
| <b>Meeting type</b>  | <b>Public body/ organisation</b>  | <b>Meeting dates</b> | <b>Topics discussed</b>  |
| developer contributions.   | CCG); Royal Wolverhampton Hospital Trust; Dudley, Sandwell, Walsall & Wolverhampton LPAs & Public Health Departments; NHS Improvement (some); West Midlands Fire Service (to 10/06/2019); Dudley Council Transportation (14/05/2021); Transport for West Midlands (16/07/2021), Wolverhampton Council Estates (16/07/2019 & 20/09/2019); Active Black Country (from 29/01/2021) |                      | housing allocations in BCP, evidence base/ SPD to support policies. Plus, BCP accessibility standards for new healthcare facilities (24/06/2020 only), draft Sustainability Assessment and Viability Assessment (29/01/21 & 13/05/2021), BCP Infrastructure Delivery Plan (29/01/2021 & 13/05/2021), Black Country Garden City (13/05/2021). |
|  |   | 16/07/2019           | More detailed discussion on NHS's SHAPE model use by TfWM / BCAs & how they can be used collaboratively in planning health infrastructure  |
|  |   | 10/06/2019           | BCP progress, SHAPE planning tool used by NHS to inform their health infrastructure planning, including accessibility modelling (comparison with work discussed at previous meeting), funding mechanisms for health infrastructure including DtC   |
|  |   | 14/05/2019           | How BCP housing targets relate to CCG / NHS Estates Strategies & TfWM / BCA assessment of accessibility to support location of services.   |
|  |   | 09/04/2019           | Background housing needs of BCP. Draft policies on hot food takeaways & other uses giving rise to health concerns, on infrastructure needs & funding arrangements.   |

| <b>Duty To Cooperate engagements related to the Sandwell Local Plan from 2022</b> |                                   |                      |  |
|---|-----------------------------------|----------------------|--|
| <b>Meeting Type</b>   | <b>Public Body / Organisation</b> | <b>Meeting Dates</b> | <b>Topics Discussed</b>  |
| DtC discussions with individual LPAs  | South Staffordshire Council       | 31/10/2022           | Statement of Common Ground with other BCA and BC; whether apportionment is possible. |
|   |                                   | 05/07/2023           | Letter sent to S.Staffs requesting discussion on issues.                             |

| <b>Duty To Cooperate engagements related to the Sandwell Local Plan from 2022</b> |                                   |  |   |
|---|-----------------------------------|--|---|
| <b>Meeting Type</b>   | <b>Public Body / Organisation</b> | <b>Meeting Dates</b>                           | <b>Topics Discussed</b>   |
|   |                                   | 14/08/2023                                     | Letter received from South Staffs   |
|   |                                   | 20/06/2024                                     | Letter sent to GBBCHMA+ regarding local plan status, whether they can contribute to housing and G&T shortfall, confirm if will participate in a review of the 2018 Growth Study, agree methodology for apportioning contributions.                              |
|   |                                   | 11/07/2024                                     | Letter received from South Staffs   |
|   |                                   | 05/11/2024                                     | Email agreeing update to South Staffs FEMB SoCG and signed  |
|   | Shropshire Council                | 08/08/2023                                     | Letter sent to Shropshire requesting discussion on issues   |
|   |                                   | 09/08/2023                                     | Meeting arranged between Sandwell and Shropshire - 05/09/2023   |
|   |                                   | 09/11/23                                       | Meeting arranged between Black Country and Shropshire to seek clarification on housing and employment contributions   |
|   |                                   | 01/09/2022                                     | Draft SoCG produced but not yet signed  |
|   |                                   | 20/06/2024                                     | Letter sent to GBBCHMA+ regarding local plan status, whether they can contribute to housing and G&T shortfall, confirm if will participate in a review of the 2018 Growth Study, agree methodology for apportioning contributions.<br><br>No response received. |
|   | Lichfield DC                      | 01/09/2022                                     | Draft SoCG produced but not yet signed Appendix 7   |
|   |                                   | 08/08/2023                                     | Letter sent to Lichfield requesting discussion on issues.   |
|   |                                   | 08/11/23                                       | Meeting arranged between Black Country and Lichfield to seek clarification on housing and employment contributions  |
|   |                                   | 20/06/2024                                     | Letter sent to GBBCHMA+ regarding local plan status, whether they can contribute to housing and G&T shortfall, confirm if will participate in a review of the 2018 Growth Study, agree methodology for apportioning contributions.                              |
|   |                                   | 12/08/2024                                     | Letter received from Lichfield  |
|   | Telford Council                   | 19/05/2023; 23/05/2023; 04/07/2023; 08/08/2023 | General update of where we are with local plans. No discussion re meeting need. Sandwell to send formal letter  |

| Duty To Cooperate engagements related to the Sandwell Local Plan from 2022 |                              |   |  |
|--|------------------------------|---|--|
| Meeting Type   | Public Body / Organisation   | Meeting Dates   | Topics Discussed   |
|  |                              |   | requesting this be considered on 08/08/23.   |
|  |                              | 07/11/23  | Meeting arranged between Black Country and Telford and Wrekin to seek clarification on housing and employment contributions  |
|  |                              | 21/08/2024  | Meeting between Black Country Authorities and Telford to discuss potential contributions to unmet need and Local Plan timetables.  |
|  |                              | 20/06/2024  | Letter sent to GBBCHMA+ regarding local plan status, whether they can contribute to housing and G&T shortfall, confirm if will participate in a review of the 2018 Growth Study, agree methodology for apportioning contributions.<br><br>Email exchange but no formal response. |
|  |                              | 03/12/2024  | Email sent regarding SoCG  |
|  | Black Country Planning Leads | Continue to meet every 4-6 weeks<br>22/02/2024; 09/04/2024;<br>06/06/2024; 09/07/2024;<br>05/09/2024; 16/10/24;<br>12/11/24 | Letter of 31/05/23 sent to BC Planning Leads asking for discussion on apportionment of any offers of housing or employment land between the BCAs.  |
|  |                              | Sept/Oct 2023   | Draft letters agreeing to apportionment method received<br><br>Draft letters received from BCAs – awaiting sign-off  |
|  |                              | 20/06/2024  | GBBCHMA+ letter (2006/2024) to BCAs regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfalls  |
|  |                              | 05/07/2024<br>09/08/2024  | Letter received from Walsall Council<br>Letter received from Dudley MBC<br><br>No response from Wolverhampton City Council   |
|  |                              | Dudley Council  | 09/05/2024   |
|  | Walsall Council              | 09/05/2024  | Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common   |

| <b>Duty To Cooperate engagements related to the Sandwell Local Plan from 2022</b> |                                   |                            |  |
|---|-----------------------------------|----------------------------|--|
| <b>Meeting Type</b>   | <b>Public Body / Organisation</b> | <b>Meeting Dates</b>       | <b>Topics Discussed</b>  |
|   |                                   |                            | ground, progress on both the SLP and WLP   |
|   | City of Wolverhampton Council     | 03/06/2024                 | Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common ground, progress on both the SLP and CWCLP  |
|   | Birmingham City Council           | 17/08/2023                 | Letter sent requesting discussion on issues – no response yet  |
|   | Birmingham City Council           | 20/06/2024                 | Letter sent to GBBCHMA+ regarding local plan status, whether they can contribute to housing and G&T shortfall, confirm if will participate in a review of the 2018 Growth Study, agree methodology for apportioning contributions. |
|   |                                   | 20/06/2024                 | Meeting to discuss potential cross-boundary issues   |
|   | Bromsgrove and Redditch Councils  | 17/08/2023                 | Letter sent requesting discussion on issues – no response received   |
|   |                                   | 20 <sup>th</sup> June 2024 | Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall.   |
|   |                                   | 01/08/2024                 | Letter received from Bromsgrove and Redditch Councils  |
|   | Cannock Chase DC                  | 17/08/2023                 | Letter sent requesting discussion on issues – no response received   |
|   |                                   | 20/06/2024                 | Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall.   |
|   |                                   | 20/08/2024                 | Letter received from Cannock Chase DC  |
|   | Stratford Upon Avon               | 17/08/2023                 | Letter sent requesting discussion on issues – no response received.  |
|   |                                   | 20/06/2024                 | Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall.   |
|   |                                   | 23/08/2024                 | Letter received from Stratford Upon Avon   |
|   | Solihull MBC                      | 17/08/2023                 | Letter sent requesting discussion on issues – no response received.  |
|   |                                   | 20/06/2024                 | Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall.   |

| Duty To Cooperate engagements related to the Sandwell Local Plan from 2022 |  |  |   |
|--|--|--|---|
| Meeting Type   | Public Body / Organisation   | Meeting Dates  | Topics Discussed  |
|  |  |  | No response received.   |
|  |  | 25/07/2024   | BCA agreed statement regarding the provision of Solihull's contribution to assist with their examination  |
|  | Tamworth Borough Council   | 17/08/2023   | Letter sent requesting discussion on issues – no response received.   |
|  |  | 20/06/2024   | Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall.<br><br>No response received  |
|  | Coventry City Council  | 17/08/2023   | Letter sent requesting discussion on issues – no response received.   |
| Regional Stakeholder Meetings  | GBBCHMA Development Needs Group  | Monthly meetings to discuss issues.  | Regular updates on progress of individual Local Authorities Plan Status and discussions of key issues emerging from Plan reviews focusing on housing and employment land shortfalls. This work has informed the HMA position statement and Statement of Common Ground. Meetings have also discussed recommendations from the West Midlands Strategic Employment Sites Study and Regional Aggregates Assessment. |
| Regional Officer Working Group   | West Midlands Aggregates Working Party (WMAWP)   | Twice yearly<br>23/06/2022; 24/11/2022;<br>27/04/2023; 13/11/2023;<br>20/05/2024; 03/12/2024 | WMAWP have been kept updated on the evidence base produced by WSP, which has informed the SLP waste policies.   |
|  | West Midlands Resource Technical Advisory Board (RTAB)   | Twice yearly<br>16/06/2022; 06/12/2022;<br>27/04/2023; 13/11/2023;<br>20/05/2024; 03/12/2024 | WMRTAB have been kept updated on the evidence base produced by Wood /WSP, which has informed the SLP waste policies.  |
| Officer Working Group  | Regional Air Quality Partnership (South Staffordshire DC, Cannock Chase DC, Stafford DC, Lichfield DC, East Staffs BC, Walsall MBC, Dudley MBC, Sandwell MBC | 11/09/2024;<br>25/09/2024;<br>14/10/2024;<br>14/11/2024 (final meeting)                      | Managed the conclusion of traffic and air quality modelling work and pulled together evidence and a Statement of Common Ground (currently in draft form) to resolve the issue of potential air quality impacts on European sites work in relation to Local Plan reviews in the area.  |

| Duty To Cooperate engagements related to the Sandwell Local Plan from 2022 |                                    |               |  |
|--|------------------------------------|---------------|--|
| Meeting Type   | Public Body / Organisation         | Meeting Dates | Topics Discussed   |
|  | Wolverhampton CC, Natural England) |               |  |
| Local Authority Response to Waste DtC                                      | Cheshire West and Chester Council  |               | Discussions around movement of hazardous waste   |
|  | Derbyshire County Council          |               | Happy to discuss SoCG if required  |
|  | Dudley Council                     |               | Consider that waste needs to be included within an SoCG  |
|  |                                    | 26/02/2024    | Meeting to discuss waste and minerals issues arising from the Reg18 consultations for Sandwell and Dudley Local Plans. |
|  | Knowsley Council                   |               | Not a strategic matter   |
|  | Leicestershire County Council      |               | Not a strategic matter   |
|  | Solihull MBC                       |               | Not a strategic matter   |
|  | Staffordshire CC                   |               | Consider movement of waste around Four Ashes to be a strategic matter  |
|  | Telford and Wrekin Council         |               | Not a strategic matter   |
|  | Walsall Council                    |               | Consider that waste needs to be included within an SoCG  |
|  | Warwickshire CC                    |               | Not a strategic matter   |
|  | Worcestershire CC                  |               | Not a strategic matter   |



## Appendix Three - Letters from ABCA – July 2018 and August 2020

### ABCA Duty to Co-operate Letter - July 2018



Our Ref: HP/CW

Date: 12 July 2018

Dear Colleagues

**Black Country Core Strategy Review**  
**Duty to Co-operate: Strategic Housing Issues**

As you will be aware the Black Country Authorities have commenced a review of our joint Core Strategy. As a key part of this review we completed our Issues and Options consultation in September 2017. This included a call for sites. We are currently in the process of reviewing the responses to consultation and are progressing various other work in connection with the review. This includes a number of key pieces of evidence including the second stage of our EDNA, and finalising an Urban Capacity Report.

We are keen to continue to work with neighbouring Authorities, including yours, on strategic matters – you may recall our most recent Duty to Co Operate meeting in February 2018 when we took the opportunity to update neighbouring LAs and to ask how you would like to continue to work with us on key strategic planning matters.

The purpose of this letter is to raise the issue of housing need across the Black Country – and how these can be met. You may be aware that we have allocated a significant number of sites for both housing and employment development through current local plan documents. We intend to update this work as part of the current review where this may be necessary.

Our most recent housing evidence sets out our housing need (up to 2036) – and whilst we acknowledge this might change as a result of updated government policy (which is anticipated to slightly increase our current OAN) we know that we cannot accommodate all our identified needs within the urban area of the Black Country. This view is supported by our current work reviewing the urban capacity of the Black Country (see latest urban capacity report - May 2018 <http://blackcountrycorestrategy.dudley.gov.uk/t2/>) and the recently published Birmingham and Black Country HMA study. Even by increasing densities and looking to other sources of urban land supply, we still cannot accommodate all our housing and employment needs within the urban area.

Current estimates are that we may have a shortfall in the region of 22,000 dwellings and 300 ha of employment land. However our review is focussing on continuing a brownfield first approach, building on the success of the current strategy, and we will continue to make every endeavour to accommodate as much of our need as

possible in our urban areas before considering other locations in the Black Country or beyond.

At this stage we would be grateful if you were able to provide an update regarding your strategic plan making, specifically your local plan review status. In addition, considering the situation faced by the Black Country, as set out above, and building upon the recently published Strategic Growth Study for the Greater Birmingham and Black Country HMA, we are asking for your Authority to consider whether it would be able and willing to accommodate any identified housing and employment development needs arising from the Black Country? This request covers all types of housing need as identified in evidence.

Such a scenario may arise where your existing or emerging plan is seeking to deliver levels of housing or employment land in excess of local needs. We are also keen to understand, in the context of plan reviews, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting some of the needs of the Black Country - with an initial focus on non-green belt locations in accordance with the existing and proposed national planning policy framework.

We ask that you consider this request and respond in writing to [blackcountrycorestrategy@dudley.gov.uk](mailto:blackcountrycorestrategy@dudley.gov.uk) within 2 weeks of the date of this letter please. We appreciate that this letter may raise difficult issues that need your consideration, however we would be grateful for an early response.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Sarah Norman  
Chief Executive  
Dudley Metropolitan Borough Council



Helen Paterson  
Chief Executive  
Walsall Metropolitan Borough Council



Jan Britton  
Chief Executive  
Sandwell Metropolitan Borough Council



Mark Taylor  
Strategic Director  
Wolverhampton City Council

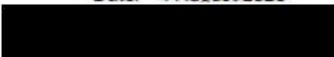


## ABCA Duty to Co-operate Letter – August 2020

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Our Ref: HP/CW  
Date: 4 August 2020



Dear Colleagues

### **Black Country Plan Review** **Duty to Co-operate: Strategic Housing and Employment land Issues**

As you will be aware, the Black Country Authorities are currently in the process of reviewing the Black Country Core Strategy, which is now called the Black Country Plan. As a key part of this review we completed our Issues and Options consultation in September 2017, which included a call for sites. In light of the impacts of Covid-19 we have now published a revised timetable for the Black Country Plan review (<https://blackcountryplan.dudley.gov.uk/t2/p1/>).

In line with the new timetable, we are now finalising evidence and preparing a Draft Plan for consultation in summer 2021. We aim to produce a Publication Plan in summer 2022 and adopt the Plan in early 2024. In order to ensure the adopted Plan covers a period of at least 15 years we will be extending the Plan period to 2039.

We are keen to continue to work with neighbouring authorities, including yours, on strategic matters. You may recall that we contacted you in July 2018 asking your authority to consider whether it would be able and willing to accommodate any identified housing or employment land needs arising from the Black Country. We were pleased to receive a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We also held a Duty to Co-operate meeting in January 2020 when we took the opportunity to update neighbouring authorities on key strategic planning matters.

The purpose of this letter is to provide a further update on the strategic issues of housing and employment land needs arising in the Black Country over our Plan period, and how these can be met, and to ask your authority to respond to specific questions on these issues. These are the most pressing strategic issues which we need to address to enable us to fully develop our Draft Plan, in line with the new timetable.

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### **Strategic Housing Issues**

Our most recent housing evidence, summarised in the Black Country Urban Capacity Review (UCR) 2019 (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>), sets out our estimated housing need up to 2038. Whilst we acknowledge that this figure may change following the anticipated Government review of the Standard Methodology and will need to be extended by a year to cover the new Plan period, we are certain that we will not be able to accommodate all of our identified housing needs within the urban area of the Black Country.

This view is supported by our urban housing supply estimates, which are detailed in the 2019 UCR. The UCR continues to focus on a brownfield first approach, building on the success of the current strategy, and making every endeavour to accommodate as much of our development needs as possible in our urban areas before considering other locations in the Black Country or beyond. However, even by increasing densities and looking to other sources of urban land supply, it is clear that we cannot accommodate all our housing needs within the urban area. Current estimates are that we have a shortfall in the region of 27,000 homes up to 2038. We are in the process of updating the UCR to reflect the most up-to-date information and hope to publish this update by the end of the year. However, it is very unlikely that this update will result in a significant increase in urban housing supply over the Plan period.

### **Strategic Employment Land Issues**

Turning to employment land, the Black Country economy has been performing well and is considered strong. Our future employment land requirement ranges between 592 ha (baseline growth) and 870 ha (aspirational growth based on West Midlands Combined Authority SEP). Our existing urban employment land supply (including recent completions) provides approximately 300 ha of land, leaving a shortfall of between 292 ha and 570 ha, depending on the growth scenarios applied. As is the case with our approach to housing land, we are considering all opportunities to bring forward additional employment land within the urban area including a review of opportunities within our existing employment areas through the Black Country Employment Area Review (BEAR). While this work will yield some additional capacity, it will not make a significant impact upon addressing our unmet need.

### **Potential contributions from Non-Green Belt Areas**

The Black Country clearly has development needs which cannot be met within the non-green belt areas of the Black Country. In this event, national policy (reference NPPF para 137) requires that, if there are non-green belt areas in neighbouring authorities which can be brought forward to meet Black Country development needs, these should be clearly identified first, before considering release of land from the green belt. To date, no existing adopted Local Plans are making such a contribution.



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**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing and / or employment land in excess of local needs on non-green belt land and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### **Green Belt Areas**

The Black Country authorities have undertaken a Green Belt and Landscape Sensitivity Assessment, which has shown that the Black Country Green Belt makes a principal contribution towards Green Belt purposes and its capacity to undertake large-scale development is limited.

Whilst we have still to finalise our site assessment, viability and delivery work, we envisage that market deliverability will limit the capacity of the Black Country Green Belt up to 2039. This assumption is based on the case of the Birmingham Plan, where the Peter Brett Associates (PBA) Delivery Study<sup>1</sup> concluded that market deliverability placed significant constraints on the amount of housing which could be delivered in the Birmingham Green Belt up to 2031. These constraints reduced the actual capacity of the urban extension identified in the Plan consultation from 10,000 to 5,000 homes, over the 15 year period of the Plan<sup>2</sup>. This assumption was based on a strong housing market recovery scenario in one of the strongest housing markets areas in the West Midlands.

As the majority of the Black Country Green Belt is located primarily in Walsall and, to a lesser extent, in Dudley, these are the two main housing market areas for potential delivery of housing in the Green Belt, with only small amounts of housing potential in Wolverhampton and Sandwell. Therefore, based on a scenario that there was sufficient unconstrained capacity identified in the Black Country Green Belt, a Delivery Study based on similar principles to that completed for Birmingham, may reasonably conclude that the housing market areas in Dudley and Walsall could only be expected to deliver up to a maximum of 5,000 homes in each of the two boroughs (providing a maximum total of 10,000 homes) over the 15-year Plan period. We hope to publish further delivery evidence to refine this figure by the end of the year. On the basis of this approach, the Black Country is facing a 'gap' of some 17,000 homes that cannot be accommodated within the Black Country.

Turning to employment, the call for sites stage identified few additional sites for consideration on land within the Black Country Green Belt. We are considering

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<sup>1</sup> [https://www.birmingham.gov.uk/downloads/file/1750/pg3\\_housing\\_delivery\\_on\\_green\\_belt\\_options\\_2013pdf](https://www.birmingham.gov.uk/downloads/file/1750/pg3_housing_delivery_on_green_belt_options_2013pdf)

<sup>2</sup>

these proposals but it is not anticipated that this will provide significant additional capacity.

Taking into account the likely housing and employment land capacity of the Black Country Green Belt, even if the maximum contributions from neighbouring authorities set out in the Duty to Cooperate table above are brought forward, 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.

**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing or employment land in excess of local development needs on land currently designated as green belt and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

#### Duty to Cooperate progress

As set out above, we were pleased to receive a number of positive responses to our Duty to Cooperate letter of July 2018 and a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. Potential contributions to housing and employment land from neighbouring authorities indicated through our engagement under the Duty to Cooperate to date are summarised in the table below:

| Local Plan and timescale | Plan stage  | Potential housing contribution                    | Potential employment land contribution (ha)   |
|--------------------------|---|---|---|
| South Staffordshire      | Issues and Options (November 2018) & Spatial Housing Strategy and Infrastructure Delivery consultation (October 2019) | Up to 4,000* (majority Green Belt release)        | Contributions to be sought from District's employment land surplus, including West Midlands Interchange (majority Green Belt release)** |
| Lichfield                | Preferred Options (November 2019)   | Up to 4,500* (part may be outside the Green Belt) | 0   |
| Cannock                  | Issues and Options (May 2019)   | Up to 500-2,500* (all Green Belt release)         | 0   |
| Shropshire               | Publication (Summer 2020)   | 1,500 (may be outside the Green Belt)             | 0   |
| <b>Total</b>             |   | <b>Up to 10,500-12,500</b>                        | <b>TBD**</b>  |





\* - potential contribution to needs arising across the Birmingham and Black Country Housing Market Area and not at this stage wholly apportioned to the Black Country.  
\*\* dependent on the outcome of ongoing work to determine the extent of surplus South Staffordshire Green Belt employment land release that can reasonably be attributed to the Black Country's employment land needs

This suggests that the combined housing and employment land capacity of non-green belt areas and green belt in neighbouring authorities is unlikely to be sufficient to address Black Country housing and employment land shortfalls up to 2039.

### **Statement of Common Ground**

**Looking ahead to the Duty to Cooperate work needed to support the emerging Black Country Plan, we would like to invite your authority to take part in developing a single Statement of Common Ground (SoCG) covering strategic issues for the Black Country Plan up to 2039, with the initial focus on housing and employment land issues.**

We are keen to involve as many relevant authorities as possible in developing the strategic housing and employment land related parts of the SoCG, including Greater Birmingham and Black Country Housing Market Area authorities and other neighbouring authorities with an existing or potential housing market or functional economic relationship to the Black Country. The SoCG will evolve as the BCP review progresses, and it is intended to agree and publish an up-to-date SoCG for each key stage of the review process.

We hope that the SoCG will ultimately be supported by a separate agreement on strategic housing issues between relevant authorities, setting out how and where the combined Black Country and Birmingham housing shortfalls will be met over the Black Country Plan and Birmingham Plan review periods, which can be relied upon at our Examinations in Public and form the basis for partnership working in the years following the adoption of our Plans.

### **Timetable for Responses**

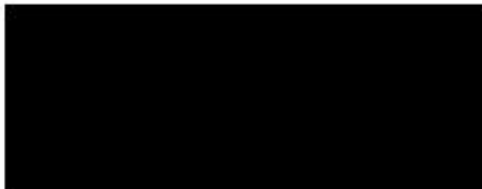
**We ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within two months of the date of this letter. If you wish to discuss the contents of this letter before responding, by phone or at a meeting, please get in touch.** We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a significant housing shortfall in 2018 and the wider work already undertaken across the Greater Birmingham Housing Market Area, we would be grateful if you could adhere to these timescales. **If you anticipate a delay in being able to provide a response, it would be helpful if you could let us know as soon as possible.**

We will be inviting your authority to attend a meeting in October 2020 to discuss the responses we have received to this letter and to agree a way forward, with the view to developing a Statement of Common Ground to accompany the Draft Black Country Plan by spring 2021.

Given the need to adhere to the current Black Country Plan timetable, if we do not receive a response from your authority on these issues by September 2020 we will assume that your authority is not considering making a contribution towards Black Country housing or employment land needs and does not wish to take part in developing our Statement of Common Ground, and this will be noted in our Duty to Cooperate records.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council



Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council



Councillor Maria Crompton  
Deputy Leader  
Sandwell Metropolitan Borough Council



Councillor Ian Brookfield  
Leader  
City of Wolverhampton Council



## Appendix Four - Sandwell Council's Letters to Neighbouring Authorities – 17<sup>th</sup> August 2023

Sent to: Bromsgrove and Redditch DC, Cannock Chase DC, Coventry CC, Solihull MBC, Stratford DC and Tamworth BC



By email: Redacted

FAO: Redacted

From: Redacted

Email: Redacted

Date: 17<sup>th</sup> August 2023

|

Dear Colleagues,

### **Sandwell Local Plan – Duty to Co-operate**

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (DtC) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

|                          |   |
|--------------------------|---|
| March – August 2023      | Draft Plan preparation  |
| November - December 2023 | Six-week Draft Plan consultation (Reg18)                      |
| January - August 2024    | Preparation of Publication and Submission Local Plan (Reg19)  |
| September – October 2024 | Six-week Submission Plan consultation (Reg19)                 |
| November 2024            | Submit the Plan and representations to the Secretary of State |

The DtC Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need, meeting unmet employment need as well as some transport issues. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

Sandwell Council is also aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

Sandwell Council would like to offer you the opportunity to meet with Planning Policy Officers to discuss any issues directly and would be grateful if you could respond to this email if you would like to take up this offer. Alternatively, we are happy to correspond via email or we will await your representations on the Draft Local Plan that will be out for consultation in November/December 2023.

We look forward to hearing from you in due course and/or receiving your comments and input into the consultation process for the Local Plan.

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**Regeneration and Growth**

Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, West Midlands. B69 3DE  
[www.sandwell.gov.uk](http://www.sandwell.gov.uk)



Yours faithfully

Redacted|

Director of Regeneration and Growth



## Sandwell Council's letter to Birmingham City Council – sent 17th August 2023



By email: Redacted

FAO: Redacted

From: Redacted

Email: Redacted

Date: 17<sup>th</sup> August 2023

Dear Colleagues,

### **Sandwell Local Plan – Duty to Co-operate**

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (DCC) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

|                          |   |
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| March – August 2023      | Draft Plan preparation  |
| November - December 2023 | Six-week Draft Plan consultation (Reg18)                      |
| January - August 2024    | Preparation of Publication and Submission Local Plan (Reg19)  |
| September – October 2024 | Six-week Submission Plan consultation (Reg19)                 |
| November 2024            | Submit the Plan and representations to the Secretary of State |

The DCC Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need, meeting unmet employment need as well as some transport issues. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

Birmingham City Council provided representations to the Issues and Options stage of the Sandwell Local Plan Review as follows:

- BCC recognises Sandwell Council's significant housing shortfall and the continuing work to look at different ways to increase its own supply through measures such as increasing densities.
- BCC has its own significant housing shortfall and will look to maximise opportunities within its administrative area to reduce the amount of shortfall being exported to other areas.
- There is a recognition that it is still highly likely that shortfalls will remain in both Birmingham and Sandwell going forward, making it essential for continued close working between the two authorities and across the Greater Birmingham and Black Country HMA to try and address the shortfalls as much as possible across the wider HMA area.

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Sandwell Council is also aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

With regard to employment land needs, as with housing need, there is a recognition that both Sandwell and Birmingham Councils will have an employment land shortfall and there will need to be continued close working alongside other local authorities within the same functional economic market area to identify additional opportunities.

Sandwell Council would like to offer you the opportunity to meet with Planning Policy Officers to discuss any issues directly and would be grateful if you could respond to this email if you would like to take up this offer. Alternatively, we are happy to correspond via email or we will await your representations on the Draft Local Plan that will be out for consultation in November/December 2023.

We look forward to hearing from you in due course and/or receiving your comments and input into the consultation process for the Local Plan.

Yours faithfully

Redacted

Director of Regeneration and Growth

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## Sandwell Council's letter to South Staffordshire District Council Council – sent 5<sup>th</sup> July 2023

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By email: Redacted

FAO: Redacted

From: Redacted

Email: Redacted

Date: 5<sup>th</sup> July 2023

Dear Colleagues,

### Sandwell Local Plan – Duty to Co-operate

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (D~~TC~~) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

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| March – August 2023      | Draft Plan preparation  |
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| September – October 2024 | Six-week Submission Plan consultation (Reg19)                 |
| November 2024            | Submit the Plan and representations to the Secretary of State |

The ~~DC~~ Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need and meeting unmet employment need.

A Statement of Common Ground (SoCG) between Sandwell Council and South Staffordshire Council was prepared to inform the submission of the South Staffordshire Local Plan 2018-2039 and signed by both Councils in January 2023. This Statement of Common Ground covers the following matters:

- Housing (including housing needs across the GBBCHMA);
- Employment ~~land~~;
- Transport and infrastructure ~~matters~~;
- Gypsy and traveller accommodation; and
- Natural environment

It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

Both Sandwell Council (SMBC) and South Staffordshire Councils (SSDC) are within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA) and are either within, or are closely

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functionally related to, the South Staffordshire FEMA and Black Country FEMA. Both authorities have been constructively engaged on an ongoing basis to address the shortfalls in both housing and employment land across the Black Country.

#### Housing

The discussions within the HMA led to SSDC proposing a 4,000 dwelling contribution to the unmet needs arising across the whole of the HMA and not limited to the Black Country, using the scale of locations set out in the GBBCHMA Strategic Growth Study (2018), an approach supported by SMBC.

However, SMBC is of the view that SSDC has a stronger functional relationship with the Black Country than with Birmingham. Therefore, given the physical proximity and functional relationship between the Black Country and South Staffordshire, SMBC anticipate that the majority of the 4,000 contribution being tested through the South Staffordshire Local Plan could be available to meet Black Country needs.

Sandwell Council is also aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

#### Employment

SSDC and SMBC both sit within the South Staffordshire functional economic market area (FEMA). SMBC is also within the Black Country FEMA and SSDC is identified as being outside of the Black Country FEMA but still having strong economic links to it despite this. There is therefore clearly a strong functional link between SMBC and SSDC on employment matters.

SMBC notes from the signed ~~SoCG~~ that the South Staffordshire Local Plan 2018-2039 proposes to deliver sufficient employment land on local and strategic employment sites to both meet its own local needs and provide a surplus that could contribute towards cross-boundary shortfalls. South Staffordshire's EDNA 2020-2040 suggests that strategic sites (excluding West Midlands Interchange (WMI)) within SSDC's area can contribute a surplus of 36.6ha to the unmet needs of other local authorities. In addition, WMI can provide additional surplus B8 employment land to a wider travel to work area including the Black Country authorities, equating to 67ha of B8 land to the four Black Country planning authorities. However, SMBC recognises that a SSDC FEMA-wide statement of common ground is the appropriate mechanism by which to address these strategic employment needs as agreed within the ~~SoCG~~.

#### Gypsy and Traveller Accommodation

SMBC notes the comments of SSDC ~~with regard to~~ the Sandwell Local Plan Issues and Options consultation, in that SMBC are requested to explore additional pitch options that might meet the unmet needs in the SSDC area. SMBC welcomes a discussion on this.

#### Other Issues

No cross-boundary issues were identified ~~with regard to~~ transport and infrastructure matters, or the natural environment.



Sandwell Council is aware that the situation ~~with regard to~~ a number of emerging local plans within the GBBCHMA has changed. Therefore, the Council would like to clarify the situation ~~with regard to~~ the SSDCLP and discuss the offers of housing and employment land as set out in the signed ~~SoCG~~ between the two authorities.

Sandwell Council is also keen to discuss any other issues raised by neighbouring authorities via the Sandwell Plan Issues and Options consultation held earlier this year and notes SSDC request for SMBC to accommodate as much of our own housing need as possible. The issue of apportionment of any housing and employment offer is noted and SMBC is happy to participate in any discussion with the other Black Country authorities.

Thank you for your continued co-operation in this matter. A representative from Sandwell will be contacting you in the next few days to arrange a discussion.

Yours faithfully

Redacted

Director of Regeneration and Growth

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## South Staffs Response to Sandwell's letter



Sent via email to:

[REDACTED]

Please ask for: Ed Fox

Direct Dial:

[REDACTED]

Email:

[REDACTED]

14<sup>th</sup> August 2023

Dear Tony,

**RE: SANDWELL LOCAL PLAN – DUTY TO CO-OPERATE LETTER**

Many thanks for your recent Duty to Cooperate letter, received on 26th July. This summarises Duty to Cooperate engagement to date on housing, employment and gypsy and traveller accommodation, whilst clarifying that no cross-boundary issues have been identified by Sandwell Metropolitan Borough Council (SMBC) with regards to transport and the natural environment. The letter then requests that South Staffordshire District Council (SSDC) offers clarification regarding the South Staffordshire Local Plan and the offers of housing and employment land set out in the Statement of Common Ground (SoCG) previously signed by both councils in January 2023.

As you will be aware, SSDC paused work on its local plan in January 2023, requesting clarity from government over its proposed reforms to national planning policy announced in December 2022. At the time these were understood to be implemented by 'Spring 2023', which unfortunately has not been the case. Recognising the need to progress the plan and the uncertainty surrounding the implementation of the NPPF changes, the Council announced in July 2023 that it would begin revisiting the evidence underpinning the plan, with the intention of undertaking an additional public consultation on the plan in early 2024. The Council did this with the intention of making sure that the evidence that underpins the plan remains relevant and that South Staffordshire has a strategy ready to get its plan in place as quickly as possible. No decisions have yet been made about what changes might be made to the previously published plan. The Council's statement on this can be found here: <https://www.sstaffs.gov.uk/news/2023/local-plan-statement>.

In light of this statement we unfortunately cannot confirm the next local plan consultation's approach to housing and employment land at this point or any contribution to the wider housing market area. We will however be preparing formal Duty to Cooperate correspondence in the early Autumn seeking a way forward on the Council's approach to housing, employment and gypsy and traveller needs, with the intention that this will subsequently inform cross-boundary engagement between our authorities and ultimately an updated Statement of Common Ground. In the meantime, we would reiterate the comments made to the Sandwell Issues and Options consultation, and previous representations made to the Black Country Plan, which stressed that SMBC should be considering the following in any local plan review;

- **Maximising supply in Sandwell before seeking cross-boundary contributions**

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Tel: **(01902) 696000** · Email: [info@sstaffs.gov.uk](mailto:info@sstaffs.gov.uk) · [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)  
Twitter: [@south\\_staffs](https://twitter.com/south_staffs) · Facebook: [South Staffordshire Council](https://www.facebook.com/SouthStaffordshireCouncil)



## South Staffordshire Council

- Fully incorporating the recommendations of the West Midlands Combined Authority's brownfield land review into the plan's approach by delivering further supply in urban centres and through employment site regeneration.
- Requesting Sandwell fully consider the same options for accommodating Gypsy and Traveller needs as South Staffordshire before coming to a view on its ability to accommodate unmet pitch needs
- That Sandwell and South Staffordshire lie within different FEMAs, which should be taken into account when considering the distribution of any oversupply of employment land in South Staffordshire
- The need for Duty to Cooperate discussions between Sandwell and other Black Country authorities regarding the distribution of West Midlands Interchange employment land
- The need to explore contributions towards Black Country employment shortfalls from other local authorities with strong or moderate economic relationships to the Black Country (as identified in the Black Country FEMA)

We would be happy to meet with you to discuss these points further.

Yours sincerely



**Kelly Harris**  
Lead Planning Manager – South Staffordshire Council



## Sandwell's Letter to Telford – 13<sup>th</sup> September 2023



By email: Redacted

FAO: Redacted

From:

Email:

Date:

Dear Colleagues,

### Sandwell Local Plan – Duty to Co-operate

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (DCC) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

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| November 2024            | Submit the Plan and representations to the Secretary of State |

The DCC Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need, meeting unmet employment need as well as some transport issues, in particular the electrification of the rail line between Shrewsbury and Wolverhampton. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

Sandwell Council is aware of the following points with regard to the Telford and Wrekin Local Plan:

- TWC has paused the TWC Local Plan review due to proposals in the 'Planning for the Future' White Paper. However, officers are still working towards a draft plan for Autumn 2023.
- TWC is keen for the electrification of the railway line between Shrewsbury and Wolverhampton. Wolverhampton CC has already expressed support for this proposal.
- TWC is preparing a GTAA and will share the outcomes in due course. The Council is currently not in a position to state whether it is able to meet its own need.
- TWC is currently not in a position to offer any contribution of housing or employment land to meet the unmet need in Sandwell.
- TWC have not signed the Greater Birmingham and Black Country Housing Market Area Statement of Common Ground which looks to apportion unmet development needs amongst GBBCHMA LPAs. However, this position will be kept under review.

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- TWC are happy to use existing migration patterns and travel to work data to establish relationships between TWC and neighbouring authorities but would want to use census data for consistency.
- TWC do not have any issues ~~with regard to~~ waste.
- TWC continue to be a joint minerals planning area with Shropshire Council and consider that the principle relationship with regard to minerals and the Black Country is with Walsall Council.

In response to this, Sandwell Council has the following points to make:

- Firstly, Sandwell Council is supportive of the aspiration for the electrification of the railway line between Wolverhampton and Shrewsbury.
- Sandwell Council acknowledges the importance of the current and ongoing constructive engagement between the two councils and the importance of continuing with these discussions.

With regard to the issue of unmet need, Sandwell Council stands by the representations made by the Association of Black Country Authorities (ABCA) to the TWC Issues and Options consultation in 2020/21, in particular that the higher growth option set out in the TWC Issues and Options report could provide some 3,700 homes over and above Telford's local needs. Sandwell Council can demonstrate an unmet need and would therefore be a suitable receptor for any contributions.

Sandwell Council is also of the view that this is a minimum level of contribution that could be made by TWC given the very high housing completions over and above local needs in recent years and also the historic role of Telford as a new town to help address issues of overcrowding.

Sandwell Council is aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

~~With regard to~~ the issue of employment land, Sandwell Council would welcome a discussion regarding an employment land contribution to meet some of the council's unmet need. Sandwell Council is of the view that there is a significant relationship between the two authorities due to the transport connections that exist, in particular the direct rail service between Telford and Sandwell and Dudley and Smethwick Galton Bridge stations and also the M54 motorway. However, Sandwell recognises the need to discuss employment land issues as part of the Black Country FEMA as a whole.

Sandwell Council are keen to continue to discuss these issues directly with officers and are happy to continue with our discussions.

Yours faithfully

Redacted

Director of Regeneration and Growth

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## Sandwell's Letter to Shropshire County Council – 8<sup>th</sup> August 2023



By email: Shropshire Council

FAO: Edward West

From: Philippa Smith

Email: [REDACTED]

Date: 8<sup>th</sup> August 2023

Dear Colleagues,

### Sandwell Local Plan – Duty to Co-operate

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (DtC) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

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| November 2024            | Submit the Plan and representations to the Secretary of State |

The DtC Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need and meeting unmet employment need. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

A Statement of Common Ground (SoCG) was signed by the four Black Country Authorities (BCAs) and Shropshire Council back in 2021. The SoCG recognised the shortfall in housing and employment land across the Black Country and contained a commitment from Shropshire Council to make a specific contribution of 1500 dwellings towards the Black Country's forecast unmet housing need and a specific contribution of 30ha of employment land towards the forecast unmet employment land need.

These issues were subsequently addressed at the Examination in Public into the Shropshire Local Plan and also as part of some additional clarification work as requested by the Inspectors in their Interim Findings following the stage 1 hearing sessions.

With regard to meeting unmet housing need within the Black Country, Shropshire Council has identified the following three sites as being most appropriate:

- Tasley Garden Village, Bridgnorth (600 dwellings)

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- Former Ironbridge Power Station, Ironbridge (600 dwellings)
- Land Between Mytton Oak Road and Hanwood Road, Shrewsbury (300 dwellings)

With regard to meeting unmet employment land need with the Black Country, the most appropriate site would be land east of Shifnal Industrial Estate, Upton Lane, Shifnal (30ha).

It is believed that these sites were identified primarily due to their geographical relationship with the Black Country.

I understand that the Council's response to the Inspector's Interim Findings was approved by Shropshire Council's Cabinet on the 19th July and will be taken forward as part of the Examination in Public.

Sandwell Council is also aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

Sandwell Council is aware of the changing situations with regard to a number of emerging local plans within the GBBCHMA and is keen to clarify the situation with regard to the Shropshire Local Plan and discuss the offers of housing and employment land as set out in the signed SoCG.

Thank you for your continued co-operation in this matter. We look forward to discussing these issues in the near future

Yours faithfully



Tony McGovern

Director of Regeneration and Growth

**Regeneration and Growth**

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[www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## Letter to Lichfield District Council – 8<sup>th</sup> August 2023



By email: Lichfield Council

FAO: Patrick Jervis

From: Philippa Smith

Email: [REDACTED]

Date: 8<sup>th</sup> August 2023

Dear Colleagues,

### Sandwell Local Plan – Duty to Co-operate

As you will be aware, the Black Country Authorities (BCAs) made the decision to cease work on the Black Country Plan (BCP) back in October 2022 and to pursue the production of individual local plans for the four Black Country authorities. However, as local authorities still have a duty to co-operate (DtC) on strategic issues, Sandwell Council is still keen to work with neighbouring authorities.

Sandwell Council has now commenced the production of the Sandwell Local Plan (2023 – 2041) and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

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| November 2024            | Submit the Plan and representations to the Secretary of State |

The DtC Letter, dated 26th April 2022, sent by the Association of Black Country Authorities (ABCA) to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time, namely meeting unmet housing need and meeting unmet employment need. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

At the time of the demise of the BCP, a Statement of Common Ground (SoCG) was being prepared between Lichfield Council and the BCAs. This Statement of Common Ground covers the following matters:

- Housing (including housing needs across the Greater Birmingham & Black Country Housing Market Area GBBCHMA);
- Gypsy and traveller accommodation;
- Employment land;
- Transport and infrastructure matters; and
- Natural and historic environment including designated sites.

Sandwell Council would like to continue the dialogue with regard to the Duty to Co-operate and discuss the contents of the SoCG with colleagues at Lichfield District Council.

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[www.sandwell.gov.uk](http://www.sandwell.gov.uk)

### Housing Matters

With regard to housing, the issue of unmet housing need still remains in Sandwell. The table below indicates Sandwell's current housing need and supply figures:

| <b>Housing Need to 2041</b>  |                       |
|--|-----------------------|
| Based on 2014 household projections (using 2022 affordability ratio) (2022-2041)   | 28,875                |
| Based on 2021 census figures (based on increase in households of 7.2%)   | 19,818                |
| <b>Housing Supply to 2041</b>  |                       |
| Based on supply and small windfalls identified in current SHLAA (2021) plus aspirational growth in the Regeneration Areas and Centres and assumed contributions from DtC | 10,644                |
| <b>Shortfall</b>   | <b>9,174 - 18,231</b> |

NB: Figures subject to change following completion of 2023 SHLAA and further site assessment work

Sandwell Council notes that, as set out in the draft SoCG, Lichfield District Council (LDC) as part of the LP2040, are proposing to contribute 2,665 homes, of which a capped contribution of 2,000 was to be made to the BCAs unmet housing need.

Although this contribution is welcomed by the BCAs, there remains a concern about the level of this contribution for the reasons set out in paragraph 11 of the Draft SoCG, in particular, that the 4,500 originally proposed within the Local Plan Preferred Options document is considered more appropriate. Appreciating the need for a pause in the Lichfield Local Plan Review, Sandwell Council would welcome a discussion as to the justification for the decrease in the contribution from 4,500 dwellings in the Preferred Options document to 2,665 in the Local Plan 2040, particularly with regard to the large buffer (36.8%) between the capacity and delivery in the context of higher delivery rates.

Sandwell Council is also aware that a brief is being prepared to refresh the 2018 Growth Study, looking at housing need and potentially identifying new opportunities for growth. Sandwell Council is fully committed to this review and will continue to work with colleagues across the Housing Market Area.

### Employment Matters

Sandwell Council notes that the Lichfield District Local Plan 2040 proposes to deliver approximately 85 hectares of land for employment uses to meet its own employment land requirements. The Council also notes that it was agreed by all parties to the draft SoCG that the Lichfield District Local Plan 2040 does not seek to provide employment land for potential wider unmet needs and that any unmet need, in particular that arising from the BCA, should be dealt via a SoCG across the area that functionally relates to the BCA.

### Transport

With regard to strategic transport matters, Sandwell Council remains committed to working in partnership with LDC and other neighbouring authorities, with the aim of ensuring the necessary transport and highways improvements are in place to support sustainable growth across the housing market area.

### Gypsy and Traveller Provision

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[www.sandwell.gov.uk](http://www.sandwell.gov.uk)



It is recognised that neither Sandwell Council nor LDC has identified sufficient sites to meet the needs for gypsy and traveller provision and so are unable to make any contribution to unmet need. However, Sandwell Council remains committed to continued co-operation with neighbouring authorities with regard to gypsy and traveller provision.

**Infrastructure**

Sandwell Council is committed to continued partnership working, with the aim of ensuring the necessary infrastructure improvements to support sustainable growth across the housing market area.

**Natural and Historic Environment**

Sandwell Council is committed to continued partnership working in respect of matters relating to the natural and historic environment where these are applicable to the authorities.

Finally, Sandwell Council is aware of the changing situations with regard to a number of emerging local plans within the GBBCHMA and is keen to clarify the situation with regard to the Lichfield Local Plan and discuss the offer of housing land as well as the matters set out above as set out in the draft SoCG.

Thank you for your continued co-operation in this matter. We look forward to discussing these issues in the near future

Yours faithfully



Tony McGovern

Director of Regeneration and Growth

**Regeneration and Growth**

Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, West Midlands. B69 3DE  
[www.sandwell.gov.uk](http://www.sandwell.gov.uk)

**Appendix Five - Letters between Black Country Authorities regarding methodology for apportioning any housing or employment contributions**

Response received from Dudley Council.

**Sandwell Letter to Black Country Authorities – Dudley, Walsall and City of Wolverhampton Councils – 31st May 2023**





By email: To Black Country Planning  
Leads of Dudley Council; Walsall  
Council; City of Wolverhampton Council

From: Philippa Smith

Email: [REDACTED]

Date: 31<sup>st</sup> May 2023

Dear Colleagues

### Sandwell Local Plan – Duty to Co-operate

Sandwell Council writes to you following the demise of the Black Country Plan (BCP) in October 2022 and the agreement by the Association of Black Country Authorities (ABCA) that the Black Country authorities (BCAs) should produce individual local plans.

Sandwell Council has commenced the production of the Sandwell Local Plan and completed the Issues and Options consultation in March 2023. The Council is now working to the following timetable for plan preparation:

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| March – August 2023      | Draft Plan preparation   |
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| November 2024            | Submit the Plan and representations to the<br>Secretary of State |

Despite the demise of the BCP, the BCAs still have a Duty to Cooperate (DtC) with each other, as well as with other prescribed bodies, on strategic matters that cross administrative boundaries. The DtC letter, dated 26<sup>th</sup> April 2022, sent by ABCA to neighbouring authorities, sets out in detail the strategic matters that were directly impacting upon the preparation of the emerging BCP at that time. These were agreed as follows:

- Meeting unmet housing need.
- Meeting unmet employment need.
- Transport issues – also concerning Birmingham, Dudley, Walsall, Bromsgrove, Transport for West Midlands (TfWM) and National Highways.

It is Sandwell's view that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan.

With regard to housing and employment matters, the following offers have previously been made to the Black Country and the wider HMA:

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[www.sandwell.gov.uk](http://www.sandwell.gov.uk)



#### Housing

- Lichfield – 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA as a whole
- Shropshire – 1,500 homes to meet Black Country needs

There were also potential contributions from: South Staffordshire (4,000 homes towards the needs of the GBBCHMA); Stafford (up to 2,000 homes); Solihull (a proportion of 2,105 to the GBBCHMA mainly BCC); potentially contributions from Bromsgrove (subject to the status of their plan review), Telford and Wrekin (higher growth options could provide some contribution to BC) and Cannock Chase (potentially 500 homes towards the needs of the GBBCHMA).

#### Employment Land

- Shropshire – confirmed contribution of 30ha

There are also potential contributions from: South Staffs (additional surplus employment land to the BC, including WMI); Stafford – 30-40ha, and Telford.

In order to progress the Sandwell Local Plan, the Council will request clarification from Shropshire and Lichfield Councils as to how much of the housing and employment land offer remains available to the Black Country and the wider HMA. The Council will also contact those authorities from where potential contributions might still arise.

In addition to this, Sandwell Council is keen to agree how any confirmed offers can be apportioned amongst the relevant authorities to progress the Sandwell Plan to the Reg 18 Draft Plan stage. Therefore, we request that a discussion takes place between the Black Country Planning Leads at their meeting of 5<sup>th</sup> June 2023 to agree a method for apportionment.

Sandwell will also be able to discuss any other issues raised by neighbouring authorities through the Issues and Options consultation held earlier this year, albeit at a later date.

Yours faithfully



Tony McGovern

Director of Regeneration and Growth

## Dudley Council's Response to the Sandwell Letter – 11<sup>th</sup> September 2023

Council House, Priory Road, Dudley, West Midlands DY1 1HL  
[www.dudley.gov.uk](http://www.dudley.gov.uk)



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|          |          |   |                   |
|----------|----------|---|-------------------|
| Our ref: | Service: | Direct Line:  | Date:             |
|          | Planning |  | 11 September 2023 |

Tony McGovern  
Director of Regeneration and Growth  
Sandwell MBC  
Sandwell Council House  
Freeth Street  
Oldbury  
B69 3DE

BY EMAIL ONLY

Dear Tony,

### **Sandwell Local Plan – Duty to Cooperate**

Thank you for your letter of 31<sup>st</sup> May 2023 which helpfully sets out the timetable for the preparation of the next stages of the Sandwell Local Plan and seeks the views of Dudley Council on a number of related Duty to Cooperate issues.

As you are aware, Dudley Council is in the process of developing its Local Plan and it is our intention to take a report to Cabinet in Autumn to request approval to undertake a formal consultation. Once we have finalised our draft Plan, and related evidence, over the coming weeks we will be in a better position to provide a formal response. In the meantime, please note our informal officer response as follows.

### The Strategic Issues

We note and confirm that current legislation and guidance requires that the Black Country Authorities (BCAs) have a Duty to Cooperate with each other on strategic matters that cross administrative boundaries.

We agree that in a Black Country context, at this stage, the principal strategic issues that affect the preparation of the Sandwell Local Plan remain those set out in the ABCA letter of 26<sup>th</sup> April - meeting unmet housing needs, meeting unmet employment needs and strategic transport issues. There may also be intra Black Country issues which will need to be dealt with through the Plan process; for example, matters relating to mineral



infrastructure and strategic waste facilities. Along with issues of more local significance, including site specific proposals that will arise through the preparation of the Sandwell Local Plan and the Dudley Local Plan that may require further and ongoing engagement.

#### Strategic Housing Issues

We note that Sandwell Council will be writing to Shropshire and Lichfield Councils, regarding their submitted Local Plans, asking them to confirm that the housing 'offer' made to the Black Country Authorities, as a whole, still remains. We also note that Sandwell Council will be writing to all other authorities where Local Plans have progressed up to Regulation 19 stage and from whom the BCAs anticipate that a potential contribution may arise (South Staffordshire (Reg 19), Stafford (Reg 18), Solihull (examination), Bromsgrove (Reg 18), Telford & Wrekin (Reg 18) and Cannock Chase (Reg 19 approved by Cabinet but not yet consulted on).

We recognise that it is important to understand how any contributions that have been made to the Black Country as a whole can be apportioned between the BCAs in order to give certainty for individual Local Plans to progress. Specifically, given the cessation of work on the Black Country Plan (BCP), all the BCAs need to determine the extent of the shortfall between housing need and forecast supply in their area, taking into account contributions from neighbouring areas, in order to progress individual Local Plans and inform ongoing Duty to Cooperate work. Cessation of the BCP does not alter the needs of the four BC authorities as a whole, nor the total supply within their combined areas.

We recommend that this apportionment is in two stages. Firstly, it is important to understand the extent to which existing and forecast supply can accommodate identified housing needs over the Local Plan period. This stage 1 work will establish the housing shortfall for each of the BCAs.

In the case of Dudley, we are currently working on the preparation of the Draft Dudley Local Plan (Reg 18) which we hope to publish for consultation in Autumn 2023, along with up to date evidence work including our latest SHLAA and Urban Capacity Study. As part of this work, we will be finalising our housing land supply over the coming weeks. The Dudley Plan will have a plan period to 2041 which will increase our overall need from the requirement to 2039 as set out in the published Draft (Reg 18) BCP.

Whilst we are still finalising our supply, it is likely that Dudley will have a shortfall in meeting its own need and on this basis, we would not be in a position to contribute to meeting Sandwell's housing need.

The next stage should apportion any contributions to the individual BCAs which can evidence a housing shortfall from Stage 1. It is essential that this apportionment approach is evidence based and reflects the likelihood that new homes built in the contributing authority will directly address the needs arising in the receiving authority. This likelihood can be estimated by considering historic patterns of migration between different areas, giving the apportionment figure credibility and a strong degree of certainty. On this basis,



we strongly recommend that the level of apportionment is proportionate to the actual functional relationship between the exporting area and the individual BCA where the shortfall arises. The most robust dataset to base this approach on is migration data available on an annual basis from ONS, which is based on a combination of administrative data taken from the National Health Service Central Register, the Patient Register Data System and the Higher Education Statistics Agency.

This data is published over an extended period (2001-19) in the form of net flows – the difference between outflows and inflows. The relationship between the individual BCAs and Shropshire and Lichfield (those areas where Local Plan are the most progressed and where 'offers' have been made on a Black Country basis - 1,500 homes from Shropshire and 2,000 homes from Lichfield) is set out in Table 1 below.

**Table 1 – net migration flows between the BCAs and Shropshire and Lichfield 2001-19**

| BCA           | Net Movements to Shropshire | Proportion of all BCAs | Net Movements to Lichfield | Proportion of all BCAs |
|---------------|-----------------------------|------------------------|----------------------------|------------------------|
| Dudley        | 2,702                       | 28.7                   | 224                        | 3.4                    |
| Sandwell      | 1,614                       | 17.2                   | 1,208                      | 18.5                   |
| Walsall       | 1,374                       | 14.6                   | 4,710                      | 72.1                   |
| Wolverhampton | 3,715                       | 39.5                   | 391                        | 6.0                    |
| <b>Total</b>  | <b>9,405</b>                | <b>100.0</b>           | <b>6,533</b>               | <b>100.0</b>           |

This data shows that all BCAs are net 'exporters' of people to Shropshire and Lichfield. Wolverhampton has the strongest relationship with Shropshire (39.5% of net outflows from the BCAs), followed by Dudley (28.7% of net outflows from the BCAs), whereas Walsall has the strongest relationship with Lichfield (72.1% of net outflows) and Dudley has only a limited migration relationship with Lichfield. Using this approach, and subject to the stage 1 exercise, each of the BCAs would receive a proportion of the Shropshire and Lichfield 'offers' proportionate to their share of the net outflow figure as set out in Table 2 below.

**Table 2 – potential contributions (homes) apportioned between BCAs**

| BCA           | Apportionment from Shropshire | Apportionment from Lichfield |
|---------------|-------------------------------|------------------------------|
| Dudley        | 431                           | 68                           |
| Sandwell      | 258                           | 370                          |
| Walsall       | 219                           | 1,442                        |
| Wolverhampton | 593                           | 120                          |
| <b>Total</b>  | <b>1,501*</b>                 | <b>2,000</b>                 |

\*Due to rounding up

It could be argued that migration can only arise when homes are available for households to move to. Past net migration rates therefore may not reflect future rates where an





authority increases its housing supply. However, even in areas of high housing growth, new homes only account for a small proportion of the housing supply. If the Black Country met its housing needs in full (76,076 homes between 2020 and 2039), this would equate to a less than 1% annual growth in the total housing stock. Most household moves involve existing homes rather than new build. Use of past migration rates to apportion housing offers from neighbouring authorities therefore provides a robust methodology.

In order to confirm this approach, we recommend that all of the BCAs sign a single Statement of Common Ground confirming the 'share' of the overall BCA offer as set out in Table 2, subject to the Stage 1 exercise.

Going forward, we also recommend that this two-stage process could be applied to other, less progressed Local Plans where the BCAs are seeking a contribution towards meeting unmet needs. However, in the case of contributions offered to the Greater Birmingham and Black Country Housing Market Area (HMA) as a whole, the approach would need to be widened to cover all authorities in the HMA which can demonstrate a shortfall, including Birmingham.

### Strategic Employment Issues

Your letter summarises the current and potential contributions from neighbouring areas to address the shortfall of employment land which arises across the Black Country Functional Economic Area (FEMA). The FEMA corresponding to the geography of the BCAs.

Given the need to establish and plan for needs arising across FEMAs as a whole and as set out in the Planning Practice Guidance (PPG), the approach to addressing the shortfall is different to that for housing. Contributions secured through current Statements of Common Ground between the BC FEMA authorities and Shropshire and South Staffordshire Councils have potential to provide some 133.6 ha towards BC FEMA needs, which would reduce the BC FEMA shortfall to 22.4 ha. The BCAs should individually and collectively continue to engage with other neighbouring authorities preparing Local Plans which have a functional relationship with the BC FEMA, to help address the shortfall across the BC FEMA as a whole. The focus for this work will be those areas identified in the EDNA as having strong or moderate relationships with the BC FEMA (Bromsgrove and Tamworth) and other areas which have an evidenced relationship with the BC FEMA (Stafford and Telford & Wrekin). At the same time, the BCAs should continue to maximise all opportunities to accommodate needs arising through the preparation of individual Local Plans. For this reason, it is not considered necessary to apportion the current and potential contributions between the BCAs.

You will be aware that the Economic Development Needs Assessment is being updated in order to provide the most up to date position on forecast employment land demand and supply. This work will confirm the scale of the shortfall that Duty to Cooperate activity should seek to address.

### Summary



In summary, the Council welcomes the progress being made with the preparation of the Sandwell Local Plan and the proposed approach towards meeting the Duty to Cooperate. We strongly commend the proposed approach towards the apportionment of housing contributions and that for employment land. As set out above, we also recommend that this approach is formalised through a Statement of Common Ground between the BCAs.

If you require any clarification or further discussions on our response please contact Vicki Poplewell (Planning Policy Manager) [REDACTED].

Yours sincerely



**Carl Mellor**  
Head of Planning

Cc Philippa Smith – Sandwell MBC



## **Appendix Six**

**Letter to neighbouring authorities of 20<sup>th</sup> June 2024, confirming timetables for local plan production and clarification of any contributions to unmet housing need**



By email:

From:

Email:

Date:

Dear Colleagues

### **Sandwell Local Plan – Duty to Co-operate**

Sandwell Council wrote to ..... in 2023 setting out its intention to produce a Local Plan for Sandwell following the demise of the Black Country Plan (BCP). Sandwell Council consulted on its Draft (Regulation 18) Local Plan in November/December 2023 and since then has been working towards the Publication (Reg19) version of the Plan with a view to undertaking consultation into its soundness at the end of 2024 and submitting the Plan to the SoS in early 2025.

The strategic matters, as set out in the previous letter, included meeting unmet housing need, meeting unmet employment need and some transport issues. It is the view of Sandwell Council that these strategic matters continue to be the principal cross boundary issues affecting the preparation of the Sandwell Local Plan (SLP).

The purpose of this letter is to outline the Council's preferred approach to the Duty to Cooperate (DtC) in respect of strategic housing issues, to seek your views on this approach and to request that your Council fully engages with this work. A separate letter will be sent regarding employment issues.

#### **Background**

##### **Housing Provision**

Using the Government's standard method, Sandwell needs to identify land for 29,773 homes between 2022 and 2041. However, the supply of suitable residential land based on the most recent evidence stands at 11,167 homes meaning there is an unmet need of 18,606 homes over this period. The SLP provides for just over one third of the Council's housing need on the land that is available in Sandwell. As of June 2024, Sandwell's unmet need contributes to a larger shortfall across the Black Country of approximately 42,000 homes, made up of Sandwell's shortfall plus the following components:

- Dudley – shortfall of 1078 homes 2022-41 as set out in the 2024 Regulation 18 Local Plan consultation <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/draft-dudley-local-plan-consultation/dudleys-draft-local-plan-consultation-documents>
- Walsall – shortfall of 11,329 homes 2022-41 based on the Walsall SHLAA 2022. However, Walsall's housing shortfall is unclear at the moment given the uncertainty over the deliverability of some sites.  
[https://go.walsall.gov.uk/sites/default/files/2022-09/Strategic Housing Land Availability Assessment 2022.pdf](https://go.walsall.gov.uk/sites/default/files/2022-09/Strategic_Housing_Land_Availability_Assessment_2022.pdf)
- Wolverhampton – shortfall of 11,400 homes 2022-42 as set out in the February 2024 Regulation 18 Issues and Preferred Options consultation.  
<https://www.wolverhampton.gov.uk/planning/planning-policies/Wolverhampton-local-plan>

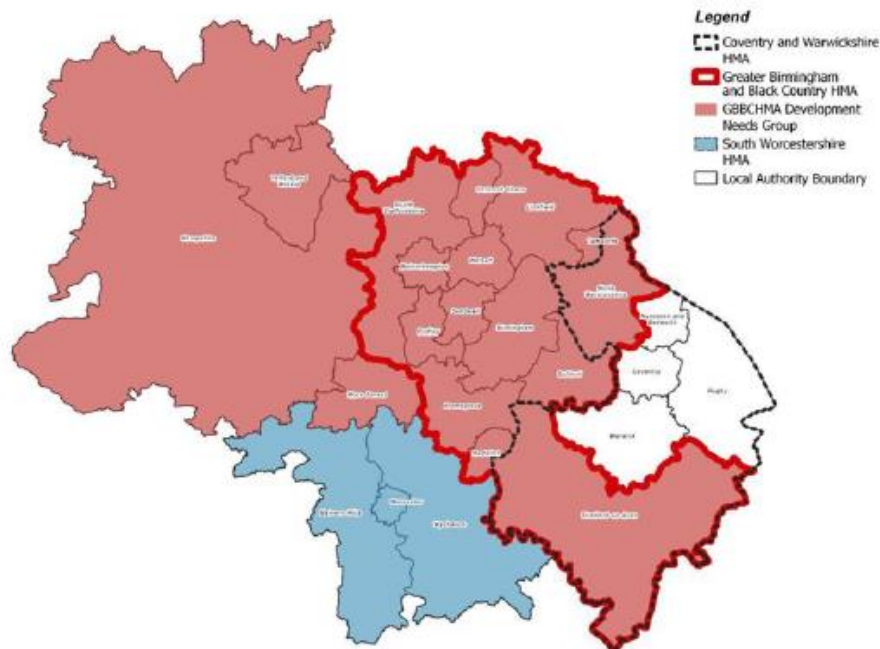
#### **Regeneration and Growth**

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In addition, the emerging ..... Local Plan identifies a significant housing shortfall in the order of ..... homes 2022-42 as set out in the 2024 Preferred Options consultation. Together, these emerging Local Plans indicate a housing shortfall of some ..... across the Black Country and Birmingham Housing Market Area.

Previous discussions across the Birmingham and Black Country Housing Market Area (B&BCHMA) (as shown on the Map below) and a number of neighbouring Local Plan areas, indicated that contributions to addressing this shortfall have been made from a number of adopted and emerging Local Plans from other local authorities. However, it is anticipated that contributions secured or 'offered' to date will not make significant headway into addressing the shortfall, indicating a very substantial under-delivery of homes compared with identified needs.



Map: Birmingham and Black Country Housing Market Area (B&BCHMA) plus neighbouring Local Plan areas

#### Gypsy and Traveller Provision

Sandwell has identified a 14 pitch need for Gypsy and Traveller households over the plan period, including 8 pitches within the first 5-year period.<sup>1</sup> Through the site assessment process for the SLP, Sandwell identified provision for 10 pitches.

<sup>1</sup> Black Country GTAA 2022 <https://www.sandwell.gov.uk/downloads/download/493/sandwell-local-plan-housing-evidence>



The Council explored all potential sites for their suitability for plots and pitches including council land and the potential to expand or new public site provision, it also engaged with site promoters through 'Call for Sites' to explore if they were willing to make part of their site available for a publicly run site, no new sites were identified.

#### Addressing the shortfall

As Sandwell Council and other Local Plan areas are reliant on contributions from the HMA and wider to meet identified housing needs, this letter is to determine whether ..... Council is able to make any contribution to the wider shortfall, either through current or future local plan reviews. This request is consistent with the December 2023 National Planning Policy Framework (NPPF) which confirms the need for Local Plans to consider how they can accommodate need from neighbouring areas where it is practical to do so whilst achieving sustainable development through the Duty to Cooperate.

Therefore, as part of the DTC, please could you provide the following information:

- confirm the timetable for reviewing your Council's Local Plan, and the term of this Local Plan.
- confirmation of whether your adopted and emerging Local Plan is able to meet local housing needs in full within the administrative area.
- confirm how your adopted / emerging Local Plan is responding to the requirements of the NPPF outlined above and whether your council will be able to contribute to the overall unmet need in the wider HMA area.
- confirm whether this contribution will be for the Black Country, Birmingham, or for the wider HMA.
- confirmation of whether your adopted and emerging Local Plan is able to meet Gypsy and Traveller needs in full within the administrative area.

We anticipate that the responses to these questions will confirm that emerging Local Plan work will fail to address the identified shortfall and that further collaborative work will be needed to identify additional sources of land across the whole of the HMA and almost certainly beyond it. The most recent HMA-wide evidence designed to consider this issue is the 2018 Growth Study which a number of emerging Local Plans consider to be out of date. Sandwell Council is committed to an inclusive and comprehensive review and update of this work as the most effective vehicle to respond to the shortfall and we encourage ..... to participate in order to shape its findings and recommendations. We note that the commissioning of this work is progressing through the HMA Development Needs Group.

#### Next Steps

Moving forward, we intend to use the responses to the questions set out above to prepare a Statement of Common Ground (SoCG) that will set out:

- the housing shortfall arising in individual plan areas across the whole of the HMA and those Local Plan areas which have an evidenced strong functional relationship with it – namely Shropshire, Telford & Wrekin, Stafford and Wyre Forest
- how individually and collectively individual plans are responding to the shortfall,
- confirm the position of individual Local Plan areas to participating in a review and update of the 2018 Growth Study

Regeneration and Growth  
Sandwell MBC, Sandwell Council House, Freeth Street, Oldbury, West Midlands. B69 3DE  
[www.sandwell.gov.uk](http://www.sandwell.gov.uk)



- agree the method by which current and potential contributions to addressing the shortfall are apportioned to those Local Plan areas with an evidenced shortfall. We suggest that this approach is discussed at forthcoming meetings of the HMA Development Needs Group.

We would be grateful if you could confirm that your Council would be willing to be party to this SoCG.

The Council would be grateful if you could respond to the issues raised in this letter by Friday 5<sup>th</sup> July 2024. This will enable the Council to make progress with DtC issues prior to the Publication of the Sandwell Local Plan later this year.

Yours faithfully

Assistant Director: Spatial Planning and Growth

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[www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## Collated Responses from DtC Letters

| West Midlands HMA – Contributions to Housing Need |  |                              |  |                       |                       |                   |  |
|---|--|------------------------------|--|-----------------------|-----------------------|-------------------|--|
| Local Authority                                   | Local Plan Adoption Date               | Meeting Housing Need Y/N?    | Contribution to Unmet Housing Need (Number)? | BC, BCC or Wider HMA? | Meeting G&T Need Y/N? | Growth Study Y/N? | Agree method of apportionment at HMA Development Needs Group |
| Birmingham  | Late 2026                              | No                           | No   | N/A                   | Yes                   | Yes               | Yes  |
| Bromsgrove  | Timetable under review                 | Yes                          | 3,400  | Redditch              | Unknown               | No response       | No response  |
| Redditch  | Timetable and plan period under review | 3400 dwellings from Redditch | No   | N/A                   | Unknown               | No response       | No response  |
| Cannock   | Summer 2025                            | Yes                          | 500  | HMA                   | No                    | No response       | No response  |
| Dudley  | 2025/26                                | No                           | No   | N/A                   | No                    | Yes               | Yes  |
| Lichfield   | Jan/Feb 2027                           | Unknown                      | Unknown                                      | N/A                   | Unlikely              | Yes               | Yes  |
| North Warwickshire                                | No response                            |                              |  |                       |                       |                   |  |
| Sandwell  | January 2026                           | No                           | No   | N/A                   | No                    | Yes               | Yes  |
| Shropshire  | 2024/25                                | Yes                          | 1500   | BC                    | No                    | Yes               | Yes  |
| Solihull  | No response                            |                              |  |                       |                       |                   |  |
| South Staffordshire                               | Winter 2025/26                         | Yes                          | 640  | HMA                   | No                    | Yes               | Yes  |
| Stafford  | October 2024                           | Yes                          | No   | N/A                   | Yes                   | No response       | N/A  |
| Stratford   | December 2027                          | Unknown                      | Unknown                                      | N/A                   | Unknown               | Yes               | Unknown  |
| Tamworth  | Review - December 2026                 | Currently unknown            | No   | N/A                   | No need identified    | Y – no funds      | Yes  |
| Telford   | Reg19 Winter 2024                      | Yes                          | 1600   | BC                    | Unknown               | No response       | Unknown  |
| Walsall   | No timetable for review as yet         | No                           | No   | N/A                   | Unknown               | Yes               | Yes  |

## Appendix Seven – Statements of Common Ground

|   |
|---|
| Black Country Local Authorities and South Staffordshire District Council FEMA |
|   |
| Dudley Council and Sandwell Council   |
| Sandwell MBC and Telford and Wrekin Council                                   |
| Greater Birmingham and Black Country Housing Market Area (GBBCHMA)            |
|   |
| South Staffordshire District Council  |
| Shropshire Council and Black Country Authorities                              |
| West Midlands Resource Technical Advisory Body                                |

**Black Country Local Authorities and South Staffordshire District Council FEMA (agreed and signed)**

# **South Staffordshire Employment Land Requirement and Supply**

## **Statement of Common Ground**

### **Position at August 2024**

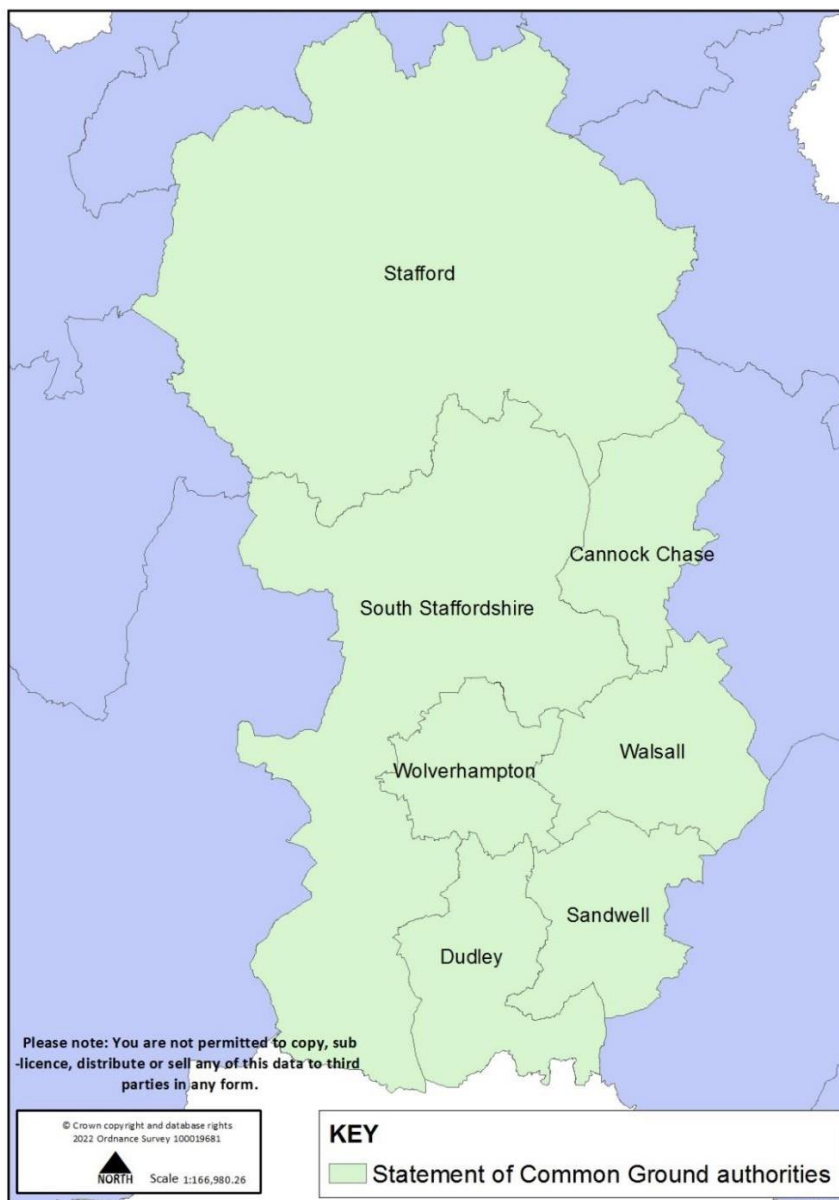


## 1. Purpose and list of Parties involved in this Statement of Common Ground

1.1 This statement of common ground has been prepared to facilitate and record cross-boundary engagement between local authorities in addressing the employment needs to be met within South Staffordshire and the contribution that could be made from employment development within SSDC to the needs of the Black Country and other neighbours. In this document the SSDC area is described as the South Staffordshire Functional Economic Market Area (FEMA). The statement records co-operation and progress to date in addressing this strategic issue, demonstrating that the participating authorities have engaged constructively, actively and on an ongoing basis under the Duty to Cooperate.

1.2 The parties to this statement of common ground comprise of the local planning authorities set out below, as shown on the following map.

**Figure 1: Authorities covered by this statement**



Local planning authorities within the South Staffordshire FEMA

- Cannock Chase District Council
- Dudley Metropolitan Borough Council
- South Staffordshire District Council
- Stafford Borough Council
- Walsall Metropolitan Borough Council
- City of Wolverhampton Council

Other related local planning authorities outside of the South Staffordshire FEMA

- Sandwell Metropolitan Borough Council

## 2. Strategic Geography

2.1 South Staffordshire's Economic Development Needs Assessment states that the district has a low workplace self-containment rate, with high levels of commuting to and from neighbouring authority areas. The neighbouring area of Birmingham and the Black Country has a much greater resident population and number of jobs than the district. The strongest commuter links however are with six local authorities: Cannock Chase District Council, Dudley Metropolitan Borough Council, South Staffordshire District Council, Stafford Borough Council, Walsall Metropolitan Borough Council and City of Wolverhampton Council. For the purpose of identifying the economic needs of the district alone, it is necessary to identify a freestanding FEMA around the district. The EDNA update (2024) reconfirmed the South Staffordshire FEMA comprising these six authorities as an appropriate geography for this issue.

2.2 In addition to these local authorities, Sandwell Metropolitan Borough Council has also been included within this statement of common ground, despite being outside of the FEMA geography. Sandwell has been included within this statement because of the complex linkages between the four Black Country authorities.

2.3 Published evidence, most recently the October 2023 Black Country EDNA update<sup>1</sup>, confirms that the Black Country authorities will be unable to meet their needs for employment land over the period to which this SoCG relates. This is in part because of the physical capacity of their own areas, but also because of the consequential effects of the shortage of land in Birmingham. The latter was identified in the Birmingham Development Plan that was adopted in 2017.

2.4 The Black Country Plan Regulation 18 draft published in 2021<sup>2</sup> indicated that the Black Country as a whole (including Sandwell) was required to export 210ha of employment land through the Duty to Cooperate in order to address its employment needs. This shortfall was based on the balance of employment land need and supply across the individual Black Country local authorities. Whilst the Black Country Plan is no longer being proceeded with, the evidence that supported it remains.

2.5 An update to the Black Country authorities' employment land needs evidence was most recently undertaken in October 2023 in the Black Country Economic Needs Assessment (BCENA) 2020-41, and was published from early 2023 to support the emerging (Regulation 18) Sandwell, Dudley and Wolverhampton Local Plans. This work reconfirmed that the four Black Country authorities (Wolverhampton, Walsall, Dudley and Sandwell) form a single functional economic market area (FEMA), albeit with complex and varying functional interactions between the four Council areas within it. The work also confirms that the FEMA authorities have functional links to South Staffordshire, Birmingham, Wyre Forest, Bromsgrove, Solihull, Tamworth, Lichfield and Cannock Chase. Given this extensive geography, the relationship between the individual Black Country FEMA authorities and the authorities within this wider area also varies. The Black Country ELNA identifies a shortfall of 153ha of employment land across the Black Country FEMA and recommends that in meeting

---

<sup>1</sup> [black-country-employment-land-needs-assessment-edna-2023.pdf \(dudley.gov.uk\)](#)

<sup>2</sup> [Draft Black Country Plan 2039 \(Regulation 18\) Consultation | Black Country Plan \(dudley.gov.uk\)](#)

this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate.

2.6 It is recognised that FEMAs overlap. The 2023 update reconfirmed functional links to Shropshire from the Black Country FEMA authorities. Therefore, aside from Stafford Borough, there is strong overlap between the South Staffordshire FEMA and the authorities functionally related to the Black Country FEMA, with South Staffordshire and Cannock sitting in both groups. The Cannock Chase Economic Development Needs Assessment 2019 identifies the FEMA for Cannock Chase as Cannock Chase District, Stafford, Lichfield, Walsall and South Staffordshire District. The Stafford Borough Economic Development Needs Assessment 2020 identifies the FEMA predominantly aligns with the Borough's administrative boundary.

### 3. Strategic Matter - Meeting Employment Needs

3.1 All adopted or emerging development plans for authorities involved in this statement of common ground are set out below, including whether a shortfall is currently being declared from any of these areas.

Table 1: Authorities progress to date

| <b>Local authority</b>               | <b>Plan progress</b>   | <b>Most recent published evidence on surplus/shortfall</b>   |
|--------------------------------------|--|--|
| South Staffordshire District Council | Regulation 19 Publication Plan consultation April 2024   | <p>The local plan proposes to allocate a total of 107.45ha of employment land, not including West Midlands Interchange which is under construction. This will meet the labour demand of South Staffordshire residents and provide a surplus of 45.2ha to contribute to the unmet needs of the Black Country authorities.</p> <p>18.8ha of the very large strategic employment site at West Midlands Interchange will contribute to South Staffordshire’s needs. 10ha will contribute to Cannock Chase Council. The remaining land supply from WMI will be considered with related authorities.</p>   |
| Cannock Chase District Council       | <p>Regulation 19 Pre-submission (February to March 2024)</p> <p><u>Regulation 18 Preferred Options</u> consultation completed (2021)</p> | <p>The Regulation 19 Pre-submission consultation proposed that 74ha of employment land will be provided in Cannock Chase District up to 2040 to meet the District’s requirements. The plan indicates that in order to meet these needs CCDC would require 10ha from WMI in addition to two strategic employment allocations which require release of land from the Green Belt within the Local Authority boundary.</p> <p>Policy SO4.2 of the Preferred Options consultation indicated no employment shortfall or surplus arising from Cannock, stating that the district will provide for up to 50 ha of land for employment uses during the plan period.</p> |
| Stafford Borough Council             | Regulation 18 Preferred Options consultation (October to December 2022)  | The preferred options consultation sought views on the development strategy, draft policies and proposed sites, including at least 80 hectares of new employment land and two new proposed allocations north of Stafford   |

|              |   |   |
|--------------|---|---|
|              | <u>Regulation 18 Issues and Options</u> consultation complete (2020)  | <p>and at Ladfordfields Recognised Industrial Estate. No surplus or shortfall to be exported through the Duty to Cooperate is identified by this consultation.</p> <p>Stafford Borough Council does not require the 8ha share of West Midlands Interchange attributed to the borough through the 2021 Stantec Report<sup>3</sup></p> <p>The issues and options consultation sought views on a range of levels of employment growth and land supply options to meet this growth, identifying a need to allocate employment land to accommodate this need. No surplus or shortfall to be exported through the Duty to Cooperate was identified through this consultation.</p> |
| Dudley MBC   | Draft Dudley Local Plan 2041 (October 2023)   | The draft Local Plan identifies a need of 72ha (98ha including replacement of employment losses of land for employment development) with an anticipated supply of 25ha and a shortfall of 47ha (73ha if including replacement of employment land losses).   |
| Sandwell MBC | Draft Sandwell Local Plan (November 2023)   | The draft Local Plan identifies a need for a minimum of 185ha of employment land up to 2041 (212ha including replacement of losses). The Plan confirms that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough   |
| Walsall MBC  | The Walsall Borough Local Plan will be progressed under new legislation introduced through the Levelling Up and Regeneration Act 2023 | <p>Black Country authorities EDNA update (2023) identifies that Walsall has a surplus of 64ha of employment land, but this includes allocations (47ha within green belt) contained within the 2021 Black Country Plan Preferred Options Report. This surplus would still leave the Black Country as a whole with a shortfall of between 153 and 231ha<sup>4</sup>.</p> <p>The 2023 EDNA has not been confirmed as supporting evidence for Walsall's local plan</p>  |

<sup>3</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

<sup>4</sup> The BCEDNA includes an additional employment land supply of 76.9ha in the form of windfall development. This is not 'allocated' to individual Local Plan areas but would reduce the overall Black Country Employment land shortfall to 153ha



|                                     |  |  |
|-------------------------------------|--|--|
| City of<br>Wolverhampton<br>Council | Wolverhampton<br>Local Plan<br>Regulation 18<br>Issues and<br>Preferred Options<br>(February 2024) | Plan identifies a need for 105 ha of land for employment development up to 2041 (116ha including replacement of losses), with the supply at April 2022 at 64ha, indicating a shortfall of 52ha |
|-------------------------------------|--|--|

### Work to date on the Black Country employment land shortfall

3.2 The Black Country Plan began its preparation process in summer 2017, when an Issues and Options report was published to commence the plan review. This initial document, based upon the 2017 Black Country EDNA, identified a Black Country-wide gap between employment land needs and supply of up to 300ha. Since then, the employment land shortfall being stated by the Black Country authorities has altered in its exact amount, but remains significant. The Association of Black Country Authorities sent further correspondence to neighbouring and housing market area local authorities in August 2020 (Appendix 1), outlining a shortfall of at least 292ha of employment land from the Black Country, which might be altered slightly by the findings of the emerging Black Country Employment Area Review which was then under preparation.

3.3 Following completion of this evidence, the published evidence to inform the 2021 Draft Black Country Plan consultation indicated that the shortfall had fallen since 2017 but remained significant, amounting to 210ha of land which needed to be exported through the Duty to Cooperate process. The Draft Plan suggested this could be informed by an update to the Black Country's EDNA and could be distributed to authorities that have a strong existing or potential functional economic relationship with the Black Country, for example in terms of migration patterns, commuting links and / or connectivity through physical infrastructure such as rail and motorway.

3.4 Following this in April 2022 the Association of Black Country Authorities wrote to neighbouring and housing market area authorities (Appendix 2). This letter requested clarification that all opportunities to accommodate unmet employment needs had been explored in local plan work. Separately, it queried whether authorities would be willing to participate in an update to the 2021 West Midlands Strategic Employment Sites work. It also indicated that the Black Country's employment shortfall had fallen to around 108ha, taking account of West Midlands Interchange's contribution to the Black Country and the proposed contribution from Shropshire Regulation 19 Local Plan. The correspondence requested that local planning authorities enter into a Statement of Common Ground with the Black Country to regularise their positions on its employment shortfall.

3.5 In October 2022, the Black Country Councils confirmed that work on the Black Country Plan had ceased, and that the four Council's would be preparing individual Local Plans. Evidence to support these individual Local Plans has been updated through the Black Country EDNA 2022 and most recently through the Employment Land Needs Assessment 2020-2041 (October 2023) which indicated a shortfall across the Black Country FEMA of 153ha.

## Contributions to date from the South Staffordshire FEMA to the Black Country authorities shortfall

3.6 Following the Black Country shortfall being identified, the Black Country authorities corresponded with other neighbouring local authorities under the Duty to Cooperate to establish opportunities to address this gap between need and supply. This included work to understand the role of the West Midlands Interchange (WMI) strategic employment site in contributing to employment supply in the Black Country and the site's wider travel to work area. This work supported the conclusions of the examining authority which granted the development consent order for the scheme, indicating that WMI will have no significant labour impact in the wider market area<sup>5</sup>. It also provided evidence of the contribution WMI would make to the employment land supply of authorities throughout the wider market area<sup>6</sup>, suggesting that WMI would contribute 67ha to the four Black Country authorities' employment land shortfall<sup>7</sup>. More recent Duty to Cooperate correspondence from South Staffordshire to the Black Country authorities confirms that this contribution from WMI towards the shortfall remains robust (Appendix 3).

3.7 South Staffordshire has also historically had an oversupply of employment land which has contributed towards the unmet needs of the wider region. This has been reflected in historic local plans, such as the district's Site Allocations Document 2018, which allocated modest extensions to the district's strategic employment sites to address regional unmet needs from beyond the district. South Staffordshire's emerging Local Plan Review also identified a surplus of employment land supply against South Staffordshire's own needs, as set out in South Staffordshire's 2022 Regulation 19 Publication Plan consultation. South Staffordshire formally indicated to the Black Country through Duty to Cooperate correspondence that this 36.6ha oversupply could contribute to the unmet employment land needs arising from the Black Country FEMA, and this was subsequently set out in a previous Statement of Common Ground (SoCG) dated November 2022 which was signed by Cannock, Dudley, South Staffordshire and Wolverhampton. This SoCG supersedes the previous November 2022 SoCG.

3.8 Since South Staffordshire Council consulted on its 2022 Publication Plan, the Council paused plan preparation pending clarity on proposed changes to national planning policy. This pause meant that it was no longer possible to submit the 2022 plan for examination given elements of it were no longer supported by up to date evidence and the plan's end date (2039) would be inconsistent with national policy requiring Local Plans to cover 15 years post adoption. Given this, in September 2023 South Staffordshire Council published an updated Local Development Scheme setting out its intention to undertake a further Regulation 19 consultation in Spring 2024. This has facilitated a need to update a number of evidence-based documents, including an update to the South Staffordshire EDNA which means that the supply/demand balance for employment land in the district was revisited,

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<sup>5</sup> Employment Issues Response Paper – Labour Supply' (prepared on behalf of South Staffordshire Council and the Black Country Authorities) (Stantec, May 2020)

<sup>6</sup> Including the Black Country, Birmingham and wider Staffordshire market areas

<sup>7</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

with the position on surplus land to contribute towards wider unmet needs having now changed. This update position is set out in Section 4 below.

3.9 To date neither Cannock Chase District Council nor Stafford Borough Council have proposed surplus employment land contributions towards the Black Country's employment land shortfalls. The reasoning and context for these positions is set out in Section 4 below.

#### Contributions to date from areas outside of the South Staffordshire FEMA

3.10 The Black Country EDNA 2017 and 2021 update concluded that the four Black Country local authorities can be considered as a standalone FEMA. They also indicate that there are eight local authority areas outside of the Black Country's FEMA which have strong or moderate functional economic links with the Black Country. These authorities include six local authorities that are not currently within the South Staffordshire FEMA<sup>8</sup>. The Black Country EDNA 2021 also identifies Shropshire Council as having strong labour market linkages with the Black Country. Despite this context, to date only Shropshire Council has proposed a contribution to the Black Country's employment land shortfall, proposing a 30ha contribution in their emerging Local Plan. Currently there are no other contributions proposed from other local authorities related to the Black Country but outside the South Staffordshire FEMA, although this is a matter of ongoing Duty to Cooperate discussions between the Black Country authorities and those areas.

#### **4. Current position of signatory authorities on the emerging Black Country FEMA shortfall as it relates to the South Staffordshire FEMA**

4.1 The purpose of this section is to set out the position of individual local authorities as to how they intend to address the emerging shortfalls within the South Staffordshire FEMA through their local plan reviews, including the work undertaken by each local authority to date. The wording provided for each authority represents the views of the authority concerned.

##### South Staffordshire District Council's position

4.2 South Staffordshire has been clear in Duty to Cooperate correspondence since 2018 that it will contribute surplus employment supply above its own needs to reduce the unmet needs of the Black Country authorities. The South Staffordshire EDNA 2018 identified a 19-38ha employment land oversupply against past completions and GVA growth predicted over the plan period. It indicated that this could contribute to part of the Black Country's employment shortfall (whilst acknowledging that Sandwell was not in South Staffordshire's FEMA) and that any oversupply to the Black Country should be secured through a Statement of Common Ground. Since this work was completed at the start of the district's plan review, South Staffordshire has revisited its EDNA in 2022, which identified a 36.6ha surplus of strategic employment land to meet cross boundary unmet needs.

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<sup>8</sup> Bromsgrove DC, Lichfield DC, Solihull MBC, Tamworth BC and Wyre Forest DC

4.3 Since the pause to the South Staffordshire Local Plan in January 2023, the Council considered it necessary to update its employment needs evidence to cover the district council's revised plan period to 2041. The update comprised details of the pipeline of employment land at 1 April 2023 and rolled forward evidence of labour demand covering the period 2023-2041. As part of its updated evidence base SSDC has identified gross residual needs of 62.4ha for the period 2023-2041 which includes an increased margin for churn and frictional vacancy that reflects the requirement to make sufficient provision for its own needs upon a combination of strategic and non-strategic sources of supply commitments and allocations. The resulting contribution towards unmet need is an output of these updates to the evidence base.

4.4 The EDNA update (2024) suggests that strategic sites (excluding WMI) within SSDC's area can contribute a surplus of 27.6ha to the unmet needs of other local authorities. In addition to sites in the current pipeline, SSDC is proposing to allocate an additional strategic site at M6 Junction 13 that performed well through the Council's site assessment process and will add an additional 17.6ha to the pipeline of sites. This recognises that allocating additional land will increase the pipeline of sites to more closely reflect recent take up (which has had a sub-regional component 'built in' due to recent large-scale completions, predominantly at i54). It also recognises that the site provides the only significant opportunity to deliver a non-Green Belt site in the district, at a location identified as a potential broad location for strategic employment land in the West Midlands Strategic Employment Sites Study (2021). The result of this addition to the pipeline is that the surplus of employment land that is available to unmet needs of the Black Country FEMA increases to 45.2ha (excluding WMI) to 2041.

4.5 In addition to this, South Staffordshire have also made clear that the West Midlands Interchange (WMI) Development Consent Order could contribute further to reduce unmet needs in the South Staffordshire FEMA. This was granted by the Planning Inspectorate in 2020, which creates around 200ha of B8 employment land within South Staffordshire's Green Belt. South Staffordshire has worked with the Black Country to identify the proportion of this land take that could be attributed to the Black Country's shortfall, firstly through the 2021 Stantec Report<sup>9</sup> and then through the district's 2020-2040 EDNA<sup>10</sup>. This work identified a **minimum** 67ha B8 contribution to the Black Country's unmet needs solely from WMI, which the Stantec Report indicates could increase if other local authorities within the WMI travel to work area do not require their 'share' of the site's considerable land supply. South Staffordshire understands that the Black Country is working with other local authorities within the WMI travel to work area to understand if more land from WMI could be counted towards Black Country FEMA shortfalls, hence why this figure is an absolute minimum at this stage.

4.6 Given this, South Staffordshire Council considers that there is a minimum of 112.2ha of surplus employment land within South Staffordshire which could contribute to addressing the Black Country's 153ha employment land shortfall. As set out in previous Duty to Cooperate correspondence the District Council does not consider there is further suitable

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<sup>9</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

<sup>10</sup> South Staffordshire Economic Development Needs Assessment 2020-2040

employment land to reduce this shortfall further within its administrative area, which reflects the findings of our Employment Site Assessment Topic Paper 2024.

4.7 Given this context South Staffordshire now expects that the Black Country authorities, either collectively or individually, must continue to approach the other seven local authority areas identified as having strong or moderate economic links with the Black Country in the 2017 and 2021 Black Country EDNAs. It must do this to identify how these authorities can now increase their land supply contribution to address the Black Country's employment shortfall. South Staffordshire District Council would be happy to participate in any Statement of Common Ground prepared by the Black Country authorities over this wider geography to address its shortfall more comprehensively.

4.8 South Staffordshire Council is one of the partner authorities for the West Midlands Strategic Employment Sites Study which is currently being prepared. The Council will consider the reports findings and respond to them through future local plan reviews.

#### Cannock Chase District Council's position

4.9 Evidence to support the Cannock Chase Local Plan review identifies that the Cannock Chase FEMA includes areas of South Staffordshire, Walsall, Lichfield and Stafford Borough.

4.10 Cannock Chase District Council wrote to the local authorities identified as being in its FEMA in December 2021 advising that it could not meet its employment land needs without removing sites from the Green Belt. The correspondence asked if the authority was able to assist in meeting some of Cannock Chase's employment land needs using land which is not in the Green Belt? The correspondence also asked in principle if the authority had any concerns regarding Cannock Chase District removing land from the Green Belt within its own administrative area to meet its local need for employment land.

4.11 South Staffordshire response in December 2021 advised potentially there may be capacity / sites in an emerging development plan which were not in the Green Belt and sought further discussions. South Staffordshire also sought further discussions regarding Cannock Chase removing land from the Green Belt within its own administrative area to meet the local need for employment land. They advised that they were updating their evidence and subject to its findings, there may be scope for some surplus employment land arising due to the West Midlands Interchange contributing towards the Cannock's supply.

4.12 The West Midlands Interchange lies within South Staffordshire district and the approach taken by South Staffordshire to the apportionment of land from this and their surplus employment land is set out within this statement.

4.13 The Black Country Authorities provided a joint response to the letter in December 2021 and advised they also had a shortfall in land supply to meet their own needs.

4.14 The Association of Black Country Authorities advised in December 2021 that the 2021 West Midlands SRFI Employment Issues Response Paper commissioned by the Black Country Authorities (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>) suggests that some

10ha of B8 land provided at the consented West Midlands Interchange could be apportioned to Cannock Chase. This would suggest that if the Local Plan is meeting its B8 needs in full, and the potential supply at WMI has not been accounted for in the land supply calculation, then there may be a surplus of land which could be available to contribute towards meeting needs arising in the Black Country in the context of the acknowledged shortfall. Furthermore, advised they had no concerns regarding the approach to remove land from the Green Belt within Cannock Chase's administrative area and no further discussions on this matter were considered necessary at this time.

4.15 Stafford Borough responded and advised that they had no land within their administrative boundary to assist in meeting some of the employment land need which was not in the Green Belt, that they had no concerns in principle regarding the removal of land from the Green Belt within Cannock Chase's administrative area, and considered no further discussions were necessary at the time subject to the sites being identified.

4.16 Cannock Chase District Council has stated in its 2024 Regulation 19 Pre-submission consultation that it will provide for up to 74ha of land for employment uses during the plan period. This is based on a robust assessment of the suitability, availability and achievability of employment site options within the district. The provision of 74ha figure is an upper limit on the supply of employment land and incorporates the 10ha of employment land apportioned at the West Midlands Interchange which could form part of Cannock Chase's employment land supply and further release of land within the Green Belt, within the District. Cannock Chase District Council does not currently consider that it has surplus in employment land provision available at this time to assist with the Black Country FEMA's employment land shortfalls which can be exported through the Duty to Cooperate.

4.17 Cannock Chase District Council is a partner authority for the update to the West Midlands Strategic Employment Sites Study and respond to findings of this study in future local plan reviews.

#### Stafford Borough Council's position

4.18 Stafford Borough Council's latest 2022 Regulation 18 Preferred Option consultation sets out the borough's current position on employment land provision. This indicates there is no surplus in employment land provision to be exported through the Duty to Cooperate to the Black Country. Stafford Borough Council does not require the 8ha share of West Midlands Interchange attributed to the borough in the work to apportion land from that site<sup>11</sup>.

#### The Black Country authorities' (Wolverhampton, Walsall, Dudley and Sandwell) position

4.19 The four Black Country authorities have established through successive studies and local plan consultations that there is a significant employment land shortfall arising from its administrative area. The demand requirement is based on a combination of past-trends and

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<sup>11</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

forecast growth in GVA with further adjustments to take account of forecasts 'losses'. As set out above, the total level of future employment land need across the Black Country is 533ha to 2041, with a forecast supply of 380ha, resulting in a shortfall of at least 153ha. It therefore remains imperative that local authorities with functional ties to the Black Country authorities examine whether they can reduce the Black Country FEMA shortfall through Local Plan Reviews.

4.20 The Black Country Councils acknowledge the contribution from South Staffordshire of 103.6ha of employment land (as set out in the 2022 Regulation 19 Plan), rising to 112.2ha (45.2ha from 'local' sites plus 67ha from WMI) based on the 2024 Regulation 19 Plan. Duty to Cooperate work between the Black Country authorities and other authorities in the WMI travel to work area including Birmingham City Council may increase this amount further, through identifying a greater share of West Midlands Interchange which is attributable to the Black Country FEMA. Given the sizeable nature of this contribution and the number of other local authorities with functional economic relationships with the Black Country, this is considered an appropriate contribution to the Black Country's employment land needs, although the Black Country authorities would expect South Staffordshire to consider the findings and recommendations of the West Midlands Strategic Employment Sites Study through future local plan reviews.

4.21 The Black Country FEMA authorities have also agreed the appropriateness of the 30ha contribution towards its unmet needs proposed in Shropshire's local plan which is currently under examination, subject to the inclusion of an early review mechanism should a shortfall remain in the light of the current round of Local Plans reviews and this position has been recorded in a separate Statement of Common Ground with Shropshire.

4.22 The Black Country authorities have made representations to the Cannock Chase and Stafford Borough emerging Local Plans to request that those Plans consider making a contribution towards addressing the Black Country employment land shortfall.

4.23 The total contributions to the Black Country's employment land shortfall proposed to date from South Staffordshire and Shropshire comprise 142ha, which almost closes out the Black Country's shortfall to 2041 of 153ha.



## 5. Summary of Current Position

5.1 Based on the above, the current extent of employment land shortfalls within South Staffordshire's FEMA, including neighbouring authorities, and the extent to which they can be addressed, can be summarised as per the table below:

| Local authority                   | Oversupply or undersupply vs local needs | Evidentiary basis for contribution   |
|-----------------------------------|--|--|
| <i>South Staffordshire</i>        | +112.2ha                                 | Employment land supply identified as suitable, available and achievable in the 2024 Employment Site Assessment topic paper, alongside evidence of need vs supply in the district's 2024 EDNA update and technical papers examining how to distribute the circa 200ha of employment land at WMI across the wider travel to work area.   |
| <i>Cannock</i>                    | 0ha                                      | Employment land supply identified as suitable, available and achievable in the 2023 ELAA, Cannock Chase District EDNA Update 2024 and technical paper examining how to distribute the circa 200ha of employment land at WMI across the wider travel to work area.  |
| <i>Stafford</i>                   | 0ha                                      | Based on evidence available as at the 2020 Issues and Options consultation, including the Economic and Housing Development Needs Assessment 2019. It is also important to note that Stafford Borough is not identified as having strong or moderate functional economic relationship with the Black Country in the Black Country EDNA 2017 and 2021. It should be noted that the Stafford Borough FEMA predominantly aligns with the Borough's administrative boundary |
| <i>Black Country authorities*</i> | -153ha**                                 | Based on available evidence as at the 2023 Black Country Employment Development Needs Assessment (EDNA) and supporting 2022.   |

\* Including Sandwe/1, who are not within the South Staffordshire FEMA

\*\* Arising from the Black Country FEMA as a whole, including Sandwe/1 which is not part of the South Staffordshire FEMA

### Summary of key issues relating to the South Staffordshire FEMA

There remains a shortfall in the Black Country of around 153ha of employment land to 2041 arising cumulatively from the Black Country FEMA (Wolverhampton, Walsall, Dudley and Sandwell).

- The South Staffordshire FEMA and Black Country FEMA are different geographies, but include significant overlap, recognising the significant functional

relationships between South Staffordshire and Cannock and most (but not all) of the Black Country FEMA authorities.

- Both South Staffordshire and Cannock are identified in the 2017 and 2022 update of the Black Country EDNA as areas outside of the Black Country FEMA which nonetheless have strong or moderate economic links with this geography.
- Stafford Borough is not identified as an area with strong or moderate economic links with the Black Country FEMA in the published Black Country EDNA, but this relationship will be reviewed through subsequent Local Plan work.
- Birmingham, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest have either strong or moderate economic links with the Black Country FEMA, but are also outside of the South Staffordshire FEMA.
- The relationship between the individual Black Country FEMA authorities, and with authorities within the wider geography varies.
- All South Staffordshire FEMA authorities are participating in a follow-up study to the West Midlands Strategic Employment Sites Study 2021.

### **Summary of key areas of agreement**

- The Black Country FEMA's shortfall, whilst not yet finalised through local plans, is nonetheless likely to be significant and requires cross-boundary working with local authorities within and outside of the Black Country FEMA in order to be addressed.
- Duty to Cooperate discussions with all other local authorities identified as having a strong or moderate economic relationship with the Black Country FEMA and other areas with which there is an evidenced functional relationship should continue to be progressed to identify further options to address the area's shortfall.
- The 2024 update to the West Midlands Strategic Employment Sites Study may inform future Duty to Cooperate discussions over the need for, scale of, location and phasing of additional strategic employment sites to meet the needs identified. The SESS will examine the need for large sites (around 25ha and above) that serve a greater than local need. Given the stage of plan making the authorities subject to this Statement are at, it is considered appropriate that the findings of the study will be considered through future Local Plan Reviews.
- The Black Country FEMA authorities consider South Staffordshire District Council's proposed contribution to unmet employment needs (112.2ha minimum) to be proportionate given its land constraints and the economic links the area has with the Black Country.
- West Midlands Interchange will provide 10ha towards Cannock District Council's supply in order to meet its needs.

### **Key areas where agreement is yet to be reached**

- There are currently differing views within the South Staffordshire FEMA as to whether Cannock and Stafford Borough are able to contribute to the Black Country's employment shortfall.
- The level of contribution that can reasonably be expected from authorities functionally linked to the Black Country but which are outside of the South Staffordshire FEMA is yet to be determined.

### Future work streams to address key issues and areas where an agreement is still being sought

5.2 There is considerable variety in the progress and status of local plans across the South Staffordshire FEMA and it is likely that the position on the unmet employment needs of the Black Country will change over time as plan-making within that area progresses. Notwithstanding this complexity, the signatories to this statement will seek to engage proactively and positively on employment land shortfalls, seeking to maximise agreement on the approach to distributing any shortfalls and using shared evidence bases wherever possible.

5.3 It is anticipated that the following key steps will be required to address the outstanding issues identified in this section:

- The Black Country authorities will continue to approach other authorities beyond South Staffordshire and Shropshire to request evidence of ability to assist with unmet employment needs (including areas functionally related to Black Country outside of South Staffordshire FEMA)
- The West Midlands Strategic Employment Sites Study update work will be progressed alongside other local authorities within the study area identified in that work
- Duty to Cooperate discussions between Black Country authorities and Stafford/Cannock will continue to understand whether an agreed position can be reached on their contributions to Black Country employment shortfalls

## Signatories

### **Cannock Chase District Council**

Name: Dean Piper



Position: Head of Economic Development & Planning

Date: 23 August 2024

### **Dudley Metropolitan Borough Council**

Name: Cllr Patrick Harley

Position: Leader of Dudley Council

Signature:



Date: 25 October 2024

### **Sandwell Metropolitan Borough Council**

Name: Alan Lunt



Position: Executive Director of Place

Date: 9 October 2024

**South Staffordshire District Council**

Name: Kelly Harris



Position: Lead Planning Manager

Date: 04 November 2024

**Stafford Borough Council**

Name:



Position:

*Cat. Member Economic Dev & Planning*

Date: *10/10/24*

**Walsall Metropolitan Borough Council**

Name: Dave Brown

Position: Executive Director, Economy, Environment & Communities

Date: 24 October 2024

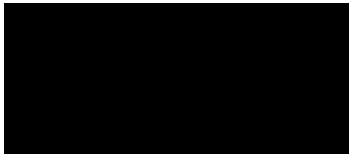
**City of Wolverhampton Council**

Name: Councillor Chris Burden

Position: Cabinet Member for City Development, Jobs and Skills

Date: 10/10/2024

Signature:



**Appendix 1 – August 2020 Duty to Cooperate correspondence from the Black Country**





Association of Black Country Authorities  
Dudley, Sandwell, Walsall and Wolverhampton

Our Ref: HP/CW

Date: 4 August 2020  
Please ask for: Christine Williams

Direct Line: 01922 652089

Dear Colleagues

## **Black Country Plan Review**

### **Duty to Co-operate: Strategic Housing and Employment land Issues**

As you will be aware, the Black Country Authorities are currently in the process of reviewing the Black Country Core Strategy, which is now called the Black Country Plan. As a key part of this review we completed our Issues and Options consultation in September 2017, which included a call for sites. In light of the impacts of Covid-19 we have now published a revised timetable for the Black Country Plan review (<https://blackcountryplan.dudley.gov.uk/t2/p1/>).

In line with the new timetable, we are now finalising evidence and preparing a Draft Plan for consultation in summer 2021. We aim to produce a Publication Plan in summer 2022 and adopt the Plan in early 2024. In order to ensure the adopted Plan covers a period of at least 15 years we will be extending the Plan period to 2039.

We are keen to continue to work with neighbouring authorities, including yours, on strategic matters. You may recall that we contacted you in July 2018 asking your authority to consider whether it would be able and willing to accommodate any identified housing or employment land needs arising from the Black Country. We were pleased to receive a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We also held a Duty to Co-operate meeting in January 2020 when we took the opportunity to update neighbouring authorities on key strategic planning matters.

The purpose of this letter is to provide a further update on the strategic issues of housing and employment land needs arising in the Black Country over our Plan period, and how these can be met, and to ask your authority to respond to specific questions on these issues. These are the most pressing strategic issues which we need to address to enable us to fully develop our Draft Plan, in line with the new timetable.

Dr Helen Paterson, Secretary to ABCA  
Walsall Metropolitan Borough Council,

The Civic Centre, Darwall Street, Walsall, WS1 1TP.  
Tel: 01922 650000

## **Strategic Housing Issues**

Our most recent housing evidence, summarised in the Black Country Urban Capacity Review (UCR) 2019 (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>), sets out our estimated housing need up to 2038. Whilst we acknowledge that this figure may change following the anticipated Government review of the Standard Methodology and will need to be extended by a year to cover the new Plan period, we are certain that we will not be able to accommodate all of our identified housing needs within the urban area of the Black Country.

This view is supported by our urban housing supply estimates, which are detailed in the 2019 UCR. The UCR continues to focus on a brownfield first approach, building on the success of the current strategy, and making every endeavour to accommodate as much of our development needs as possible in our urban areas before considering other locations in the Black Country or beyond. However, even by increasing densities and looking to other sources of urban land supply, it is clear that we cannot accommodate all our housing needs within the urban area. Current estimates are that we have a shortfall in the region of 27,000 homes up to 2038. We are in the process of updating the UCR to reflect the most up-to-date information and hope to publish this update by the end of the year. However, it is very unlikely that this update will result in a significant increase in urban housing supply over the Plan period.

## **Strategic Employment Land Issues**

Turning to employment land, the Black Country economy has been performing well and is considered strong. Our future employment land requirement ranges between 592 ha (baseline growth) and 870 ha (aspirational growth based on West Midlands Combined Authority SEP). Our existing urban employment land supply (including recent completions) provides approximately 300 ha of land, leaving a shortfall of between 292 ha and 570 ha, depending on the growth scenarios applied. As is the case with our approach to housing land, we are considering all opportunities to bring forward additional employment land within the urban area including a review of opportunities within our existing employment areas through the Black Country Employment Area Review (BEAR). While this work will yield some additional capacity, it will not make a significant impact upon addressing our unmet need.

## **Potential contributions from Non-Green Belt Areas**

The Black Country clearly has development needs which cannot be met within the non-green belt areas of the Black Country. In this event, national policy (reference NPPF para 137) requires that, if there are non-green belt areas in neighbouring authorities which can be brought forward to meet Black Country development needs, these should be clearly identified first, before considering release of land from the green belt. To date, no existing adopted Local Plans are making such a contribution.

Dr Helen Paterson, Secretary to ABCA  
Walsall Metropolitan Borough Council,

The Civic Centre, Darwall Street, Walsall, WS1 1TP.  
Tel: 01922 650000

**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing and / or employment land in excess of local needs on non-green belt land and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### **Green Belt Areas**

The Black Country authorities have undertaken a Green Belt and Landscape Sensitivity Assessment, which has shown that the Black Country Green Belt makes a principal contribution towards Green Belt purposes and its capacity to undertake large-scale development is limited.

Whilst we have still to finalise our site assessment, viability and delivery work, we envisage that market deliverability will limit the capacity of the Black Country Green Belt up to 2039. This assumption is based on the case of the Birmingham Plan, where the Peter Brett Associates (PBA) Delivery Study<sup>1</sup> concluded that market deliverability placed significant constraints on the amount of housing which could be delivered in the Birmingham Green Belt up to 2031. These constraints reduced the actual capacity of the urban extension identified in the Plan consultation from 10,000 to 5,000 homes, over the 15 year period of the Plan<sup>2</sup>. This assumption was based on a strong housing market recovery scenario in one of the strongest housing markets areas in the West Midlands.

As the majority of the Black Country Green Belt is located primarily in Walsall and, to a lesser extent, in Dudley, these are the two main housing market areas for potential delivery of housing in the Green Belt, with only small amounts of housing potential in Wolverhampton and Sandwell. Therefore, based on a scenario that there was sufficient unconstrained capacity identified in the Black Country Green Belt, a Delivery Study based on similar principles to that completed for Birmingham, may reasonably conclude that the housing market areas in Dudley and Walsall could only be expected to deliver up to a maximum of 5,000 homes in each of the two boroughs (providing a maximum total of 10,000 homes) over the 15-year Plan period. We hope to publish further delivery evidence to refine this figure by the end of the year. On the basis of this approach, the Black Country is facing a 'gap' of some 17,000 homes that cannot be accommodated within the Black Country.

Turning to employment, the call for sites stage identified few additional sites for consideration on land within the Black Country Green Belt. We are considering

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<sup>1</sup> [https://www.birmingham.gov.uk/downloads/file/1750/pg3\\_housing\\_delivery\\_on\\_green\\_belt\\_options\\_2013pdf](https://www.birmingham.gov.uk/downloads/file/1750/pg3_housing_delivery_on_green_belt_options_2013pdf)

<sup>2</sup>

[https://www.birmingham.gov.uk/downloads/file/1211/strategic\\_housing\\_market\\_assessment\\_2013\\_housing\\_targets\\_2011\\_to\\_2031\\_technical\\_paper](https://www.birmingham.gov.uk/downloads/file/1211/strategic_housing_market_assessment_2013_housing_targets_2011_to_2031_technical_paper)

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these proposals but it is not anticipated that this will provide significant additional capacity.

Taking into account the likely housing and employment land capacity of the Black Country Green Belt, even if the maximum contributions from neighbouring authorities set out in the Duty to Cooperate table above are brought forward, 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.

**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing or employment land in excess of local development needs on land currently designated as green belt and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### Duty to Cooperate progress

As set out above, we were pleased to receive a number of positive responses to our Duty to Cooperate letter of July 2018 and a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. Potential contributions to housing and employment land from neighbouring authorities indicated through our engagement under the Duty to Cooperate to date are summarised in the table below:

| <b>Local Plan and timescale</b> | <b>Plan stage</b>   | <b>Potential housing contribution</b>             | <b>Potential employment land contribution (ha)</b>  |
|---------------------------------|---|---|---|
| South Staffordshire             | Issues and Options (November 2018) & Spatial Housing Strategy and Infrastructure Delivery consultation (October 2019) | Up to 4,000* (majority Green Belt release)        | Contributions to be sought from District's employment land surplus, including West Midlands Interchange (majority Green Belt release)** |
| Lichfield                       | Preferred Options (November 2019)   | Up to 4,500* (part may be outside the Green Belt) | 0   |
| Cannock                         | Issues and Options (May 2019)   | Up to 500-2,500* (all Green Belt release)         | 0   |
| Shropshire                      | Publication (Summer 2020)   | 1,500 (may be outside the Green Belt)             | 0   |

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|              |  |                                 |              |
|--------------|--|---------------------------------|--------------|
| <b>Total</b> |  | <b>Up to 10,500-<br/>12,500</b> | <b>TBD**</b> |
|--------------|--|---------------------------------|--------------|

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\* - potential contribution to needs arising across the Birmingham and Black Country Housing Market Area and not at this stage wholly apportioned to the Black Country.  
\*\* dependent on the outcome of ongoing work to determine the extent of surplus South Staffordshire Green Belt employment land release that can reasonably be attributed to the Black Country's employment land needs

This suggests that the combined housing and employment land capacity of non- green belt areas and green belt in neighbouring authorities is unlikely to be sufficient to address Black Country housing and employment land shortfalls up to 2039.

## **Statement of Common Ground**

**Looking ahead to the Duty to Cooperate work needed to support the emerging Black Country Plan, we would like to invite your authority to take part in developing a single Statement of Common Ground (SoCG) covering strategic issues for the Black Country Plan up to 2039, with the initial focus on housing and employment land issues.**

We are keen to involve as many relevant authorities as possible in developing the strategic housing and employment land related parts of the SoCG, including Greater Birmingham and Black Country Housing Market Area authorities and other neighbouring authorities with an existing or potential housing market or functional economic relationship to the Black Country. The SoCG will evolve as the BCP review progresses, and it is intended to agree and publish an up-to-date SoCG for each key stage of the review process.

We hope that the SoCG will ultimately be supported by a separate agreement on strategic housing issues between relevant authorities, setting out how and where the combined Black Country and Birmingham housing shortfalls will be met over the Black Country Plan and Birmingham Plan review periods, which can be relied upon at our Examinations in Public and form the basis for partnership working in the years following the adoption of our Plans.

## **Timetable for Responses**

**We ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within two months of the date of this letter. If you wish to discuss the contents of this letter before responding, by phone or at a meeting, please get in touch.** We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a significant housing shortfall in 2018 and the wider work already undertaken across the Greater Birmingham Housing Market Area, we would be grateful if you could adhere to these timescales. **If you anticipate a delay in**

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**being able to provide a response, it would be helpful if you could let us know as soon as possible.**

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Walsall Metropolitan Borough Council,

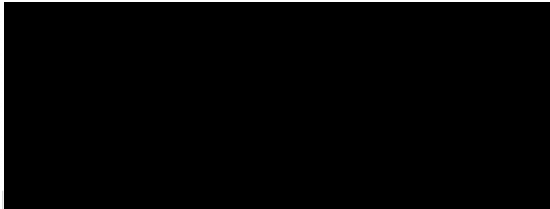
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Tel: 01922 650000

We will be inviting your authority to attend a meeting in October 2020 to discuss the responses we have received to this letter and to agree a way forward, with the view to developing a Statement of Common Ground to accompany the Draft Black Country Plan by spring 2021.

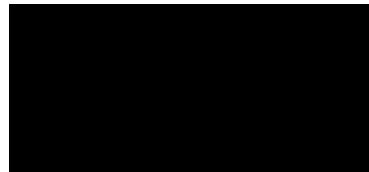
Given the need to adhere to the current Black Country Plan timetable, if we do not receive a response from your authority on these issues by September 2020 we will assume that your authority is not considering making a contribution towards Black Country housing or employment land needs and does not wish to take part in developing our Statement of Common Ground, and this will be noted in our Duty to Cooperate records.

We look forward to working with you on strategic matters during the course of our review work.

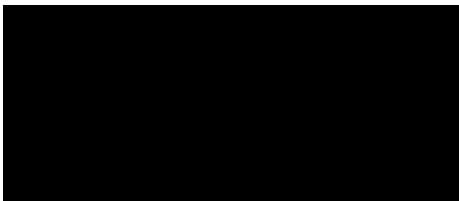
Yours sincerely



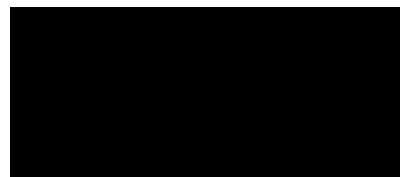
Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council



Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council



Councillor Maria Crompton  
Deputy Leader  
Sandwell Metropolitan Borough  
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**Appendix 2 – April 2022 Duty to Cooperate correspondence from Black Country**

Our Ref: HP/CW  
Date: 26 April 2022

Dear Colleagues,

**Black Country Plan Review**  
**Duty to Cooperate: Strategic Housing and Employment land issues**

The Black Country Authorities (BCAs) are progressing the Black Country Plan (BCP) which will replace the Black Country Core Strategy as the overarching strategic planning and regeneration strategy for the area.

You may recall that we contacted neighbouring authorities including yours, in July 2018 and again in August 2020, to request assistance in accommodating identified housing and / or employment land needs arising from the Black Country. We received a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We have also held Duty to Cooperate meetings in January 2020, June 2021 and August 2021 – the latter alongside the commencement of the BCP Regulation 18 consultation.

We were also fully supportive of South Staffordshire Council's convening of a meeting of all local authorities in the Greater Birmingham, Solihull and Black Country Housing Market Area (the HMA) and other neighbouring authorities with a functional relationship with the HMA in December 2021. The BCA suggested a series of actions in advance of that meeting, building on our Duty to Cooperate engagement to date, and which are directly relevant to our strategy of working with you to ensure that the Black Country evidenced growth needs can be met in full.

The purpose of this letter is to update you on progress with the BCP and to outline next steps. We also set out our strategy for ongoing engagement through the Duty to Cooperate with a focus on strategic housing and employment land issues. This includes a set of proposals which we are seeking your response to by way of a series of specific requests.

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## Recent progress

1. The Regulation 18 BCP consultation took place between August and October 2021. We received around 20,800 responses and all of the representations can be viewed online via the link - <https://blackcountryplan.dudley.gov.uk/bcp/> . The bulk of feedback centred around the potential use of green belt land for development and we are currently reviewing all of the responses to inform the preparation of the Regulation 19 BCP programmed for consultation in the Autumn of this year.
2. We received responses from a number of neighbouring authorities – Bromsgrove, Cannock Chase, Lichfield, Redditch, Solihull, South Staffordshire, Stafford, Staffordshire and Worcestershire. These representations raised a variety of issues at a strategic level, recognising the broad scale of the shortfall and the need for ongoing and better aligned engagement going forward, in order to ensure a consistent and fair approach be taken to address longer term needs once the final shortfalls are confirmed.
3. The next sections of this letter summarise the current scale of the housing and employment land shortfalls and how we intend to address them.

## Strategic Housing Issues

4. The Regulation 18 BCP identifies a housing shortfall of 28,234 homes over the period 2020-39 (16,346 by 2031 and 11,888 2031-39). This shortfall is based on the most up to date local housing need (including the 35% uplift for Wolverhampton), the most recent housing monitoring information and land supply on sites allocated in the draft BCP including land currently designated as green belt. The Regulation 18 BCP proposes that this shortfall is addressed via the Duty to Cooperate through 'exporting' to sustainable locations in neighbouring areas.
5. As part of the preparation of the Regulation 19 BCP, we are undertaking further evidence gathering in relation to urban land supply. This will involve an update of the existing Urban Capacity Study including a detailed assessment of the implications of the ongoing restructuring of some retail and commercial sectors which may 'free up' space in town and city centres. However, the scale of any additional capacity is likely to be limited and is not anticipated to make significant headway into the shortfall outlined above.
6. As set out above, through the Duty to Cooperate, we are pleased that some Local Plans have responded positively to our request initially raised in 2018 for assistance in addressing our future growth needs. Potential contributions through our Duty to Cooperate engagement to date are outlined in the table below.

**Table 1 – Duty to Cooperate contributions (in order of Local Plan progress)**

| <b>Local Plan</b>   | <b>Status</b>  | <b>Potential contribution to meeting Black Country housing needs</b> | <b>Comments</b>   |
|---------------------|--|--|---|
| Solihull            | Submission (May 2021)<br><br>Examination underway        | 2,000 (minority)   | Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country, 2,000 HMA contribution noted by Local Plan Inspector February 2022. However, Solihull has a stronger functional relationship with Birmingham than with the Black Country. |
| Shropshire          | Submission (September 2021)<br><br>Examination underway  | 1,500 (all)  | Contribution towards the Black Country only, confirmed in Statement of Common Ground (August 2021)  |
| Lichfield           | Publication (July 2021)<br><br>Submission due April 2022 | 2,000 (all)  | Contribution forms majority of 2,665 contribution to meet the needs of the HMA as a whole.  |
| Cannock Chase       | Preferred Options (March 2021)                           | Up to 500 (majority)   | Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, Cannock Chase has a stronger functional relationship with the Black Country than with Birmingham.  |
| South Staffordshire | Preferred Options (November 2021)                        | Up to 4,000 (majority)   | Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, South Staffordshire has a stronger functional relationship with the Black Country than with Birmingham.  |
| <b>Total</b>        |  | <b>3,500-10,000</b>  |   |

7. These Plans are providing for a minimum of 3,500 homes to specifically meet Black Country needs and up to some 10,000 homes to meet the needs of the HMA as a whole, a proportion of which will be available to the Black Country.
8. Of these HMA contributions, given the physical proximity and functional relationship between the Black Country and South Staffordshire, it is anticipated that the majority of the 4,000 contribution being tested through the South Staffordshire Local Plan could be available to meet Black Country needs. Conversely, given its relationship to Birmingham, we anticipate that the majority of the 2,000 home contribution from Solihull is unlikely to be available to meet needs arising in the Black Country. Under these scenarios, the contributions from the authorities listed in Table 1 could realistically provide up to some 8,000 homes towards meeting needs arising in the Black Country.
9. In addition, the highest growth scenarios set out in the earlier iterations of the Lichfield and Cannock Local Plans could also provide some 5,550 homes in excess of local needs (in comparison with the 3,165 currently offered). This additional capacity (3,000 homes in total over and above current contributions to the Black Country) has been highlighted by the BCAs and will be tested through the forthcoming Local Plan examinations.
10. Further contributions are being sought from Stafford (of up to 2,000 homes) and as yet undetermined contributions from Bromsgrove and Telford & Wrekin, both at the early stages of their Local Plan reviews. In the case of Telford and Wrekin, the higher growth option set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country is well placed to provide a source of 'need' for this housing. The BCAs see this as being a minimum level of contribution given the historic role of Telford as a New Town to help address issues of overcrowding and living conditions in the West Midlands conurbation, and very high rates of housing completions over and above local needs in recent years. In total, this additional capacity from Stafford and Telford & Wrekin could provide some 5,700 homes towards meeting needs arising in the Black Country.
11. Taking into account this potential extra capacity of up to some 8,700 homes from Stafford, Telford & Wrekin, Lichfield and Cannock, added to current potential contributions (around 8,000 homes), could provide up to some 16,700 homes to meet needs arising in the Black Country.



12. Going forward, it is critical that those contributions currently expressed as meeting needs arising across the HMA as a whole are apportioned to individual Local Plans areas through Statements of Common Ground to provide the BCAs with certainty over the scale of contributions that is available to meet our shortfall. **However, even in the event of a contribution being secured at the higher end of the range of scenarios outlined above, a significant 'gap' of some 11,500 homes would remain for the Black Country up to 2039 (with a proportion of this gap arising before 2031). It is therefore critical that additional sources of land must be identified through the Duty to Cooperate if the Black Country is able to show how its identified growth needs can be accommodated.**

Request 1 - We request that any contributions that your authority is making to meet the needs of the HMA as a whole includes an apportionment to solely address needs arising in the Black Country.

Request 2 – We request that you provide confirmation that you have either explored all opportunities to accommodate unmet housing needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward.

### **Strategic Employment Land Issues**

13. As is the case with housing needs, the Black Country is unable to meet its identified employment land requirements in full. The Black Country Plan employment land shortfall to 2039 is 210ha as set out in the Regulation 18 Black Country Plan – this figure the difference between the need of 565ha and an anticipated supply of 355ha. This is consistent with the employment land requirement set out in Policy EMP1 of the draft Black Country Plan and section 4 of the 2021 Black Country EDNA. Para 2.22 of the 2021 EDNA recommends that the split of employment land provided for by the Plan comprise around 30% of B8 activity and 70% for E(g)(ii)(iii)/B2 use class. This means that the total B8 requirement is 170-176ha and for E(g)(ii)(iii)/B2 a requirement of 396-410ha. We are reviewing these requirements in the light of updated economic projections which include a more up to date understanding of the CV-19 recession recovery trajectory. This work may result in a refinement of the requirements but it is highly likely that our shortfall will remain.
14. In accommodating this shortfall, in the first instance we will look to those authorities within the areas of strong economic transactions with the Black Country (South Staffordshire and Birmingham) and areas of moderate economic transactions with the Black Country as identified in the 2017 EDNA (Cannock Chase, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest). In addition, the Shropshire Economic Development Needs Assessment (December 2020) highlights strong labour market linkages between Shropshire and the Black Country.

15. At this stage, we would not identify a specific functional geography for addressing the E(g)(ii)(iii)/B2 shortfall as distinct from the B8 element of the shortfall, but recognise the consented West Midlands Interchange site is reserved exclusively for B8 activity. With this in mind, we refer you to the West Midlands Interchange Apportionment Study produced by Stantec to support the Black Country Plan and published earlier this year (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>). This suggests that a minimum of some 67ha of land at West Midlands Interchange could be apportioned to meet needs arising in the Black Country, with the potential for a larger contribution if other areas within the market area are able to meet their B8 needs in full. This would suggest that the quantitative B8 shortfall could be largely satisfied by this site should the programmed South Staffordshire EDNA update confirm a surplus of employment land against local needs. **This could reduce the Black Country employment land shortfall to 138ha. Any additional surplus of employment land arising from the South Staffordshire EDNA update would reduce the shortfall further.**
16. In terms of other potential contributions, the Shropshire Regulation 19 Local Plan is making a contribution of 30ha of employment land towards needs arising in the Black Country, **reducing the shortfall to some 108ha**. We are engaging with other emerging Local Plans through the Duty to Cooperate including Bromsgrove, Lichfield, Cannock, Telford & Wrekin, Solihull and Stafford, but no contributions have been put forward by those authorities and the BCAs will continue to press this matter through Local Plan examinations, particularly those authorities within the areas of strong economic transactions with the Black Country as listed above. We will also be seeking the participation of authorities listed in paragraph 14, and any others able to contribute to BCA employment shortfalls, in a Statement of Common Ground (SoCG) addressing this issue to inform the Black Country's Regulation 19 plan and will use the responses to this letter to inform the draft SoCG. **As is the case with housing, additional sources of land supply must be identified if the Black Country is able to meet its growth needs in full.**

Request 3 - We request that you provide confirmation that you have either explored all opportunities to accommodate unmet employment land needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward, and that you will be willing to enter into a Statement of Common Ground with the Black Country under the scope set out in paragraph 16 of this letter.

17. We draw your attention to the West Midlands Strategic Employment Sites Study (WMSESS) (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>) published in 2021. The Report was produced by Avison Young and Arcadis consultants and commissioned by three of the West Midlands Local Enterprise Partnerships (the Black Country, Greater Birmingham and Solihull and Coventry Warwickshire) and Staffordshire County Council. The Study updates the 2015 West Midlands Strategic Employment Sites Study which identified a demand for strategic employment sites in the West Midlands, but a lack of suitable sites.

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18. The Study advises that based on evidence of past trends in relation to take-up, and assuming that no additional strategic employment sites are brought forward to replace those that remain, the supply of allocated and committed employment land would appear to represent a maximum of 7.41 years supply. As it was in 2015, this represents a limited supply of available, allocated and/or committed sites across the Study Area that meet the definition of 'strategic employment sites', and there is an urgent market demand for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. The Study identifies five areas where strategic employment sites should be identified and this includes the Black Country and southern Staffordshire.
19. The Study makes a number of recommendations for further work. This is because the shortfall in the availability and future supply of strategic employment sites cannot be robustly quantified without an assessment of market dynamics and projected sector growth patterns through an econometric demand forecast, which would add materially to the findings of this Study and would inform the strategy for delivering a sufficient supply of strategic employment land. The Study has already been given weight in the Local Plan process – most recently through the examination of the North Warwickshire Local Plan and the resulting Policy LP6 – Additional Employment Land.
20. There is clearly a potential relationship between the need to address the Black Country employment land shortfall and the need to bring forward additional strategic employment sites as set out in the WMSESS. Through the HMA Group and liaison with those bodies who were party to the 2021 Study, a draft brief has been prepared to address the recommendations for the 2021 Study and strongly recommend that this work is progressed in partnership with the local planning authorities across the 2021 Study geography, and other areas which share a functional relationship with the Black Country, for example Shropshire.

Request 4 - We request that you indicate whether your authority is willing to participate in the further work to address the recommendations of the WMSESS.

## Next steps

21. As set out above, there is a significant level of unmet need for housing and employment land to address evidenced Black Country growth requirements which cannot be met within the Black Country administrative area. There are three elements to our strategy to address the shortfall through the Duty to Cooperate and these are summarised below.

22. In the short term we will be continuing to engage with individual Local Plans to ensure 2018 Growth Study recommendations are maximised and to confirm current contributions to help address the Black Country shortfall, particularly in relation to those housing contributions which have been expressed at HMA level and not yet distinguishing a specific Black Country apportionment. For those Local Plans which are less progressed, we will engage in a positive and robust manner to ensure that the unmet needs of the Black Country are fully recognised and all opportunities to assist in meeting our needs are comprehensively explored. This will include opportunities identified in the 2018 Growth Study.
23. **But these current workstreams may not address our needs in full, and we strongly recommend to you that there is a compelling need to address this matter in a comprehensive and inclusive manner across a wide but functional geography.** We are also mindful of the forthcoming Birmingham Local Plan review and the potential for this to further increase the shortfall arising from the West Midlands conurbation. We outlined our suggestions on a potential programme of work as part of the 15<sup>th</sup> December South Staffordshire Duty to Cooperate meeting. This was shared with you in advance and we attach it to this letter. The key elements of this work programme are:
- To review the extent of the HMA in order to understand if this is the most appropriate geography by which housing needs and mechanisms to accommodate any shortfalls can be considered;
  - To confirm the scale of the housing shortfall across the whole of the HMA over a period of at least 15 years to inform the approach taken by current and emerging Local Plan reviews.
  - A review of whether the growth locations identified in the 2018 Growth Study work remain appropriate and whether new growth areas should be identified for testing through Local Plan preparation. This work may well result in the need for a new Growth Study but we would not want to pre-judge the work before confirming that is the case.
24. This work programme is currently subject to ongoing discussions largely through the HMA officer group, and we recognise that the existing governance arrangements are in need of review to ensure that we have in place mechanisms to manage and oversee the implementation of this work. The nature of these governance arrangements and the parties involved should be informed by the evidence but at this stage, a Statement of Common Ground across the HMA geography and including other authorities which have a functional relationship with it which sets out the nature of how we work together going forward is essential. We strongly encourage your authority to fully engage in this work.

Request 5 - We request that you indicate whether your authority is willing to participate in the further work outlined in the bullet points above, and that your authority would be willing to confirm this commitment through a Statement of Common Ground and review of governance arrangements to deliver these actions.

25. Turning to employment land, as with housing we will pursue a Statement of Common Ground with functionally related authorities to both secure current contributions and engage with less progressed Local Plans through the Duty to Cooperate to establish potential for further contributions. We have set out the compelling need for a follow-up study to address the recommendations of the 2021 West Midlands Strategic Employment Sites Study and have asked if your authority would be willing to participate in this work and assist with its resourcing.
26. Common to both the housing and employment land shortfalls is the final element of our strategy – for Local Plans to include an early review mechanism. This is important given the potential for there could continue to be a shortfall following the current round of Local Plan preparation. This shortfall should trigger the detailed evaluation of opportunities identified from the recommendations of the proposed work outlined above in relation to both housing and employment land through updated Local Plans. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. We consider that a failure to include an early review mechanism is a serious omission and must be addressed in order for the Plan to be sound.

Request 6 - We request that you indicate whether your authority is willing to consider the inclusion of a commitment to an early review mechanism in your emerging Local Plan to enable the consideration of additional growth opportunities outlined in the work listed above in a timely manner should this be necessary.

### **Timetable for responses**

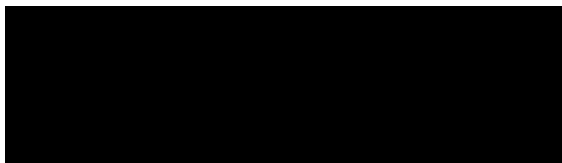
27. Moving forward, the BCAs are progressing the preparation of the Regulation 19 Plan having regard to the issues raised in the Regulation 18 consultation responses and evidence currently under preparation. This includes the Transport Study, updated urban capacity study and employment land update. The Transport Study in particular will provide us with a better understanding of the constraints and opportunities associated with the levels of and location of growth set out in the Regulation 18 Plan with potential implications for the development capacity of some sites.

Dr Helen Paterson, Secretary to ABCA  
Walsall Metropolitan Borough Council,

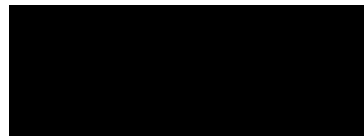
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28. To enable us to meet this timetable, and clear understanding of opportunities through the Duty to Cooperate is critical. **We therefore ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within six weeks of the date of this letter.** If you wish to discuss the contents of this letter before responding, please get in touch. We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a shortfall in 2018 and the wider work already being undertaken across the HMA, we would be grateful if you could adhere to these timescales. If you anticipate a delay is being able to provide a response, it would be helpful if you could let us know as soon as possible.

Yours sincerely



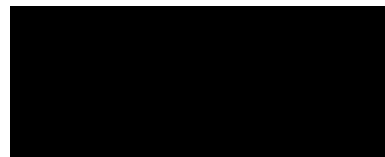
Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council



Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council



Councillor Kerrie Carmichael  
Leader  
Sandwell Metropolitan Borough Council



Councillor Ian Brookfield  
Leader  
City of Wolverhampton Council

**Appendix 3 – June 2022 Duty to Cooperate correspondence from South Staffordshire to Black Country**



Association of Black Country Authorities  
Walsall MBC

The Civic Centre  
Darwall Street  
Walsall

WS1 1TP

**Please ask for:** Ed Fox

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6 June 2022

**FAO:**

Councillor Patrick Harley, Leader, Dudley Metropolitan Borough Council  
Councillor Mike Bird, Leader, Walsall Metropolitan Borough Council  
Councillor Kerrie Carmichael, Leader, Sandwell Metropolitan Borough Council  
Councillor Ian Brookfield, Leader, City of Wolverhampton Council

Dear Councillor,

**RE: Black Country Plan Review**

**Duty to Co-operate: Strategic Housing and Employment Land Issues**

Thank you for your letter dated 26 April 2022. Please see below answers to your requests.

**Request 1 – We request that any contributions that your authority is making to meet the needs of the HMA as a whole includes an apportionment to solely address needs arising in the Black Country.**

South Staffordshire District Council's (SSDC) proposed 4,000 contribution to unmet needs was based on findings of the GBHMA Strategic Growth Study 2018. This concluded there was a 60,000 dwelling shortfall up to 2036 across the GBHMA, generated primarily by both Black Country and Birmingham. South Staffordshire's contribution is directed at this cumulative shortfall and we have not sought to divide it between the Black Country and Birmingham to date as that original study did not divide either the shortfall across HMA or the recommended strategic growth locations between either shortfall.

If it is necessary to separate out HMA housing contributions in this manner then we are concerned that requests for HMA authorities to individually determine how to separate their contributions between Birmingham and the Black Country in this manner without any consistent evidence base is fundamentally unrobust and risks inconsistent approaches to this key issue across the HMA. Furthermore we are firmly of the view that this issue should be addressed through Duty to Co-operate discussions with the wider HMA group, rather than through individual letters from the Black Country to individual local planning authorities. Any proposals to split



contributions would affect Birmingham City Council's position so it is vital that, as a minimum, any agreed approach to splitting contributions is agreed in collaboration with Birmingham City Council as well as the Black Country.

Given the above, we do not consider that this letter is an appropriate forum for local authorities to propose the splitting of their HMA housing contributions. We consider that the opportunity to undertake this exercise, if it is necessary, is through the further work to review the 2018 Strategic Growth Study referred to in Request 5 of your

letter. This would offer a chance for a consistent methodology to be agreed across all HMA authorities in a consistent and transparent way.

**Request 2 – We request that you provide confirmation that you have explored all opportunities to accommodate unmet housing needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward.**

South Staffordshire has engaged with the findings of the 2018 Strategic Growth Study from the earliest stages of its Local Plan Review to ensure that it makes an appropriate contribution to the unmet needs of the GBHMA, including the Black Country.

Different levels of housing growth were initially tested in our Issues and Options consultation, involving unmet need contributions of between 0 and 20,000 dwellings to the GBHMA. These options reflected the indicative capacities of the strategic growth locations recommended for the District in the 2018 Strategic Growth Study. Of all the options tested, the 4,000 dwelling contribution to the GBHMA was the option that best balanced the need for additional housing and past delivery rates with the need to avoid a range of more negative sustainability impacts, as shown in the 2018 Sustainability Appraisal. Given these findings and the Council's majority Green Belt coverage, the Council proposed to test a 4,000 dwelling contribution towards the GBHMA unmet needs as the recommended housing target. Following this consultation the Council's proposed housing target received broad support from GBHMA authorities, including the Black Country authorities.

The Council then proceeded to test seven different spatial strategies for delivering the preferred level of housing growth (i.e. the District's needs plus 4,000 dwellings to HMA unmet needs) in the 2019 Spatial Housing Strategy and Infrastructure Delivery (SHSID) consultation. These included testing of a scenario (Spatial Option D) which sought to solely maximise new allocations in the locations recommended for growth in the GBHMA Strategic Growth Study. The SHSID consultation ultimately chose an infrastructure-led strategy (Spatial Option G) which sought to deliver significant levels of growth in three of the four areas recommended for growth in the Strategic Growth Study, but a lesser level of growth on the western edge of the Black Country. Instead Option G sought to deliver an additional strategic site on the northern edge of the Black Country in addition to the locations recommended by the Strategic Growth Study, recognising this broad location's proximity to local authorities with unmet needs (Wolverhampton/Walsall) and better access to employment via sustainable transport than the western edge of the conurbation.

Once again, the consultation responses from other GBHMA authorities (including the Black Country) were broadly supportive of this approach and the contribution to unmet housing needs being made. A request was made from the Black Country authorities for the whole of the unmet needs contribution to be attributed to the Black Country rather than the wider GBHMA, but no evidence or HMA-wide agreement to apportionment was forthcoming to support this request.

Building upon the 2019 SHSID consultation and responses made to this, the District published its 2021 Preferred Options consultation, containing housing site proposals to deliver the preferred spatial housing strategy for the District and the 4,000 dwelling contribution to the GBHMA. As with the 2019 SHSID consultation, this sought to deliver growth in the locations set out in the GBHMA Strategic Growth Study for South Staffordshire. This is summarised below.

| GBHMA Strategic Growth Study recommendation                                     | Dwelling capacity indicated in GBHMA study | Capacity in Preferred Options 2021 and rationale for level of growth   |
|---|--|--|
| Urban extension: North of Penkridge   | 1,500 – 7,500                              | 1,721 dwellings across Penkridge, primarily in the north of the village. This aligns to the maximum amount of available land delivery north of the village (alongside additional existing commitments and safeguarded land) and the maximum amount of growth likely to be delivered on a urban extension during the plan period (1,200 dwellings).   |
| Urban extension (employment-led): North of Wolverhampton in the vicinity of i54 | 1,500 – 7,500                              | 1,200 dwellings in a single urban extension at Cross Green (Site 646). There are no other allocations in this area and the indicated capacity solely aligns to the maximum amount of growth likely to be delivered on a urban extension during the plan period (1,200 dwellings) and the available land in this broad location.  |
| Proportionate dispersal: North of Codsall/Bilbrook                              | 500 – 2,500                                | 1,673 dwellings in Codsall/Bilbrook. This requires significant Green Belt release and aligns growth to levels discussed with the Education Authority to ensure delivery of a First School needed in the area.  |
| Western edge of the conurbation between Stourbridge and Wolverhampton           | 500 – 2,500                                | 390 dwellings on a site in South Staffordshire. This level of growth recognises that much of this broad location is adjacent to a local authority not generating unmet needs once its Green Belt has been explored (Dudley MBC) and the relatively lesser sustainability of this location compared to the Black Country's northern edge. The Council are mindful that this broad location also includes land within the Black Country and that the Black Country Draft Plan 863 dwellings on two strategic sites along the western edge of the conurbation (DUH208 and DUH211) and that cumulatively this would mean that 1,253 dwellings would be delivered in this broad location across both areas. |

In addition to the above the Preferred Options consultation also continued to propose an additional strategic allocation on the Black Country's northern edge of 1,200 dwellings (Site 486c – Land at Linthouse Lane) alongside proportionate growth across the District's remaining rural settlements. Cumulatively, this ensures that the District's own needs and a 4,000 dwelling contribution to the GBHMA unmet needs can be accommodated within the Preferred Options document. As shown above, the Preferred Options document does this in a manner which delivers growth in each of the four recommended growth locations in the Strategic Growth Study, often exceeding the minimum growth levels required unless market build rates indicate this cannot be achieved.

Consultation responses to the Preferred Options consultation from other HMA authorities were generally supportive of the 4,000 dwelling contribution. The Association of Black Country authorities were also supportive

and re-stated their request for all of the 4,000 dwelling contribution to be attributed to the Black Country referencing commuting and migration links and the proximity of some allocations to the Black Country, but again no HMA-wide evidence was submitted to support this stance and no consistent methodology or agreement to roll such an approach out across the GBHMA was provided.

Cumulatively, the above shows that the Council has sought to accommodate the recommendations of the GBHMA Strategic Growth Study as far as possible within the Local Plan Review and has sought to allocate additional growth where these cannot be fully delivered to ensure the District's commitment to deliver 4,000 dwellings to unmet needs can be met. Given this, the Council considers it has explored all reasonable evidence-based opportunities to accommodate unmet needs from the GBHMA, including the Black Country. If there are now concerns that existing commitments will not be sufficient to meet emerging unmet needs, then we would request that an updated HMA-wide evidence is commissioned to re-examine the extent of the unmet needs across the GBHMA and potential for strategic growth locations to address these in a comprehensive manner. We will continue to be an active participant in the work being progressed towards a Statement of Common Ground and updated evidence base at the HMA level to ensure that this can be addressed.

**Request 3 - We request that you provide confirmation that you have either explored all opportunities to accommodate unmet employment land needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward, and that you will be willing to enter into a Statement of Common Ground with the Black Country under the scope set out in paragraph 16 of this letter.**

SSDC recognise the clear functional relationship between South Staffordshire and the Black Country (principally Dudley, Walsall and Wolverhampton) in relation to employment land which is reflected by South Staffordshire's role in recent years of delivering strategic employment sites that have a sub-regional function. SSDC have indicated to the Black Country Authorities previously in response to your letter of 4 August 2020 that in principle we would be willing to explore if any surplus employment supply in South Staffordshire could be attributed to the Black Country. This was subject to the findings of our updated employment evidence base - our Economic Development Needs Assessment (EDNA) 2022 - which is now finalised.

With regard to West Midlands Interchange (WMI), the EDNA acknowledges and builds upon the approach to apportioning WMI that was set out in the February 2021 Stantec Report. That report apportions WMI based on an approach of using projected population change for each authority within the sites market area as a proxy for apportioning the site to those authorities. The EDNA re-examines this matter exclusively for South Staffordshire, and utilises economic forecasting and projected labour demand to conclude that a **18.8ha** share of WMI for South Staffordshire is appropriate.

The 2021 Stantec Report apportions a total of 5ha of the 193ha total to South Staffordshire, leaving residual of 188ha for other authorities. The findings from South Staffordshire's EDNA based on a total share of 18.8ha would continue to leave an alternative total of 174.2ha for other authorities. For the avoidance of doubt assuming an unchanged Black Country claim of 67ha based on the 2021 Stantec Report this would comprise around 35% of the remaining 188ha total (excluding South Staffordshire) identified from that evidence. The equivalent percentage would comprise around 38% of the remaining 174.2ha based on the findings of our EDNA. We do not consider that this materially impacts the Black County Authorities continuing to base their request under the Duty to Cooperate on the basis of the 2021 Stantec Report.

Whilst we have taken a more in depth approach to calculating our share of WMI through our local evidence, we still consider that the Stantec Study is a reasonable basis for determining wider authorities' potential share of the site given its wider role and in the absence of sub-regional details of labour demand. The Stantec work whilst identifying a **67ha** share towards the Black Country, also identifies that this should be viewed as a minimum. Given this, together with the strong functional links between South Staffordshire and the Black Country and noting that no other authority has indicated to us that they require a share of WMI to meet their local needs, relevant evidence continues to indicate that a higher proportion of the site towards Black Country needs may be justified should it be required.

Our EDNA also considered our employment requirements exclusive of WMI, and isolated strategic supply/demand from local supply/demand. This identified the proportion of our pipeline of strategic sites that could potentially meet cross boundary needs and following the supply/demand balancing exercise concluded that **36.6ha** was surplus and could meet cross boundary needs. This total includes 28.4ha within Use Class B2/B8 based on the supply/demand balance undertaken within the 2022 EDNA. The remainder of the total is influenced by previous trends in the delivery of ancillary office floorspace upon strategic sites within South Staffordshire district. As the total 36.6ha comprises a surplus for the purposes of South Staffordshire's identified needs it is suggested that the entire total is capable of being considered flexibly in terms of its future land use and contribution towards Black Country unmet needs.

Other new site options that would potentially increase our pipeline of employment land over the plan period were assessed as part of our [Employment Site Assessment Topic Paper \(2021\)](#) that accompanied our [Preferred Options](#) consultation. This assessment did not identify any further sites for allocation to increase the supply of employment land further.

We reiterate our request in our letter of 18 November 2021 that the Black Country should lead on the preparation of a Statement of Common Ground (SoCG) across the wider geography identified as having strong and moderate economic transactions with the Black Country as a matter of urgency. As set out in your letter, there also appears to be evidence to include Shropshire within this functional geography. Based upon our latest evidence we can confirm that a minimum of **103.6ha** (subject to your WMI claim) of surplus employment land in South Staffordshire is in principle available towards Black Country unmet employment needs which we are willing to confirm through the SoCG. This is a significant contribution to your unmet needs, accounting for around half of your declared shortfall. As such, we expect that the Black Country should now strongly engage with other functionally related authorities (including Shropshire) to address the remainder of the shortfall and should formalise its current position through a SoCG as a matter of urgency.

**Request 4 - We request that you indicate whether your authority is willing to participate in the further work to address the recommendations of the WMSESS.**

SSDC can confirm we are willing to participate in an updated West Midlands Strategic Employment Sites Study (WMSESS). However, this is subject to the study recognising (and addressing) that the need for employment land has already been factored into assessments of employment need through local EDNAs. This issue will need to be carefully considered through this work to ensure that a forecast based ('labour demand') approach to identifying need does not double count need already identified through local EDNAs, and recognise that it may be that strategic employment sites meet both a local and regionally derived need simultaneously. This is very relevant to

South Staffordshire where our latest 2022 EDNA confirms that the need for strategic employment sites is already 'baked into' our local labour demand forecasts as a result of large-scale strategic sites being delivered in recent years. This raises a critical point, noting the Council's response to your 'Request 3' and findings of the 2022 EDNA, the remaining pipeline of strategic sites in South Staffordshire remains critical to meeting the Council's identified need for land and floorspace and forms part of the basis upon which a contribution towards the Black Country's identified shortfall (in addition to WMI) has been identified.

Given the scale of these large employment sites and the markets they serve, we consider it appropriate that this is considered a regional scale issue, and request that demand for these is considered over the entire study area, rather than being broken down into sub areas, which are not appropriate geographies to assess regional needs over. Likewise, it is important that any assessment of past take-up (upon which the existing Report essentially relies), for the purposes of an updated WMSESS, reflects that the delivery of 'one-off' schemes in particular authorities has been provided (in part) to meet wider needs and would not necessarily be expected to be sustained at these rates locally. This would be consistent with the findings of South Staffordshire's EDNA 2022 (and previous evidence prepared for the Council in addressing past take-up trends).

Equally, options to meet the identified demand should be looked at afresh over the entire study and not automatically confined to the sub areas identified within the 2021 WMSESS. These sub areas seem to be focused very much around key motorway junctions and trunk roads which are key locational requirements for logistics and warehousing, but it is important that the study also examines the optimal locational requirements for advanced manufacturing and research and development which are likely to be distinct from logistics and warehousing.

**Request 5 – We request that you indicate whether your authority is willing to participate in the further work outlined in the bullet points above, and that your authority would be willing to confirm this commitment through a Statement of Common Ground and review of governance arrangements to deliver these actions.**

As you will recall from our December 2021 Duty to Co-operate meeting, South Staffordshire District Council is of the clear view that a Statement of Common Ground, reviewed governance arrangements and updated work programme to review and update the 2018 Strategic Growth Study recommendations is vital to the progress of plans throughout the GBHMA area. We also understand there to have been broad acceptance for this position at the meeting, albeit the details of the future governance arrangements and future work programme were not available at that time. Officers from the District Council have since been heavily involved in the drafting of the draft Statement of Common Ground and governance arrangements to deliver this schedule of work across the GBHMA. This proposed work schedule includes, but is not limited to, the work outlined to review the 2018 Strategic Growth Study in this letter. We will continue to participate in this work to ensure that the unmet housing needs of the GBHMA can be addressed.

**Request 6 – We request that you indicate whether your authority is willing to consider the inclusion of a commitment to an early review mechanism in your emerging Local Plan to enable to consideration of additional growth opportunities outlined in the work listed above in a timely manner should this be necessary.**

South Staffordshire's current Local Plan Review is already making a significant housing contribution towards the GBHMA's unmet needs, delivering growth within all of the strategic areas recommended in the current regional evidence base. It has also played a significant role in contributing to the Black Country's unmet employment needs

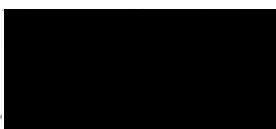
and has already delivered substantial amounts of regionally and nationally important employment sites. All of this growth has required substantial existing or proposed Green Belt release within the District, a trend which is highly likely to continue in future if further reviews are necessary given the District's rural nature and significant Green Belt coverage.

Given the significant land supply constraints affecting the District the need for an early review would have to depend on the outcomes of future evidence base documents (e.g. updates to the Strategic Growth Study and the regional strategic employment evidence base). It would also depend on the outcome of Duty to Co-operate discussions that the Black Country will need to have with other HMA/FEMA local authorities to understand their capacity to meet unmet needs, informed by regional evidence bases. The outcomes of these processes cannot be prejudged and so it cannot be automatically assumed that South Staffordshire's Local Plan Review will require an early review at this point.

Notwithstanding this, the Planning Practice Guidance requires plans to be reviewed to assess whether they need updating at least once every 5 years that any review should be proportionate to the issues in hand. The District Council is willing to reflect the need to assess whether an early review is required at least once every 5 years within the Local Plan Review to provide clarity to Duty to Co-operate partners. In doing so it will confirm that an early review will commence should it be considered appropriate at that point in time informed by the latest sub-regional evidence base and Duty to Co-operate agreements

I trust that this letter is helpful in understanding our position on the points that you raise and we look forward to continuing to proactively engage with you as we progress our respective plans.

Yours sincerely



**Councillor Terry Mason**

Cabinet Member for Planning & Business Enterprise

Dudley Council and Sandwell Council SoCG (Draft copy in progress)

**DRAFT**

**Statement of Common Ground (SoCG)**

**between**

**Dudley Metropolitan Borough Council and**

**Sandwell Metropolitan Borough Council**

**Dudley Local Plan 2023-2041**

**Position at November 2024**



## Statement of Common Ground (SoCG) between Dudley Metropolitan Borough Council (DMBC) and Sandwell Metropolitan Borough Council (SMBC)

### Introduction

1. This Statement of Common Ground (SoCG) has been prepared by Dudley Metropolitan Borough Council (DMBC) and Sandwell Metropolitan Borough Council (SMBC) thereafter referred to as “the parties” to inform the submission of the Dudley Local Plan 2023-2041.
2. This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties regarding the Dudley Local Plan 2023-2041 and the Sandwell Local Plan (2023-2041) any areas which remain subject to further discussion and therefore will be updated accordingly. This Statement of Common Ground covers the following matters:
  - Housing (including housing needs across the GBBCHMA);
  - Employment land;
  - Transport and infrastructure matters;
  - Gypsy and traveller accommodation;
  - Minerals and Waste; and
  - Natural and Historic environment.

### Geography covered by Statement of Common Ground

3. This SoCG covers the Local Planning Authority areas of Dudley Metropolitan Borough Council and Sandwell Metropolitan Borough Council.
4. Both parties are also within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)<sup>1</sup> and are within the Black Country FEMA<sup>2</sup>. There are wider strategic housing and employment shortfalls arising over these geographies that are subject to separate statements of common ground dealing with these issues of which both authorities are party to.

### Key Strategic Matters

5. Both parties have had on-going dialogue on cross-boundary planning and wider matters over the course of many years, discussing a broad range of planning issues including strategic matters. The key strategic matters included within this Statement of Common Ground being: housing provision; employment land; transport and infrastructure, gypsy and traveller accommodation, mineral and waste and matters relating to the natural and historical environment. These

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<sup>1</sup> The GBBCHMA is made up of 14 authorities including Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford upon Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

<sup>2</sup> Black Country EDNA 2017 and 2021 update

discussions have informed the development of adopted plans and other related documents.

6. The following issues are considered to be the key strategic matters with regards to on-going plan making, although there are other issues which may have cross boundary impacts. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

## Housing

7. Both parties have been active members of the GBBCHMA Officer Group since it was established in 2017, and each authority has contributed to discussions relating to the delivery of unmet housing need within the HMA. Each authority previously participated in the GBBCHMA Strategic Growth Study (2018), which examined need and supply across the entire HMA up to 2031 and 2036, before proposing potential growth options for authorities to consider through their own plan-making process in order to seek to address any resulting unmet needs. Both authorities are in agreement to an update to the Strategic Growth Study (2018) which will be commencing in 2025.
8. From 2016-17 to 2022, the Black Country Authorities (BCAs) of Dudley, Sandwell, Walsall and the City of Wolverhampton Councils were working on the review of the Black Country Core Strategy – the Black Country Plan - as the local plan for the sub-region. In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans. During this period, DtC correspondence from the Association of Black Country Authorities (ABCA) on behalf of the four Black Country Authorities was ongoing at key stages of the Black Country Plan preparation.
9. During the preparation of the Black Country Plan, the Black Country authorities declared an unmet need from their urban area as early as the Issues and Options consultation in 2017. In order to seek to address this shortfall in July 2018 a letter was sent from ABCA to all LPAs within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), including constituent and non- constituent members of the West Midlands Combined Authority (WMCA) and other LPAs which have a physical and / or functional relationship with the Black Country. This letter formally asked whether those authorities were able to help meet some of the Black Country's housing and employment land needs, given the anticipated shortfall between need and the capacity of the administrative area. The letter also sought to identify any other issues of strategic cross boundary significance that should influence the preparation of the BCP. The responses to these letters were used to inform the development of the Black Country Plan and subsequent DtC engagement. Details of this correspondence is set out in Dudley MBC's [Duty to Co-operate Statement](#)
10. Further correspondence was followed-up by letter from ABCA dated August 2020. This letter provided an update on the Plan preparation programme, on strategic housing and employment land issues and asked the LPAs if their Local Plans were delivering levels of housing or employment growth in excess of local

needs that could reasonably be attributed to meeting the needs of the Black Country.

11. Alongside the above letters, the Black Country Authorities (including DMBC and SMBC) held two Duty to Cooperate meetings - in December 2017 and January 2020. The recipients of the letters were invited to attend. The purpose of the meetings was to provide an update on the scope of the BCP, to discuss the key issues arising from the emerging evidence with a focus on the likely scale of unmet housing and employment land needs and to confirm the need for the BCAs and key stakeholders to continue to work together.
12. A third Duty to Cooperate letter was issued by ABCA in April 2022. This letter summarised the progress of the Black Country Plan at that time, including the implications of the responses to the 2021 Regulation 18 consultation. The letter also outlined the BCAs four-stage strategic approach to addressing the housing shortfall. In the short term the BCAs would continue to engage with those emerging Local Plans to confirm the then current contributions designed to address the Black Country shortfall. For those Local Plans that were less well-progressed, the BCAs committed to engage in a positive and robust manner to ensure that the unmet needs of the Black Country were fully recognised and all opportunities to assist in meeting needs are comprehensively explored. The third element of the strategy recognised that these workstreams were unlikely to address the housing shortfall in full and final element of the strategy was to seek the inclusion of an early review mechanisms in all emerging Local Plans given the anticipated shortfall arising from the then current round of Local Plan preparation.
13. In regard to contributions to the Black Country housing shortfall: as of April 2022, and updated in November 2024, the 'offers' from neighbouring LPAs to meet wider than-local housing needs were as follows:
  - South Staffordshire - 4,000 homes towards the needs of the GBBCHMA. This contribution was subsequently reduced to 640 following a further New Regulation 19 Plan consultation in 2024 in line with the revised NPPF 2023.
  - Solihull – 2,100 homes towards the needs of the GBBCHMA as a whole but majority Birmingham given geographical proximity (as set out in Submission May 2021). The Solihull Plan was withdrawn from Examination in October 2024.
  - Cannock Chase - 500 homes towards the needs of the GBBCHMA. The Council submitted its Publication Plan for Examination on 29<sup>th</sup> November 2024.
  - Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA as a whole. This contribution was subsequently withdrawn following the withdrawal of the Lichfield Plan in October 2023.
  - Shropshire - 1,500 homes to meet Black Country needs (as set out in submission September 2021). This offer was the subject of a SoCG agreed between the ABCA and Shropshire Council.

14. In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans. Duty to Cooperate correspondence and engagement continued between DMBC and SMBC as work on the Dudley Local Plan and Sandwell Local Plan progressed. DMBC held a Regulation 18 consultation in November 2023 and a Regulation 19 consultation in October 2024.
15. To support the production the Dudley Local Plan and to meet the requirements of the DtC, DMBC has continued the DtC work that was undertaken for the draft Black Country Plan by working with the other Black Country authorities (including SMBC) and to continue the engagement with neighbouring authorities and other relevant bodies on joint strategic matters.
16. Both parties have constructively engaged on an ongoing basis to address the housing shortfalls of the HMA, including shortfall across the Black Country Authorities and those particularly arising for Dudley in its Dudley Local Plan and Sandwell in the Sandwell Local Plan. In May 2023, SMBC wrote to the Black Country Authorities setting out the timetable for its local plan preparation and to seek views on a number of DtC matters, including unmet housing and employment needs and strategic transport. The letter also set out the need to agree an approach/methodology on apportioning the housing and employment land contributions that had been made to the Black Country Authorities to date. DMBC's response to this letter confirmed that up to date evidence for the Dudley Local Plan had demonstrated a shortfall in its housing and employment land supply and on this basis were unable to assist SMBC with its shortfall. The letter did confirm DMBC's support for a proposed methodology for apportioning any agreed contributions (housing and employment) from neighbouring authorities e amongst the four Black Country Authorities and that this should be formally agreed via statements of common ground.
17. In December 2023, DMBC wrote to all local authorities within the HMA and other local authorities to confirm the latest position with the Dudley Local Plan Regulation 18 and its supporting evidence base. This correspondence confirmed that up to date evidence suggested that Dudley had a housing shortfall of 1,078 homes. This shortfall was reduced to 699 homes at the Regulation 19 stage. This letter also set out DMBC's position with regards to its employment land position, gypsy and traveller pitch provision, waste and minerals and matters relating to infrastructure. Each of these matters are picked up in the following sections of this SoCG.
18. In June 2024, SMBC wrote to all local authorities within the GBBCHMA, including DMBC, and outlined SMBC's preferred approach to the Duty to Cooperate (DtC) in respect of strategic housing issues and requested that DMBC fully engaged with this work. In response to this letter, DMBC confirmed its agreement to be part to a SoCG between the two parties. It also confirmed the timetable for the preparation of the Dudley Publication Plan (Regulation 19), and indicated that the evidence produced to support the Regulation 19 Plan

had demonstrated a shortfall in housing, employment and gypsy and traveller provision and confirmed that due to these shortfalls, DMBC was unable to assist with meeting any of the unmet needs arising in Sandwell.

19. DMBC and SMBC both recognise the importance of developing a common evidence base across the HMA as far as is feasible and practical in order to ensure that contributions to unmet needs are properly evidenced, including the preparation of a joint evidence base where required. A GBBCHMA Officer Group Statement of Common Ground has been produced which will seek to address the housing shortfalls arising from the HMA as a whole and identify how those contributions which have been made towards meeting the HMA shortfall will be apportioned between the receiving local authorities, including the Black Country Authorities. Given the scale and complexity of the housing shortfalls arising in the HMA, the GBBCHMA Statement of Common Ground is considered to be the appropriate vehicle by which to consider the issue holistically as opposed to a bi-lateral SoCG between DMBC and SMBC.

## **Employment**

20. Both parties sit within the Black Country Functional Economic Market Area (FEMA). There is therefore clearly a strong functional link between DMBC and SMBC on employment matters.
21. Prior to the cessation of the Black Country Plan in October 2022, DMBC, along with the other Black Country Authorities, was party to several DtC correspondence from ABCA to other local authorities as set out in para 8-12 above. This correspondence and ongoing discussions also considered the emerging employment land shortfall across the four Black Country Authorities.
22. At the time of the demise of the BCP, the BCAs had secured 'confirmed contributions' from the Regulation 19 Shropshire Local Plan, which included provision for some 30ha of land to meet Black Country needs. This contribution was agreed in a formal SoCG between ABCA and Shropshire Council in 2021 and an updated addendum in September 2024.
23. Furthermore, the South Staffordshire Local Plan review was being supported by a review of the 2017 Economic Development Needs Assessment (EDNA), which suggested that the area had a 'surplus' of some 19ha of land in excess of its own needs. The 2022 update of this work advised that this 'surplus' was 36.6ha. Given the strong physical and functional relationship between South Staffordshire and the Black Country, it was recognised that any surplus of employment land could be identified to meet Black Country needs.
24. In addition, the Black Country anticipated that a significant proportion of the consented West Midlands Interchange (WMI) site at Four Ashes could be attributed to meet Black Country warehousing and logistics needs. The



developable area of the site is 193ha. Consultants were commissioned to carry out an analysis of the likely catchment of the scheme and this study recommended that the Black Country should be apportioned a further 67ha of land, the total South Staffordshire contribution being 103.6ha. This was subsequently confirmed in the South Staffordshire FEMA Statement of Common Ground published in November 2022 and confirmed in a further updated South Staffordshire FEMA SoCG in September 2024. A separate WMI SoCG has been produced as part of the ongoing Duty to Co-operate work for the Black Country FEMA.

25. In October 2023, DMBC prepared an Economic Development Needs Assessment (EDNA) 2020-2041 with the other Black Country authorities examining employment land requirements across the Black Country FEMA. This identified a shortfall of 153ha of employment land across the Black Country FEMA, (taking into account 78ha of supply from windfall sites across the Black Country Authorities). The 2023 EDNA identified that DMBC had a shortfall of 73ha (note: this individual DMBC shortfall does not take into account the 78ha of employment land supply from windfall sites which is applied across the whole of the Black Country Authorities).
26. The Black Country EDNA recommends that in meeting this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate process. Both parties have engaged widely with West Midlands local authorities through the preparation of the West Midlands Strategic Employment Sites (2024).
27. The Black Country EDNA 2023 which informed the preparation of the Dudley Local Plan Regulation 18 and 19, suggests an employment land need of 72ha for Dudley. This need increased to 98ha when taking into account an allowance for the replacement of existing employment land due to losses to alternative development. The Draft Dudley Local Plan (Regulation 18) 2023-2041 proposed to deliver 25ha of employment land on local and strategic employment sites to meet some of its own needs. The Publication Dudley Local Plan (Regulation 19) published in October 2024, updated Dudley's employment land position. Dudley MBC's shortfall at Regulation 19 stage is 50ha. When making an allowance for loss of existing employment land to alternative uses this shortfall increased to 76ha. This was evidenced in the Dudley Local Plan Regulation 19 consultation which was published between 18 October and 29 November 2024.
28. In December 2023, DMBC wrote to all local authorities within the Black Country FEMA and other local authorities to confirm the latest position with the Dudley Local Plan Regulation 18 and its supporting evidence base. This correspondence confirmed that up to date evidence suggested that Dudley had

an employment land shortfall of 73 ha. This shortfall has increased to 76ha at the Regulation 19 stage.

29. The minimum proportion of employment land oversupply that can be attributed towards the Black Country (including DMBC) and the role of other authorities within Black Country FEMA in contributing to unmet needs will be addressed through a separately drafted statement of common ground covering the entire Black Country FEMA geography. Both DMBC and SMBC consider that this FEMA-wide statement of common ground is the appropriate mechanism by which to address these strategic employment needs and will continue to engage jointly and hold ongoing duty to cooperate discussions with other local authorities holding strong or moderate functional economic relationships within this area in addressing employment shortfalls.

### **Cross boundary transport impacts**

30. Both parties are committed to continue working together in partnership with the aim of ensuring the necessary transport and highways improvements are implemented to support sustainable growth across both authorities and the wider sub-region.
31. Both parties have engaged in the preparation of a joint -evidence base to inform the plan preparation process and will continue to work on developing shared evidence based where required.
32. Ongoing Duty to co-operate correspondence and representations on each other's local plans (Dudley and Sandwell local plans) have picked up a number of proposed or existing site allocations within proximity to each other local authorities' administrative area. At the time of writing this statement of common ground no cross-boundary transport issues have been identified at this stage. However, DMBC and SMBC will continue to work together as the local highways authorities to ensure that any cross-boundary transport matters arising are addressed including as part of the planning application process for individual sites.

### **Gypsy & Traveller Provision**

33. DMBC has identified a 46 pitch need for Gypsy and Traveller households in Dudley Council Borough over the local plan period. DMBC has reviewed 15 sites, including public land, and has not been able to identify additional new sites. Despite these efforts, DMBC can only deliver 13 pitches within the plan period on sites which would address its unmet pitch needs. This leaves a shortfall of 33 pitch need, which is a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the same housing market area. DMBC indicated that it is not possible to meet this shortfall, the remaining need will be met within the "broad location" of the Dudley urban area through the planning application process.

34. DMBC wrote to all adjacent and housing market area authorities in December 2023 regarding the potential shortfall in Gypsy and Traveller pitch needs within the Borough. Following on from the publication of Black Country Gypsy and Traveller Accommodation Assessment (GTAA) in late 2022 and an update to Dudley's Gypsy and Traveller needs requirement in 2023.
35. Whilst no response to this letter was received from SMBC, several Duty to Co-operate meetings were held in 2023/2024 to discuss strategic and cross boundary matters. SMBC indicated that they were unable to assist in meeting any of Dudley's unmet needs as work on their own local plan (Sandwell Local Plan) had evidenced a shortfall in its own Gypsy & Traveller needs provision.

## **Waste and Minerals**

36. Both DMBC and SMBC (along with the other Black Country Local Authorities) have engaged in the preparation of joint - evidence base documents on strategic matters relating to future waste and minerals needs, cross boundary matters and wider strategic matters with waste and mineral authorities both in the wider West Midlands and beyond. This engagement has informed the plan preparation process for both authorities and both authorities will continue to work on shared evidence based where required. Work has included joint evidence prepared as part of the Black Country Local Plan (which continues to inform the policy approach of individual Local Plans) and input into wider evidence and monitoring such as the Local Aggregate Assessment for the West Midlands.
37. Both DMBC and SMBC are members of West Midlands Resources Technical Advisory Body (RTAB) which oversees co-operation between waste authorities and the West Midlands Aggregates Working Party (WMAWP) which works on cross-boundary issues relating to minerals. Both Councils commit to working with both these forums on a continual process to address cross boundary matters at the regional and national level where relevant.
38. Duty to Co-operate discussions have been on-going between the two authorities and as part of the wider Black Country Authorities. DMBC wrote to neighbouring local authorities and wider strategic authorities in November 2023, including SMBC, and subsequent meetings regarding waste and minerals have taken place amongst the Black Country Authorities. The DtC correspondence with SMBC in November 2023 set out specific matters relating to potential strategic waste movements from Dudley borough to Sandwell and queried whether there was a requirement for further engagement under the Duty to Cooperate.
39. In response, SMBC confirmed that did not regard the inert waste movements from Dudley to be of a strategic nature and that a statement of common ground was not required. Both parties have agreed that there are no strategic cross



boundary matters relating to mineral matters and no statement of common ground was required.

40. DMBC and SMBC, along with all Black Country authorities, will continue to engage on strategic waste and minerals matters as work on their Plans progress and will continue to engage with each other via RTAB and WMAWP.

### **Infrastructure**

41. DMBC and SMBC will work together where required, with the aim of ensuring the necessary infrastructure improvements are delivered to support sustainable growth across the sub-region within which their administrative areas sit.
42. No cross-boundary infrastructure issues have been identified at this stage. Both authorities will continue to work together to ensure that any cross-boundary matters that may arise are addressed.

### **Natural and Historic Environment**

43. DMBC and SMBC are committed to continue working together in respect of matters relating to the natural and historic environment where these are applicable to the authorities and the wider sub-region. Both authorities have engaged in the preparation of a joint evidence base to inform work on their local plan preparation.
44. No cross-boundary issues have been identified at this stage.

### **Preparation of a Shared Evidence Base**

45. DMBC and SMBC, along with the other Black Country authorities, have worked on the preparation of a shared-evidence base to inform their plan preparation. Both authorities have engaged in wider shared -evidence base with authorities across the West Midlands region.
46. DMBC and SMBC, along with all Black Country authorities, will continue to engage on developing a shared evidence- base as and when required.

### **Matters of Disagreement**

47. Whilst SMBC acknowledges the Dudley Local Plan's attempts at meeting the housing and employment land needs within the Borough. SMBC's representation to the Dudley Local Plan Regulation 18 and Regulation 19 consultation questions the Plan's conclusion that there are no exceptional circumstances to release Green Belt. SMBC considers that DMBC should review its Green Belt to accommodate the unmet needs arising in neighbouring local authorities, including SMBC, and the GBBCHMA.

48. DMBC has confirmed that the Dudley Local Plan is an urban led strategy and alongside the Duty to Cooperate process, most of the development needs in the Dudley Borough are being met to 2041. DMBC therefore considers that exceptional circumstances have not been triggered and a review of the Green Belt is not required as part of the Plan's overall spatial strategy.

## **Signatures**

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between Dudley Metropolitan Borough Council and Sandwell Metropolitan Borough Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

### **Dudley Metropolitan Borough Council**

**Name:**

**Position:**

**Signature:**

**Date:**

### **Sandwell Metropolitan Borough Council**

**Name:**

**Position:**

**Signature:**

**Date:**

Sandwell MBC and Telford and Wrekin Council (Draft in progress)

# Statement of Common Ground between Sandwell Metropolitan Borough Council and Telford and Wrekin Council

## Sandwell Local Plan 2024-2041

### Position at XXX 2024

Statement of Common Ground (SoCG) between Sandwell Metropolitan Borough Council (SMBC) & Telford Wrekin Council (TWC)

#### Introduction

This Statement of Common Ground (SoCG) has been prepared by Sandwell Metropolitan Borough Council (SMBC) & Telford Wrekin Council (TWC), hereafter referred to as “the parties” to inform the submission of the Sandwell Local Plan 2024-2041.

This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties regarding the Sandwell Local Plan 2024-2041 and any areas which remain subject to further discussion and therefore will be updated accordingly. This Statement of Common Ground covers the following matters:

- Housing (including housing needs across the GBBCHMA)

#### Geography covered by Statement of Common Ground

This SoCG covers the Local Planning Authority areas of Sandwell Metropolitan Borough Council and Telford Wrekin Council.

## Local Plan Review

### Sandwell Local Plan

The current joint Core Strategy (Black Country Core Strategy) with the Black Country Councils was adopted in 2011, followed by the publication of its Site Allocations document adopted in 2011. Work commenced on a review of the Black Country Plan in 2017. In October 2022, following a statement by the Leaders of the Black Country Authorities, work ceased on the preparation of the Black Country Plan.

Sandwell MBC recently consulted (September – November 2024) on its Regulation 19 Sandwell Local Plan. The Local Plan identifies a housing requirement of 26,350 dwellings up to 2041, with an overall supply figure of around 10,434 dwellings, leaving a shortfall of 15,916 dwellings.

### Telford & Wrekin Local Plan

Current Local Plan was adopted in 2018. Telford & Wrekin Council consulted on its Regulation 18 Draft Telford & Wrekin Local Plan (TWLP) in November 2023 – January 2024. The Draft Plan set out a range of development allocations and planning policies to guide decisions on development proposals and planning applications for the period up to 2040.

TWLP proposed provision for 20,100 dwellings over the Plan period of 2020 – 2040, which is equivalent to 1,010 dwellings per annum. The TWLP states that the housing need for Telford and Wrekin is 930 dwellings per annum. A contribution of 1,600 dwellings over the plan period was proposed towards part of the Black Country's unmet housing need.

## Greater Birmingham and Black Country Housing Market Area (GBBCHMA)

SMBC is within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)<sup>3</sup> and TWC is one of other related local planning authorities outside of the GBBCHMA<sup>4</sup>.

A GBBCHMA SoCG is being drafted and will be circulated to the local planning authorities within the GBBCHMA<sup>1</sup> and to other related local planning authorities<sup>2</sup> outside of the GBBCHMA, including TWC. It will set out the current housing supplies and shortfalls for the GBBCHMA and will include details of agreements reached to

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<sup>3</sup> The GBBCHMA is made up of 14 authorities including Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford upon Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

<sup>4</sup> The other related local planning authorities outside of the GBBCHMA currently consists of Shropshire Council, Telford and Wrekin Council and Wyre Forest District Council.

date between local authorities who sit within the GBBCHMA and is shown in Table X.

Table X: Local Plan Reviews – Shortfalls and Contributions at Regulation 18 and 19 Stage

| <b>Local Plan</b>   | <b>Status</b>   | <b>Total contribution to GBBCHMA unmet needs (up to and beyond 2031)</b>     | <b>Plan period</b>       |
|---------------------|---|--|--------------------------|
| South Staffordshire | Reg 19<br>May 2024  | +650<br>Contribution specifically for Birmingham & Black Country unmet needs | 2023-2041<br>plan period |
| Cannock Chase       | Reg 19  | +500<br>Contribution specifically for Birmingham & Black Country unmet needs | Xxx<br>plan period       |
| Shropshire          | Examination<br>July 2022.<br>Ongoing at the time of this SoCG   | +1,500<br>Contribution specifically for Black Country unmet needs            | 2018 -38<br>plan period  |
| Telford & Wrekin    | Reg 18 Plan –<br>Nov 2023                                       | +1,650<br>Contribution specifically for Black Country unmet needs            | 2020-2040                |
| Birmingham          | Reg 18 Plan<br>published July<br>2024                           | Shortfall of - 46,000 at<br>Regulation 18 stage                              | 2023 –<br>2042           |
| Dudley              | Reg 19 Plan<br>published<br>September 2024                      | Shortfall of - 699<br>at Regulation 19 Stage                                 | 2023-2041                |
| Sandwell            | Reg 19 Plan<br>published<br>September 2024                      | Shortfall of - 15,916 at<br>Regulation 19 Stage                              | 2022-2041                |
| Wolverhampton       | Reg 19 Plan<br>published<br>November 2024                       | Shortfall of – 10.398 at<br>Regulation 19 Stage                              | 2024-2042                |
| Walsall             | Regulation 18 Black<br>Country Plan<br>published August<br>2021 | Shortfall of (figure tbc)  | 2020 - 2039              |

It will also propose an approach to apportioning contributions to the HMA and those solely to the Black Country based on net migration flows between the exporting local authority and each of the receiving authorities and set out details and an update on the Strategic Housing Growth Study.

## Key Strategic Matters

The local authorities have had on-going dialogue on cross-boundary planning issues, discussing a broad range of planning issues including strategic matters. The key strategic matters included within this Statement of Common Ground is housing provision.

The following issues are considered to be the key strategic matters with regards to on-going plan making, although there are other issues which may have cross boundary impacts. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

### Housing

SMBC alongside the other Black Country Authorities<sup>5</sup> have had active discussions with TWC relating to the delivery of unmet housing need within the Black Country and wider GBBCHMA.

TWC in their Regulation 18 Plan, proposed to allocate sites sufficient to meet its own needs plus 81 units per annum to the Black Country to help meet the unmet needs within the Black Country, equating to 1,650 homes in total.

The contribution to the Black Country will be apportioned between the Black Country Authorities based upon the apportionment approach set out in the GBBCHMA SoCG 2024.

## Other cross boundary issues

No other cross-boundary issues have been identified.

## Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between Sandwell Metropolitan Borough Council and Telford and Wrekin Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

### **Sandwell Metropolitan Borough Council**

**Name: Alan Lunt**

**Position: Executive Director, Place**

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<sup>5</sup> City of Wolverhampton Council, Walsall Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Dudley Metropolitan Borough Council

**Signature:**

**Date:**

**Telford and Wrekin Council**

**Name:**

**Position:**

**Signature:**

**Date:**

Greater Birmingham and Black Country Housing Market Area (GBBCHMA) (Draft and in progress)

## **GBBCHMA Development Needs Group**

**Draft**

**Statement of Common Ground**

**Position at November 2024**





## 1. Purpose and list of Parties involved in this Statement of Common Ground

1.1 This statement of common ground has been prepared to facilitate and record cross boundary engagement between local authorities in addressing the emerging housing shortfalls within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). It records co-operation and progress to date in addressing this strategic issue, demonstrating that the participating authorities have engaged constructively, actively and on an ongoing basis under the Duty to Cooperate.

1.2 The Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Development Needs Group comprises of the local planning authorities set out below, as shown on Figure 1<sup>6</sup>. The Black Country consists of the Dudley, Sandwell, Walsall and Wolverhampton local planning authorities.

### 1.3 Local planning authorities within the GBBCHMA

- Birmingham City Council
- Bromsgrove District Council
- Cannock Chase District Council
- Dudley Metropolitan Borough Council
- Lichfield District Council
- North Warwickshire Borough Council
- Redditch Borough Council
- Sandwell Metropolitan Borough Council
- Solihull Metropolitan Borough Council
- South Staffordshire District Council
- Stratford-on-Avon District Council
- Tamworth Borough Council
- Walsall Metropolitan Borough Council
- City of Wolverhampton Council

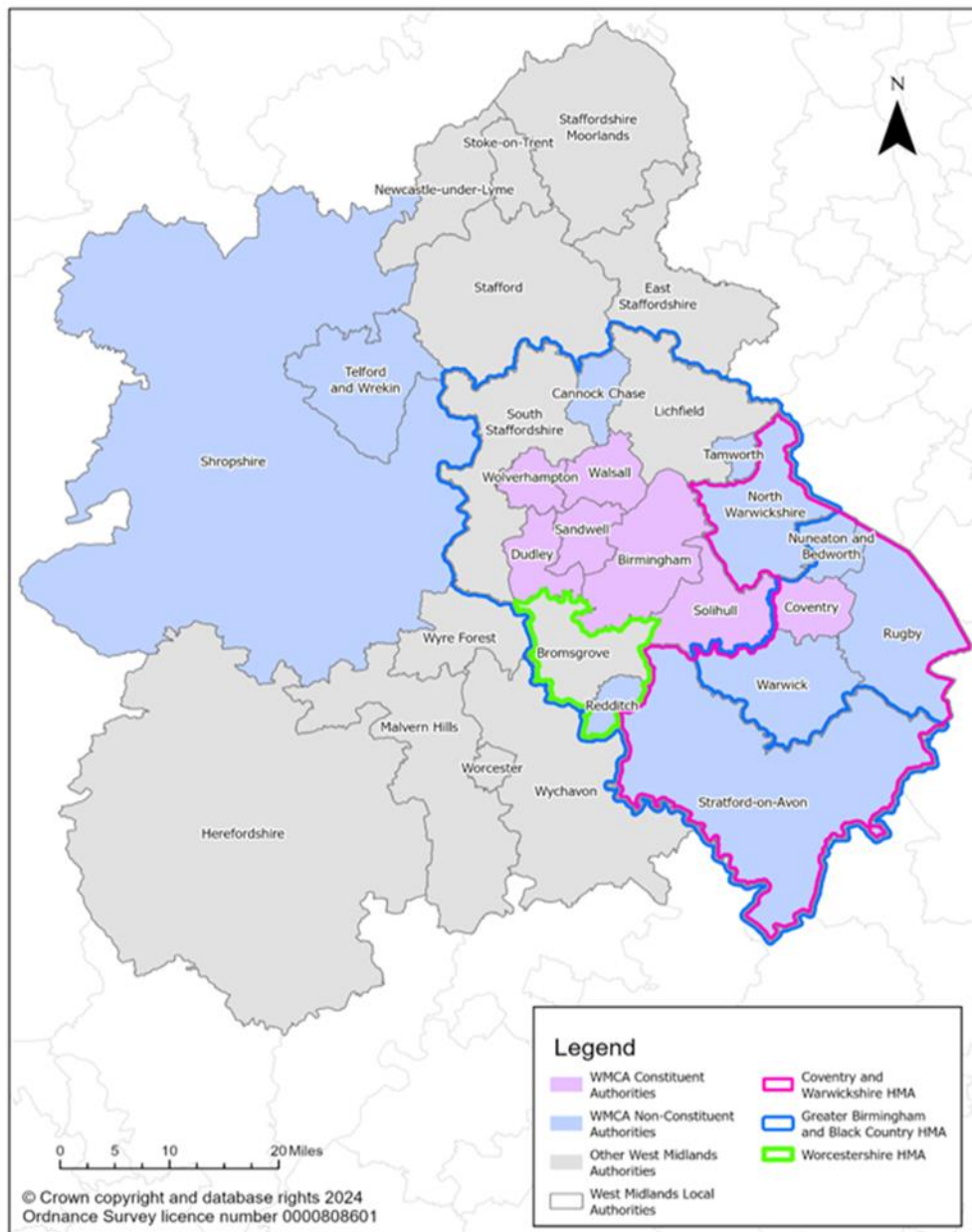
### 1.4 Other related local planning authorities outside of the GBBCHMA

- Shropshire Council
- Telford and Wrekin Council
- Wyre Forest District Council

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<sup>6</sup> Figure 1 – map showing boundaries of: “Greater Birmingham and Black Country HMA”; “Coventry & Warwickshire HMA” and the “Worcestershire HMA”

Figure 1 Greater Birmingham and Black Country Housing Market Area (GBBCHMA)



## 2. Signatories to this Statement of Common Ground:

- Birmingham City Council
- Bromsgrove District Council
- Cannock Chase District Council
- Dudley Metropolitan Borough Council
- Lichfield District Council
- North Warwickshire Borough Council
- Redditch Borough Council
- Sandwell Metropolitan Borough Council
- Solihull Metropolitan Borough Council
- South Staffordshire District Council

- Stratford-on-Avon District Council
- Tamworth Borough Council
- Walsall Metropolitan Borough Council
- City of Wolverhampton Council
- Shropshire Council
- Telford and Wrekin Council
- Wyre Forest District Council

### **3. Strategic Geography**

3.1 The Greater Birmingham and Black Country Housing Market Area (GBBCHMA) comprises 14 local authorities: Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford-on-Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and City of Wolverhampton Council.

3.2 This geography was defined through two published studies commissioned from Peter Brett Associates (now Stantec) in accordance with guidance at the time based on analysis of migration flows and commuting patterns and was subsequently endorsed by all authorities.

3.3 As part of the review of the Birmingham Development Plan (BDP), Birmingham City Council tested whether this geography is still valid. A Housing and Economic Development Needs Assessment (HEDNA) report which has been subject to engagement with neighbouring authorities through the GBBCHMA group and through a recent Regulation 18 local plan consultation with no objections raised, confirms that this is still a reliable geography using more recent data where available. Whilst, the HEDNA has yet to be tested through an examination in public it also confirms that other authorities beyond the GBBCHMA have close functional relationships with it based on commuting and migration flows, as listed below:

- Shropshire
- Telford & Wrekin
- Wyre Forest
- Worcester City
- Coventry City

3.4 Based on the findings of this report, Shropshire Council, Telford & Wrekin and Wyre Forest were invited to be signatories to this statement of common ground, recognising the close functional relationships these areas have with the GBBCHMA (or parts of it) and authorities generating shortfalls within it. Worcester City Council and Coventry City Council were not invited to be signatories, because these are constrained urban areas that have historically relied on other neighbouring authorities to meet their housing

needs over separate functional geographies and are therefore unlikely to be able to contribute towards the unmet housing needs of the GBBCHMA.

- 3.5 At this time, expansion of the GBBCHMA is not advocated but it is acknowledged that there are potentially cross boundary matters, particularly in relation to migration patterns, which need to be addressed in order to ensure compliance with the Duty to Cooperate. The GBBCHMA Development Needs Group is a local authority officer group, with representatives from each local planning authority, and which meets at least bi-monthly to provide a framework for coordination between local authorities to ensure that unmet development needs within the GBBCHMA, predominately housing needs can be satisfactorily addressed (where possible).
- 3.6 The strategic geography and scope of this statement of common ground reflects current emerging evidence regarding the functional relationships between the GBBCHMA and surrounding areas. Where relevant, this scope will be updated to reflect any other evidence showing functional relationships beyond the GBBCHMA as and when such evidence becomes available.
- 3.7 It should be noted that both North Warwickshire and Stratford-on-Avon Councils fall within the Coventry and Warwickshire HMA as well as the Greater Birmingham and Black Country HMA. In respect of Stratford-on-Avon District, the Fosse Way is an accepted boundary between the two HMAs reflecting the geographic proximity to the HMAs of this large rural district.
- 3.8 The adopted Birmingham Development Plan (2017) identified shortfall in Birmingham's housing supply of 37,900 homes which could not be met in the plan area. Policy TP48 of the adopted BDP sets out a mechanism for how this will be dealt with. A monitoring framework was established and progress towards meeting this shortfall across the wider GBBCHMA has been reflected in a series of position statements for the period 2011-31. The most recent of these Position Statements was published in April 2023 with a base date of 2021/22. This suggests that the shortfall to 2031 is now 2,053 homes. This is a mainly a result of the City identifying additional capacity than was anticipated when the plan was examined (additional capacity of 18,703 homes has been identified) as well as additional capacity through other local plans and agreed contributions to Birmingham's unmet needs through both the Solihull Local Plan (contribution of 2,104 homes to 2031) and the North Warwickshire Local Plan (contribution of 3,790 homes to 2033) reviews.
- 3.9 Following the adoption of the Birmingham Development Plan (2017), a review commenced of the Black Country Core Strategy. The four Black Country Authorities consulted on a Regulation 18 Plan (draft Black Country Plan) in summer 2021. At the time, the Regulation 18 Plan estimated a housing shortfall of 28,239 homes to 2039 based upon the standard method. Although the Black Country Authorities ceased work on the Black Country Plan in October 2022, in favour of separate plans for Dudley, Sandwell, Walsall and Wolverhampton, a housing shortfall has recently been evidenced in the Regulation 18 and Regulation 19 Plans for Dudley, Sandwell and Wolverhampton.

- 3.10 The purpose of this statement of common ground is to demonstrate the status of Local Plans across the strategic geography set out in section 3 and the degree to which those Local Plans have an evidenced shortfall or surplus of housing land supply. A number of local plans have planned for a level of growth designed to meet not only their own local housing needs, but also shortfalls arising in other areas. This document sets out the approach by which those contributions are apportioned to the shortfall area, including reflecting the agreements reached to date between the local authorities who sit within the GBBCHMA.

#### **4. Local Plan Reviews and the newly emerging shortfall to 2042**

- 4.1 Following the adoption of the Birmingham Development Plan in 2017, a review of the Plan commenced in 2022. Alongside this, several other local authorities (as set out below) commenced a review of their local plans taking the new Plan period for most authorities beyond 2031 to 2041 or in some cases to 2042 or 2043.
- 4.2 An update on the status of local plans for each local authority within the HMA, including details of those local authorities which are carrying out a local plan review, is set out below. In addition, Table 2 provides a summary position of each local plan review which has reached either the Regulation 18 or Regulation 19 stage and where a housing contribution towards meeting unmet needs or a housing shortfall has been evidenced.

##### **Birmingham Local Plan**

- 4.3 The current Plan was adopted in 2017. Work commenced on a full update of the Birmingham Development Plan and its evidence in 2022. An Issues and Options consultation was undertaken on the new Plan, referred to as the Birmingham Local Plan, in Autumn 2022. Following this a further consultation on the Regulation 18 Preferred Options Plan took place in July – August 2024.
- 4.3 The Draft Plan's Housing Need – the projected housing requirement for Birmingham up to 2042 is approximately 150,000 dwellings. The Preferred Options (2024) document identifies an overall land supply sufficient for approximately 103,000 dwellings leaving a shortfall or unmet need of approximately 46,000 dwellings. As of November 2024, when this statement of common ground was prepared, Birmingham had an identified shortfall over the period 2024 – 2042 of 46,000 homes. This shortfall is based upon the NPPF 2023 guidance.

##### **Bromsgrove Local Plan**

- 4.4 The current Plan was adopted in 2017. Bromsgrove intends to issue a timetable for their Local Plan Review once the Council has considered the implications of the proposed planning reforms. The new Plan will be prepared under the new planning system.

##### **Cannock Chase Local Plan**

- 4.4 The current Plan was adopted in 2014. The Council consulted on its Regulation 19 Plan in February – March 2024. The Plan include provision for 6,308 homes between 2018 – 2040. This scale of development will provide for the district's own housing need and a contribution towards the GBBCHMA shortfall of 500 homes.

4.4 The Council is seeking to submit its Publication Plan for Examination in late 2024. An agreed approach to how the 500-home contribution will be apportioned amongst the GBBCHMA authorities which can currently demonstrate a shortfall is set out in Section 5 of this statement of common ground.

#### Dudley Local Plan

4.5 The current joint Core Strategy (Black Country Core Strategy) with the Black Country Councils was adopted in 2011, followed by the publication of its Tier Two Plan (Dudley Borough Development Strategy) adopted in 2017. Work commenced on a review of the Black Country Plan in 2017. In October 2022, following a statement by the Leaders of the Black Country Authorities, work ceased on the preparation of the Black Country Plan.

4.6 Dudley MBC published its Regulation 19 Dudley Local Plan for consultation in October – November 2024. The new Local Plan period runs to 2041 and identifies a housing need of 11,169. The Plan makes provision for 10,470 homes to 2041 with an expected shortfall of 699 homes.

#### Lichfield Local Plan

4.7 Lichfield's current Plan was adopted in 2015. The Council previously submitted its Regulation 19 local plan for examination in 2022. Following the submission of its Regulation 19 Plan, Lichfield District Council paused their Plan process. At a meeting of its Full Council on 17 October 2023, Lichfield District Council made the decision to withdraw its proposed local plan to 2040.

4.8 Lichfield Council re-commenced work on its new Local Plan in 2024. The new local plan period will run to 2043. A consultation on its Issues and Options was published in October 2024 for a 6-week consultation to December 2024.

#### North Warwickshire Local Plan

4.9 The current Plan was adopted in 2021 with a lifespan to 2033. North Warwickshire sits within the GBBCHMA and the Coventry & Warwickshire HMA. The adopted Plan made a contribution of 3,790 homes towards Birmingham's unmet housing needs arising in its current adopted Development Plan and [\*\*\*\*] homes to Coventry's housing shortfall.

#### Solihull Local Plan

4.10 The current Plan was adopted in 2013. The Council commenced work on its Local Plan review in [\*\*\*\*] and submitted the Plan for examination in [\*\*\*\*]. This Plan included a contribution of 2,100 homes towards the shortfall arising in Birmingham only to respond to the shortfall identified in the 2017 Birmingham Development Plan. The examination for the Solihull Plan commenced in 2021, but in October 2024 the Solihull Plan was withdrawn from examination. At the time of writing this statement of common ground there is no timetable for the preparation of a replacement Plan.

#### South Staffordshire Local Plan

4.11 The current Plan was adopted in 2018, and the Council are progressing the preparation of a new Local Plan which will cover the period to 2041. Work on the new Local Plan commenced in 2018 and the Council reconsulted on its Regulation 19 Publication Plan in



April – May 2024. This follows on from the consultation on the previous Regulation 19 iteration of the South Staffordshire Local Plan in 2022. The updated Regulation 19 Plan reduces the contribution to the wider GBBCHMA from that set out in the 2022 regulation 19 Plan following the December 2023 changes to the National Planning Policy Framework.

- 4.12 The Plan includes provision for just over 4,700 homes between 2023 and 2041 which is made up of the district's local housing need and a contribution towards the wider GBBCHMA housing market area shortfalls of 640 homes.
- 4.13 South Staffordshire are seeking to submit their Publication Plan for Examination in late 2024/early 2025. An agreed approach to how the contribution will be apportioned amongst the GBBCH HMA local authorities is set out in Section x of this statement of common ground.

#### Redditch Local Plan

- 4.14 The current Plan was adopted in 2017. Work on the Redditch Local Plan Review has commenced in terms of evidence base gathering. A new timetable for the Plan preparation will be published once the Council has considered the implications of the proposed planning reforms. The new Plan will be prepared under the new planning system.

#### Sandwell Local Plan

- 4.15 The current joint Core Strategy (Black Country Core Strategy) with the Black Country Councils was adopted in 2011, followed by the publication of its Site Allocations document adopted in 2011. Work commenced on a review of the Black Country Plan in 2017. In October 2022, following a statement by the Leaders of the Black Country Authorities, work ceased on the preparation of the Black Country Plan.
- 4.16 Sandwell MBC recently consulted (September-November 2024) on its Sandwell Local Plan Regulation 19. The Local Plan identifies a housing requirement of 26,350 dwellings up to 2041, with an overall supply figure of around 10,434 dwellings, leaving a shortfall of 15,916 dwellings (this represents a reduction in the shortfall of 18,606 dwellings set out at Regulation 18).

#### Shropshire Local Plan

- 4.17 The current Core Strategy was adopted in 2011 and the Site Allocations and Development Management Plan was adopted in 2015. The local plan review commenced in [\*\*\*\*] and the Council submitted its local plan for examination in September 2021 which made a contribution of 1,500 homes towards meeting the needs specifically of the Black Country authorities as established through the Black Country Plan review. At the time of writing this statement of common ground the timetable for the remaining stages of the Examination is yet to be confirmed.
- 4.18 Shropshire is located outside the GBBCHMA and Shropshire is acknowledged as a separate housing market area. Shropshire's approach to assisting with the unmet needs of the HMA is largely based on migratory trends and has continued to engage with the



Black Country Authorities. An agreement under a separate statement of common ground with the Black Country Authorities has been reached to support its approach towards unmet needs. An agreed approach to how the contribution will be apportioned amongst the four Black Country Authorities is set out in Section 5 of this statement of common ground.

#### South Warwickshire Joint Local Plan

- 4.19 Stratford-on-Avon District and Warwick District Councils (hereafter referred to as the South Warwickshire authorities) commenced work on their joint South Warwickshire Local Plan in 2021 and consulted on the Issues and Options in January – March 2023.

#### Telford & Wrekin Local Plan

- 4.20 Current Local Plan was adopted in 2018. Telford & Wrekin Council consulted on its Regulation 18 Draft Telford & Wrekin Local Plan (TWLP) in November 2023 -January 2024. The Draft Plan set out range of development allocations and planning policies to guide decisions on development proposals and planning applications for the period up to 2040.
- 4.21 TWLP proposed provision for 20,100 dwellings over the Plan period of 2020 – 2040, which is equivalent to 1,010 dwellings per annum. The TWLP states that the housing need for Telford and Wrekin is 930 dwellings per annum. A contribution of 1,600 dwellings over the plan period was proposed specifically towards meeting the Black Country's unmet housing need. Representations submitted to the Regulation 18 consultation, have requested that the Council seeks to clarify how the contribution towards the Black Country Authorities unmet needs has been qualified prior to the contribution being accepted as being appropriate. An agreed approach to how the contribution will be apportioned amongst the four Black Country Authorities is set out in Section 5 of this statement of common ground.

#### Tamworth Local Plan

- 4.22 The current Local Plan was adopted in 2016. The review of the Tamworth Local Plan (TLP) commenced in 2022. The Council consulted on the first stage of its plan (Issues and Options) in October – November 2022. The new Plan period is 2020-2043. Once it has been adopted, it will replace the current Tamworth Local Plan which was adopted in 2016.
- 4.23 At the time of the Issues and Options consultation, the TLP identified a housing need of 2,961 dwellings, which represented a minimum local housing figure (as calculated using the standard method for local housing needs). Whilst the TLP Issues and Options document did not identify its housing land supply for the plan period, it did however state that given the physical constraints of the Borough, the options for accommodating the identified housing need are likely to be limited. At the time of writing this statement of common ground, work on the Regulation 18 Draft TLP is ongoing.

#### Walsall Local Plan

- 4.24 The current joint Core Strategy (Black Country Core Strategy) with the Black Country Councils was adopted in 2011, followed by the adoption of its Site Allocation Document

and Walsall Town Centre Area Action Plan in 2019. Work commenced on a review of the Black Country Plan in 2017. In October 2022, following a statement by the Leaders of the Black Country Authorities, work ceased on the preparation of the Black Country Plan. It should be noted that whilst Walsall has not progressed with the preparation of Plan review, a shortfall of [\*\*\*\*] was evidenced at the Regulation 18 stage of the Black Country Plan.

#### Wolverhampton Local Plan

- 4.25 The current joint Core Strategy (Black Country Core Strategy) with the Black Country Councils was adopted in 2011. Work commenced on a review of the Black Country Plan in 2017. In October 2022, following a statement by the Leaders of the Black Country Authorities, work ceased on the preparation of the Black Country Plan.
- 4.26 The City of Wolverhampton Council published its Regulation 18 Local Plan Issues and Preferred Options for consultation in February 2024. This identified a local housing need for 21,720 homes over the period 2022-42, including a 35% cities and urban centres uplift. The WLP Regulation 18 made provision for 10,307 homes leaving a shortfall of 11,413 homes. The Regulation 19 version of the WLP was published for consultation in late November 2024 and confirms that local housing need for 2024-42 is 19,728 homes, housing supply is 9,330 homes and therefore the shortfall for the period 2024-42 is 10,398 homes.

#### Wyre Forest Local Plan

- 4.27 The current Wyre Forest District Local Plan was adopted in April 2022. The Plan states that due consideration will be given, through a future early review of the Wyre Forest District Council Local Plan where necessary and in accordance with the NPPF, to the housing needs of neighbouring local authorities in circumstances when it has been clearly established through the local plan process that these needs must be met through provision in the Wyre Forest District area.

#### Local Plan Reviews shortfalls and contributions

- 4.28 Table 2 below provides a summary of the emerging shortfall for the plan period 2023 – 2042. This indicates that currently there are shortfalls for Birmingham, Dudley, Sandwell and Wolverhampton. This shortfall, as evidenced in the Regulation 18 and Regulation 19 Local Plans, totals approximately 74,015 homes.
- 4.29 Alongside this a number of contributions (4,300 homes) have been offered towards the shortfall. This included contributions from South Staffordshire, Cannock Chase, Shropshire and Telford & Wrekin. These contributions are made specifically towards the Black Country’s needs (e.g. Shropshire and Telford & Wrekin) or GBBCHMA’s unmet needs (e.g. South Staffordshire and Cannock Chase).

Table 2: Local Plan Reviews – Shortfalls and Contributions at Regulation 18 and 19 Stage

| Local Plan | Status | Total contribution to GBBCHMA unmet needs (up to and beyond 2031) | Plan period |
|------------|--------|---|-------------|
|            |        |   |             |

|                     |  |  |             |
|---------------------|--|--|-------------|
| South Staffordshire | Regulation 19<br>May 2024  | +650<br>Contribution specifically for<br>Birmingham & Black Country<br>unmet needs | 2023-2041   |
| North Warwickshire  | Adopted 2021   | +3,790<br>Contribution specifically for<br>Birmingham Development Plan<br>2017     | 2014- 2033  |
| Cannock Chase       | Regulation 19 -<br>Submission<br>November 2024                   | +500<br>Contribution specifically for<br>Birmingham & Black Country<br>unmet needs | 2018 – 2040 |
| Shropshire          | Examination<br>July 2022.<br>Ongoing at the<br>time of this SoCG | +1,500<br>Contribution specifically for<br>Black Country unmet needs               | 2018 -2038  |
| Telford & Wrekin    | Regulation 18<br>Plan – November<br>2023                         | +1,650<br>Contribution specifically for<br>Black Country unmet needs               | 2020-2040   |
| Birmingham          | Regulation 18<br>Plan published<br>July 2024                     | Shortfall of - 46,000 at<br>Regulation 18 stage                                    | 2023 – 2042 |
| Dudley              | Regulation 19<br>Plan published<br>October 2024                  | Shortfall of - 699<br>at Regulation 19 Stage                                       | 2023-2041   |
| Sandwell            | Regulation 19<br>Plan published<br>September 2024                | Shortfall of - 15,916 at<br>Regulation 19 Stage                                    | 2022-2041   |
| Wolverhampton       | Regulation 19<br>Plan published<br>November 2024                 | Shortfall of – 10,398 at<br>Regulation 19 Stage                                    | 2024-2042   |
| Walsall             | Regulation 18<br>Black Country<br>Plan published<br>August 2021  | Shortfall of (figure tbc)  | 2020 - 2039 |

## **5. Strategic Matters - meeting housing need and agreed approach**

- 5.1 Cross boundary unmet housing needs are acknowledged as a strategic matter and the GBBCHMA geography is agreed as an appropriate geographical area within which to consider how to address housing needs. Based on the published evidence to date, there is evidence of a shortfall of 74,015 homes to 2042 as demonstrated in Table 2 above. This shortfall could increase as more local plan reviews progress.
- 5.2 Engagement to date (November 2024) has primarily taken place through direct Duty to Cooperate discussions between individual local authorities and the GBBCHMA Development Needs officer group. From this engagement, contributions towards meeting the unmet needs of the emerging plans for the Black Country authorities and/or for Birmingham's Plan review have been made as shown in Table 2. This statement of common ground will set out an agreed position of how the contributions will be apportioned to those GBBCHMA local authorities who have a demonstrated shortfall.
- 5.3 This statement of common ground sets out an agreed approach between the contributing authorities (Shropshire, Cannock Chase, South Staffordshire, and Telford & Wrekin) and the receiving authorities (Black Country Authorities and Birmingham) on how the contributions will be apportioned amongst the relevant authorities.
- 5.4 The current housing 'offers' have the potential to provide homes towards either the Black Country's shortfall and/or Birmingham's shortfall. Some of these offers have been made expressly to the Black Country, whereas others are made to meet a shortfall arising in the GBBCHMA as a whole (as shown in Table 2 above).
- 5.5 The agreed approach for apportioning the shortfalls amongst each of the relevant authorities is based on net migration flows between the exporting local authority and each of the receiving authorities e.g. the Black Country authorities and Birmingham. This method involves the apportionment being based on the quantum of net migration as a proportion of net migration between the exporting authority and all Black Country local authorities (where the contribution is made specifically to the Black County authorities) or to Birmingham and the Black Country Authorities where the contribution has been made to the wider GBGBHMA. The agreed dataset to base this approach on is migration data available on an annual basis from ONS, which is based on a combination of administrative data taken from the National Health Service Central Register, the Patient Register Data System and the Higher Education Statistics Agency as set out in Appendix One.
- 5.6 As shown in Appendix One, the data is published over an extended period (2001-19) in the form of net flows – the difference between outflows and inflows. Using this approach, and subject to a shortfall from the relevant authority being evidenced in the first place, each of the local authorities will receive a proportion (share) of the contributions which are proportionate to their share of the net outflow. Table 3 below summarises the

approach and the contributions made to each local authority where a shortfall has firstly been evidenced by the individual authority.

5.7 Where it is evidenced that a local authority in receipt of the contribution no longer requires the contribution (share) or has met its shortfall, then the surplus contribution will be apportioned to the remaining local authorities, where relevant.

5.8 This statement of common ground confirms agreement to this approach and the 'share' of the overall contributions being made where it is evidenced that a shortfall exists as set out in Table 2 above.

5.9 Moving forward it is agreed that this process be applied to other, less progressed Local Plans, where the Black Country authorities or Birmingham City Council are seeking a contribution towards meeting their unmet needs.

Table 3 Percentage Apportionment of housing contributions from each local plan contribution based upon net in- flow

| Contributing LA             | Local Plan Contribution | Birmingham    |                        | Dudley        |                        | Sandwell      |                        | Walsall       |                        | Wolverhampton |                        |
|-----------------------------|-------------------------|---------------|------------------------|---------------|------------------------|---------------|------------------------|---------------|------------------------|---------------|------------------------|
|                             |                         | % of Net Flow | Potential Contribution | % of Net Flow | Potential Contribution | % of Net Flow | Potential Contribution | % of Net Flow | Potential Contribution | % of Net Flow | Potential Contribution |
| <b>Cannock Chase</b>        | 500                     | 19%           | 95                     | 3%            | 16                     | 12%           | 62                     | 53%           | 263                    | 13%           | 63                     |
| <b>Shropshire</b>           | 1500                    | 0%            | 0                      | 29%           | 431                    | 17%           | 257                    | 15%           | 219                    | 40%           | 593                    |
| <b>South Staffordshire</b>  | 640                     | 3%            | 21                     | 24%           | 153                    | 11%           | 71                     | 25%           | 161                    | 37%           | 234                    |
| <b>Telford &amp; Wrekin</b> | 1600                    | 0%            | 0                      | 15%           | 242                    | 18%           | 289                    | 23%           | 367                    | 44%           | 703                    |
| <b>Total</b>                | 4240                    | -             | 116                    | -             | 842                    | -             | 680                    | -             | 1011                   | -             | 1593                   |

## 6. Further work of the GBBCHMA

- 6.1 The GBBCHMA is committed to working together and with all neighbouring Local Plan areas to progress a programme of evidence base work to inform the work of the HMA and further updates of this statement of common ground.
- 6.2 The existing evidence base is in need of review to allow for a clear and up-to-date picture on unmet housing needs across the HMA beyond 2031. As such, at the time of writing this statement of common ground, the GBBCHMA is seeking to commission an update of the 2018 Housing Market Area Growth Study to re-evaluate the housing shortfall in light of more recent evidence and policy and to develop scenarios designed to address this shortfall. It is anticipated that this Study will commence in late 2024/early 2025.

## 7. Areas of agreement

- 7.1 The areas of agreement to be agreed by signatories of this statement of common ground relate to agreement on the contributions made to the GBBCHMA (including those offers made expressly to the Black Country Authorities) and agreement of the methodology used to determine how the distribution and apportionment of the contributions will be made to the receiving authorities as set out in Section 5 and Table 3 of this statement.

## 8. Signatories to the Statement of Common Ground

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken by the GBBCHMA . The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

|   |  |
|---|--|
| <p><b><u>Birmingham City Council</u></b></p> <p>Name:</p> <p>Position:</p> <p><b>Date</b></p> | <p><b><u>Bromsgrove District Council</u></b></p> <p>Name:</p> <p>Position:</p> <p><b>Date</b></p>  |
| <p><b><u>Cannock Chase District Council</u></b></p> <p>Name:</p> <p>Position:</p> <p>Date</p> | <p><b><u>Dudley Metropolitan Borough Council</u></b></p> <p>Name:</p> <p>Position:</p> <p>Date</p> |
| <p><b><u>Lichfield District Council</u></b></p> <p>Name:</p> <p>Position:</p>                 | <p><b><u>North Warwickshire Borough Council</u></b></p> <p>Name:</p> <p>Position:</p>              |

|   |   |
|---|---|
| Date  | Date  |
| <b><u>Redditch Borough Council</u></b>              | <b><u>Sandwell Metropolitan Borough Council</u></b> |
| Name:   | Name:   |
| Position:   | Position:   |
| Date  | Date  |
| <b><u>Solihull Metropolitan Borough Council</u></b> | <b><u>South Staffordshire District Council</u></b>  |
| Name:   | Name:   |
| Position:   | Position:   |
| Date:   | Date:   |
| <b><u>Stratford-on-Avon District Council</u></b>    | <b><u>Tamworth Borough Council</u></b>              |
| Name:   | Name:   |
| Position:   | Position:   |
| Date:   | Date:   |
| <b><u>Walsall Metropolitan Borough Council</u></b>  | <b><u>City of Wolverhampton Council</u></b>         |
| Name:   | Name:   |
| Position:   | Position:   |
| Date:   | Date:   |
| <b><u>Shropshire Council</u></b>                    | <b><u>Telford and Wrekin Council</u></b>            |
| Name:   | Name:   |
| Position:   | Position:   |
| Date:   | Date:   |
| <b><u>Wyre Forest District Council</u></b>          |   |
| Name:   |   |
| Position:   |   |



|       |  |
|-------|--|
| Date: |  |
|-------|--|

SoCG between Sandwell MBC and South Staffordshire District Council (agreed and signed)

Statement of Common Ground  
between Sandwell Metropolitan  
Borough Council and South  
Staffordshire District Council  
South Staffordshire Local Plan 2023-  
2041  
Position at 29<sup>th</sup> July 2024

## Statement of Common Ground (SoCG) between South Staffordshire District Council (SSDC) & Sandwell Metropolitan Borough Council (SMBC)

### Introduction

49. This Statement of Common Ground (SoCG) has been prepared by South Staffordshire District Council (SSDC) and Sandwell Metropolitan Borough Council (SMBC), hereafter referred to as “the parties” to inform the submission of the South Staffordshire Local Plan 2023-2041.
50. This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties regarding the South Staffordshire Local Plan 2023-2041 and any areas which remain subject to further discussion and therefore will be updated accordingly. This Statement of Common Ground covers the following matters:
- Housing (including housing needs across the GBBCHMA);
  - Employment land;
  - Transport and infrastructure matters;
  - Gypsy and traveller accommodation; and
  - Natural environment

### Geography covered by Statement of Common Ground

51. This SoCG covers the Local Planning Authority areas of South Staffordshire District and Sandwell Metropolitan Borough Council.
52. Both authorities are also within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)<sup>7</sup> and are either within, or are closely functionally related to, the South Staffordshire FEMA<sup>8</sup> and Black Country FEMA<sup>9</sup>. There are wider strategic housing and employment shortfalls arising over these geographies that are subject to separate statements of common ground over these wider geographical areas dealing with these issues.

### Key Strategic Matters

53. The local authorities have had on-going dialogue on cross-boundary planning issues over the course of many years, discussing a broad range of planning issues including strategic matters. The key strategic matters included within this Statement of Common Ground are; housing provision; employment land; transport and wider infrastructure matters; gypsy and traveller accommodation; and matters relating to the natural and historic environment including designated sites. These discussions have informed the development of adopted plans and other related documents.
54. The following issues are considered to be the key strategic matters with regards to on-going plan making, although there are other issues which may have cross boundary impacts. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

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<sup>7</sup> The GBBCHMA is made up of 14 authorities including Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford upon Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

<sup>8</sup> South Staffordshire EDNA 2020-2040 defines the South Staffordshire FEMA as Wolverhampton City Council, Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, Cannock Chase District Council, Stafford Borough Council

<sup>9</sup> Black Country EDNA 2017 and 2021 update

## Housing

55. SSDC and SMBC have been active members of the GBBCHMA Technical Officers Group since it was established in 2017 and both authorities have contributed to discussions relating to the delivery of unmet housing need within in the HMA. Both authorities also previously participated in the GBBCHMA Strategic Growth Study (2018), which examined need and supply across the entire HMA up to 2031 and 2036, before proposing potential growth options for authorities to consider through their own plan-making process in order to seek to address any resulting unmet needs. The Black Country authorities<sup>10</sup> similarly declared an unmet need from their urban area as early as their Issues and Options consultation in 2017, later indicating through the Draft Black Country Plan consultation in 2021 that this shortfall stood at around 28,000 dwellings, despite Green Belt release being explored. Whilst SSDC has raised points through the Draft Black Country Plan consultation which it considers may reduce this shortfall, it is common ground that there is likely to be a very significant shortfalls arising from the Black Country and that this requires discussion under the Duty to Cooperate. Following the cessation of work on the Black Country Plan in autumn 2022, SMBC have been preparing the Sandwell Local Plan (SLP) and consulted on its Draft SLP (Regulation 18) in December 2023, which demonstrated a shortfall of 18,606 homes.
56. SMBC and SSDC have constructively engaged on an ongoing basis to address the housing shortfalls of the HMA, including the shortfalls of the Black Country authorities<sup>11</sup>. This led to SSDC proposing a 4,000 dwelling contribution to the unmet needs of the HMA, using the scale of locations set out in the GBBCHMA Strategic Growth Study. This was reflected in SSDCs November 2022 (Regulation 19) Publication Plan which proposed housing growth that included 4000 homes contribution towards the GBBCHMA shortfall but required significant Green Belt release in order to do so.
57. However, following a consultation on proposed changes to the NPPF published in December 2022, progress on the previous iteration of the plan was paused. This reflected amendment to national Green Belt policy which subsequently came into force through the December 2023 NPPF. This confirmed that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated”, and that “Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”. SSDC is also aware that the delay caused by the pause to the South Staffordshire Local Plan means that the Strategic Growth Study (2018) is no longer considered up to date in planning terms and therefore a sound evidential basis for the previously proposed 4000 home contribution. SSDC no longer considers that all of the previous proposed Green Belt sites are justified by exceptional circumstances and given this and SSDCs previous proposed plan period (to 2039) being inconsistent with national policy, SSDC no longer consider the 2022 (Regulation 19) version of the plan to be sound and suitable to progress to submission.

Given this change of circumstances, SSDC has revisited its strategic approach and tested further spatial strategy options considering the ways in which housing growth could be distributed across the district. SSDC is now proposing an alternative strategy that brings forward suitable safeguarded land and open countryside sites but limits Green Belt release to its Tier 1 settlements. These are the most sustainable settlements in the District with access to rail links, and limited Green Belt release at these settlements aligns with NPPF para 146(b) to give first consideration to land which is previously developed and/or is well served by public transport. Under SSDCs revised capacity led strategy based on the most suitable and sustainable

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<sup>10</sup> City of Wolverhampton Council, Walsall Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Dudley Metropolitan Borough Council

sites, SSDC will allocate sufficient sites to meet its own needs, plus a small surplus (currently 640 dwellings when accounting for our own housing needs based upon the 2023 Standard Method calculation) that could be attributed to unmet needs of the GBBCHMA.

58. SMBC and SSDC both recognise the importance of developing a common evidence base across the HMA as far as is feasible and practical in order to ensure that contributions to unmet needs are properly evidenced. As such, both authorities are party to the 2022 GBBCHMA Development Needs Group Statement of Common Ground, which seeks to provide a programme of work and governance structure to address the housing shortfalls arising from the HMA as a whole. However, the parties acknowledge that changes to national policy that gives local authorities greater control over when to release Green Belt will likely impact the scope of further HMA-wide evidence to consider housing shortfalls and its potential solutions. Given the scale and complexity of the housing shortfalls arising in the HMA, the Development Needs Group Statement of Common Ground is considered to be the appropriate vehicle by which to consider the issue holistically, including considering through a future update to the SoCG how contributions can be apportioned to meeting needs arising in individual areas where shortfalls arise.

## Employment

59. SSDC and SMBC both sit within the South Staffordshire functional economic market area (FEMA). SMBC is also within the Black Country FEMA and SSDC is identified as being outside of the Black Country FEMA but still having strong economic links to it despite this. There is therefore clearly a strong functional link between SMBC and SSDC on employment matters.

60. The South Staffordshire Local Plan 2023-2041 proposes to deliver sufficient employment land on local and strategic employment sites to both meet its own local needs and provide a surplus that could contribute towards cross-boundary shortfalls.

61. South Staffordshire's Economic Development Needs Assessment (EDNA) was prepared in 2022 and then updated in 2024. The update comprised details of the pipeline of employment land at 1 April 2023 and rolled forward evidence of labour demand covering the period 2023-2041. As part of its updated evidence base SSDC has identified gross residual needs of 62.4ha for the period 2023-2041 which includes an increased margin for churn and frictional vacancy that reflects the requirement to make sufficient provision for its own needs upon a combination of strategic and non-strategic sources of supply commitments and allocations. The resulting contribution towards unmet need is an output of these updates to the evidence base.

62. The EDNA update (2024) suggests that strategic sites (excluding WMI) within SSDC's area can contribute a surplus of 27.6ha to the unmet needs of other local authorities. In addition to sites in the current pipeline, SSDC is proposing to allocate an additional strategic site at M6 Junction 13 that will add an additional 17.6ha to the pipeline of sites. This recognises that allocating additional land will increase the pipeline of sites to more closely reflect recent take up (which has had a sub-regional component 'built in' due to recent large-scale completions, predominantly at i54). It also recognises that the site provides the only significant opportunity to deliver a non-Green Belt site in the district, at a location identified as a potential broad location for strategic employment land in the West Midlands Strategic Employment Sites (2021). The result of this addition to the pipeline is that the surplus of employment land that is available to unmet needs of other authorities increases to 45.2ha.

63. Additionally, the SSDC Local Plan will allocate the consented large-scale strategic rail freight interchange called West Midlands Interchange (WMI) within SSDC's area. The South Staffordshire EDNA (2022) indicates that only 18.8ha of WMI is attributable to South Staffordshire's needs, indicating that the rest may be able to contribute to unmet needs in the wider WMI travel to work

area. Supporting work commissioned to examine the apportionment of WMI<sup>12</sup> suggests it can provide additional surplus B8 employment land to a wider travel to work area including the Black Country authorities, equating to 67ha of B8 land to the four Black Country authorities making up the Black Country FEMA. The remaining land supply from WMI aside from the South Staffordshire, Black Country and Cannock apportionment has not to date been formally stated as necessary to meet needs by other local authorities in the WMI travel to work area including Birmingham. This may increase the apportionment of land from WMI which could potentially be apportioned towards the unmet needs of the Black Country FEMA, dependent on the stance of other authorities related to the site.

64. SMBC have prepared an Economic Land Needs Assessment 2020-2041 with the other Black Country authorities examining land requirements across the Black Country FEMA. This identifies a shortfall of 153ha employment land across the Black Country FEMA, and of this, SMBC have a shortfall of 170ha. The Black Country EDNA recommends that in meeting this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate. SMBC (and the three other Black Country authorities) have therefore been in duty to cooperate discussions with SSDC and other local authorities to identify whether SSDC could contribute towards its employment land shortfall.
65. The minimum proportion of employment land oversupply that can be attributed towards the Black Country (including SMBC) and the role of other authorities within the South Staffordshire FEMA in contributing to unmet needs is to be addressed through a separately drafted statement of common ground covering the entire South Staffordshire FEMA geography. In addition, the Black Country Authorities are also leading the preparation of a Statement of Common Ground which will cover the Black Country FEMA and authorities with which the Black Country has an evidenced functional relationship. The geography of this Statement of Common Ground has significant overlap with that associated with the South Staffordshire FEMA. SSDC and SMBC consider that these two statements of common ground are the appropriate mechanism by which to address these strategic employment needs. This separate statement of common ground is also considered a more appropriate mechanism by which to address SSDC and SMBC's stances on needs relating to the evidence base on West Midlands Strategic Employment Sites.

#### Cross boundary transport impacts

66. SSDC and SMBC are committed to continue working together in partnership, alongside their respective highways authorities, with the aim of ensuring the necessary transport and highways improvements are implemented to support sustainable growth across both authorities. SSDC's are proposing two strategic housing site allocations, however none are within close proximity to the Sandwell administrative area. No other cross-boundary transport issues have been identified.

#### Infrastructure

67. SSDC and SMBC will work together where required, with the aim of ensuring the necessary infrastructure improvements are delivered to support sustainable growth across both administrative areas.
68. Necessary infrastructure (including school places) will be delivered within South Staffordshire. Therefore, no cross-boundary infrastructure issues have been identified.

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<sup>12</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

## Gypsy & Traveller Provision

69. SSDC has an identified a 162 pitch need for Gypsy and Traveller households in South Staffordshire over the local plan period, including 92 pitches within the first 5 year period<sup>13</sup>. SSDC considers that latest evidence from Council's Gypsy and Traveller evidence base indicates that all suitable sites (including Green Belt options) which have capacity to reduce this shortfall have been maximised. It also indicates that all public land options in the District (including Green Belt options) have been explored for their potential to provide **new** public site options which could address specific families' needs and thereby reduce the shortfall. Despite these efforts, SSDC can only deliver 37 pitches within the plan period on sites which would address its unmet pitch needs. This leaves a very significant shortfall, even against the District's 5 year pitch need, which is a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the same housing market area.
70. SSDC has written to all adjacent and housing market area authorities on multiple occasions during the plan preparation regarding the potential shortfall in Gypsy and Traveller pitch needs within the District. Following on from the publication of SSDC's Gypsy and Traveller Accommodation Assessment (GTAA) in late 2021, SSDC wrote to all HMA and neighbouring authorities in January 2022 setting out the extent of the pitch shortfall, despite the Council's efforts to maximise all suitable and deliverable sites (including within the Green Belt) which would address the unmet need. This letter then requested authorities examine their ability to contribute to its unmet pitch needs, specifically in the form of extra supply on publicly run sites where pitches could be ensured for the families in need within SSDC. It then wrote again to these same authorities in August 2022, providing an update on extra efforts that SSDC had made to identify new public sites within the District upon Staffordshire County Council land. Despite these efforts, the letter communicated that a significant shortfall still remained and that SSDC required assistance in addressing its unmet pitch needs through new or expanded publicly run sites. In August 2023 work began on an update to SSDCs GTAA to assess need over the updated plan period to 2041, and neighbouring authorities were advised of this in a further letter in October 2023.
71. A March 2022 response from the Black Country local authorities indicated that no additional sites had been put forward to meet local need for new pitches through the draft Black Country Plan consultation, previous call for sites or site identification work. Therefore, the Black Country authorities considered it unlikely that they would be able to meet pitch needs arising in neighbouring authorities, including South Staffordshire, through the Black Country Plan review. SMBCs response to SSDC letter of October 2023 dated 23 November 2023 clarified the position set out in the Draft SLP. That through the work undertaken for the Draft SLP, Sandwell identified a need for 14 pitches for Gypsy and Travellers over the plan period, including 8 pitches within the first 5 year period<sup>14</sup>. Through the site assessment process for the SLP, Sandwell identified provision for 10 pitches, leaving a shortfall of 4 pitches. The Council explored all potential sites for their suitability for plots and pitches including council land and the potential to expand or new public site provision, it also engaged with site promoters through 'Call for Sites' to explore if they were willing to make part of their site available for a publicly run site, no new sites were identified. SSDC will review SMBC's approach when further details are published as part of SMBC Regulation 19 Plan.

## Natural Environment

72. SSDC and SMBC are committed to continue working together in respect of matters relating to the natural environment where these are applicable to the authorities. This includes joint working on a

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<sup>13</sup> South Staffordshire Council Gypsy and Traveller Accommodation Assessment - Final Report August 2021

<sup>14</sup> Black Country GTAA 2022 <https://www.sandwell.gov.uk/downloads/download/493/sandwell-local-plan-housing-evidence>

sub-regional (Staffordshire and the Black Country) air quality study that will assess air quality impacts on protected sites as a result of estimated growth. The findings of this study will feed into individual authorities Habitat Regulations Assessment process.

73. No other cross-boundary issues have been identified.

### Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between South Staffordshire District Council and Sandwell Metropolitan Borough Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

#### **South Staffordshire District Council**

**Name:** Kelly Harris

**Position:** Lead Planning Manager

**Signature:**

**Date:** July 30 2024

#### **Sandwell Metropolitan Borough Council**

**Name:** Alan Lunt

**Position:** Executive Director, Place

**Signature:**

**Date:** July 29 2024



SoCG between Shropshire Council and Black Country Authorities (agreed and signed)

# Statement of Common Ground between Shropshire Council and the Association of Black Country Authorities (ABCA)

**Date: July 2021**

## 1. Introduction

- 1.1. The National Planning Policy Framework (2019) (NPPF), specifies that Local Planning Authorities are *“under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries”*<sup>1</sup>.
- 1.2. The NPPF also specifies that *“in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency”*<sup>2</sup>.

## 2. Purpose

- 2.1. This Statement of Common Ground (SoCG) has been produced to support the Shropshire Council Local Plan Review. It sets out how Shropshire Council has engaged with the Association of Black Country Authorities (ABCA) on behalf of the Black Country local authorities in order to fulfil its Duty to Cooperate requirements.
- 2.2. For the avoidance of doubt, this Duty to Cooperate is between Shropshire Council and the Association of Black Country Authorities (ABCA), and not between Shropshire Council and

the individual local authorities who are members of ABCA.

### 3. Scope

3.1. The National Planning Practice Guidance (NPPG) provides details on the scope of a SoCG, which can be summarised as follows:

- The plan-making authorities responsible for joint working detailed in the statement;
- A description and map of the administrative areas covered by the statement, and a brief justification for these area(s);
- The key strategic matters being addressed by the statement;
- Governance arrangements for the cooperation process;
- If applicable, the housing requirements (if known) within the area covered by the statement;
- Distribution of needs or the process for agreeing distribution of needs (including whether there is and the distribution of unmet needs);
- A record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and

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<sup>1</sup> MHCLG, (2019), NPPF – Paragraph 24

<sup>2</sup> MHCLG, (2019), NPPF – Paragraph 26

- Any additional strategic matters to be addressed by the statement which have not already been addressed.

3.2. The NPPG also recognises that *“The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities’ websites”*<sup>3</sup>.

#### **4. Relevant Local Authorities and Geography**

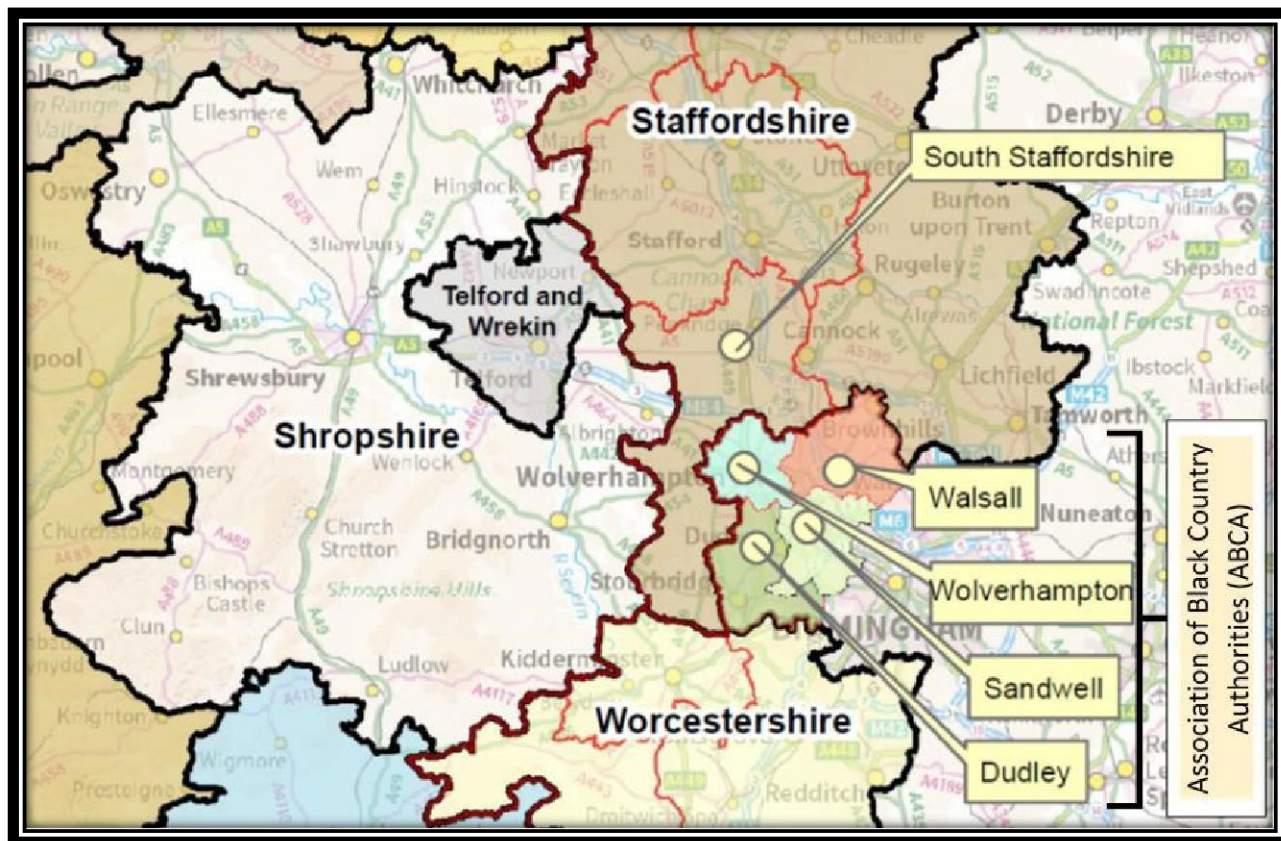
4.1. This SoCG has been prepared jointly by Shropshire Council and ABCA representing the four Black Country Local Planning Authorities - Wolverhampton, Walsall, Sandwell and Dudley Councils. Shropshire and the ABCA local authorities are located within the West Midlands region, and whilst they do not share a physical boundary, it is acknowledged there is an interrelationship between the two from a plan making perspective. ABCA

4.2. Figure 1 illustrates the location of Shropshire Council and ABCA:

*Figure 1: Map of Shropshire Council and ABCA areas*

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<sup>3</sup> MHCLG, (2019), NPPG – Plan Making, Paragraph: 011 Reference ID: 61-011-20190315



4.3. As closely related Local Planning Authorities it is important that effective duty to cooperate discussions are undertaken regarding strategic matters that cross administrative boundaries.

4.4. Shropshire Council is at an advanced stage in the review of its Local Plan which has been through several stages of consultation. The current timetable included in the Council's Local Development Scheme indicates the following:

- A Draft (Regulation 18) Local Plan was subject to pre-submission consultation in July-September 2020.
- The Draft (Regulation 19) Pre-Submission version of the Local Plan consultation, running for 10 weeks from 18<sup>th</sup> December 2020 to 25<sup>th</sup> February 2021;
- Council approved in July 2021 for the draft Local Plan to be submitted to the Secretary of State for Examination by a Government appointed Planning Inspector in August 2021.
- The Examination into the Shropshire Local Plan is expected to take place between August 2021 and June 2022;
- Adoption of the Shropshire Local Plan Review is forecast in July 2022 subject to a successful Examination.
- The above timescales are subject to ongoing review in light of the Covid-19 emergency, and will depend on capacity at the Planning Inspectorate, and any further changes to the timetable will be reflected in an updated Local Development Scheme.

- 4.5. The combined Black Country Authorities (Dudley, Sandwell, Walsall and Wolverhampton) have agreed the following timetable (July 2021) for the development of their joint Local Plan.
- The Draft Black Country Plan (Regulation 18) will be subject to an eight week consultation in August – October 2021;
  - The Pre-Submission Draft Black Country Plan (Regulation 19) will be subject to consultation in August – September 2022;
  - The Examination in Public will take place between April 2023 and March 2024
  - Adoption of the Black Country Local Plan is forecast in April 2024, subject to a successful Examination.
- 4.6. Given the respective timescales for the preparation of Local Plan Reviews, this SoCG focuses on those issues relevant to the Shropshire Council Local Plan Review. A separate SoCG will be prepared regarding the issues relevant to the Black Country Plan at an appropriate time in its preparation process. However, duty to cooperate discussions will continue as both Local Plan Reviews progress.

## 5. Duty to Cooperate

### *Shropshire Council Local Plan Review*

- 5.1. The Shropshire Local Plan currently comprises the Core Strategy (adopted 2011) and the Site Allocations and Management of Development (SAMDev) Plan (adopted 2015), together with adopted formal Neighbourhood Development Plans. On completion of the review process, the Core Strategy and SAMDev Plan documents will be replaced by a single Local Plan document (with the exception of any saved policies), and supported by any adopted formal Neighbourhood Development Plans.
- 5.2. The new Local Plan will include all strategic and detailed policies, together with all site allocations for a Plan period 2016 to 2038.
- 5.3. There has been ongoing and active engagement between Shropshire Council and ABCA throughout the Shropshire Council Local Plan Review.
- 5.4. Shropshire Council has consulted directly with ABCA at every stage of plan making. The Local Plan Review consultation periods thus far are as follows:
- Issues and Strategic Options Consultation – 23<sup>rd</sup> January 2017 to 20<sup>th</sup> March 2017.
  - Preferred Scale and Distribution of Development Consultation – 27<sup>th</sup> October 2017 to 22<sup>nd</sup> December 2017.
  - Preferred Sites Consultation – 29<sup>th</sup> November 2018 to 8<sup>th</sup> February 2019.
  - Strategic Sites Consultation – 1<sup>st</sup> July 2019 to 9<sup>th</sup> September 2019.
  - Regulation 18 Pre-Submission Draft Plan – 3<sup>rd</sup> August 2020 to 30<sup>th</sup> September 2020
  - Regulation 19 Pre-Submission Draft Plan – 18<sup>th</sup> December 2020 to 25<sup>th</sup> February 2021

- 5.5. Duty to Cooperate discussions have also occurred at appropriate times during the Local Plan Review process. The Shropshire Local Plan is due to be submitted to the Secretary of State in August 2021.
- 5.6. The Black Country Plan is at an earlier stage of plan preparation and has been subject to re-programming due to the ongoing Covid 19 emergency. However, a number of key pieces of evidence base have been prepared to inform the ongoing Plan. As at June 2021, ABCA have updated its plan preparation timetable as follows:
- Draft Local Plan (Regulation 18) – August 2021 to October 2021;
  - Draft Local Plan Pre-Submission (Regulation 19) – August 2022 to September 2022;
- 5.7 It is anticipated the Black Country Plan will be submitted for Examination in Public in April 2023, and subject to a successful Examination, that the Plan will be adopted in April 2024.

## **6. Key Strategic Matters**

- 6.1 The following key issues have been identified in the Duty to Cooperate conversations between Shropshire Council and ABCA:
- The requirement for Shropshire Council to consider accepting an element of ABCA's housing and employment need, within the context of evidence (prepared by ABCA to inform their Local Plan Review) indicating it is unlikely that the defined local housing and employment need is capable of being delivered solely within the Black Country area;
  - Relevant cross boundary waste and mineral considerations;
  - That Shropshire Council should consider introducing a mechanism which would allow the Council to trigger a review of the Plan in light of additional evidence on housing delivery to meet either the needs of Shropshire or the Black Country.
- 6.2 It is considered that the Duty to Cooperate process has been progressed in a positive and progressive manner by both bodies. Whilst this SoCG identifies outstanding areas where there remains some disagreement between the Parties, it is considered this does not represent a failure of the Duty to Cooperate process, but instead are issues which can be discussed through the Examination into the Shropshire Local Plan if considered necessary.

## **Housing Market Areas**

- 6.3 The Shropshire Council area is considered to represent a self-contained housing market area (HMA).
- 6.4 However, it is acknowledged that the duty to cooperate is not restricted to just Local Planning Authorities within the same HMA. As such both Local Authorities continue to liaise closely in accordance with the duty to cooperate. There are



strong links, particularly for commuting, between the eastern part of Shropshire and the Black Country.

## **Housing Need and Requirement: Shropshire Council**

- 6.5 Using Government's standard methodology Shropshire Council calculated a Local Housing Need (LHN) which applies to both the Local Planning Authority area and the Shropshire Council housing market area of some 1,177 dwellings per annum (equating to 25,894 dwellings over the 22-year plan period from 2016-2038).
- 6.6 Shropshire's proposed development requirement in the Pre-Submission Local Plan is the delivery of 30,800 dwellings and 300 hectares of employment land over the plan period, equating to around 1,400 dwellings and 14ha of employment land per annum. It is considered this level of growth will meet identified needs and additionally provide for appropriate opportunities to meet some of the key challenges set out in the Council's Housing and Economic Growth Strategies. The Strategic Approach to development seeks to support a sustainable pattern of future growth across Shropshire over the Plan period. The Strategy seeks an urban focused distribution of development with the majority of development and infrastructure growth directed to Shrewsbury and the other Shropshire towns together with strategic sites and more limited development to support the sustainability of rural communities.
- 6.7 In summary, within the ongoing Local Plan Review, Shropshire Council is proposing to meet the entirety of its LHN.

## **Green Belt: Shropshire Council**

- 6.8 In order to achieve a sustainable pattern of development, Shropshire Council is proposing to accommodate development in such a way that helps make more sustainable, balanced, vibrant, resilient and self-reliant places in which to live and work. Specifically, the Local Plan Review intends direct the majority of new development towards the larger settlements with the most extensive range of services, facilities and infrastructure to support it. However, it also allows for appropriate levels of development within rural areas, to support the longer-term sustainability of rural communities.
- 6.9 The eastern part of Shropshire is located within the West Midlands Green Belt. To inform the ongoing Local Plan Review, Shropshire Council has undertaken a Green Belt review. Whilst most additional development is proposed in locations outside the Green Belt, the strategic economic importance of the eastern part of the County, particularly the M54 corridor, is a significant consideration. Impacts on longer term sustainability of Green Belt settlements due to constraints on their ability to meet their local development requirements have also been identified. As such a level of Green Belt release is proposed within the ongoing Local Plan Review.

### **The M54/A5 Strategic Corridor**

7.1 Both Shropshire Council and ABCA recognise the strategic significance of the M54/A5 corridor. This corridor:

- Provides strategic links between the Shropshire Council area and Wolverhampton and to the wider West Midlands region.
- Offers strategic employment and investment opportunities, having considered constraints such as the Green Belt.

7.2 Both Shropshire Council and ABCA support the development of the strategic corridor and acknowledge the need for proportional infrastructure contributions from development sites, recognising the cumulative impact of such development.

### **Minerals: Shropshire Council**

7.3 Increasing rates of housing and employment development have strengthened the demand for construction aggregates within Shropshire and in the adjacent areas which it supplies. Despite increased demand, sufficient crushed rock aggregate resources are already available from permitted sites.

7.4 The availability of sand and gravel resources remains well above the minimum guideline and the adopted Plan (SAMDev) included allocations which provide for additional capacity. No additional site allocations for either crushed rock or sand and gravel provision are therefore proposed as part of the ongoing Local Plan Review. However, Development Management policies will continue to provide for the consideration of 'windfall' sites or site extensions.

7.5 Shropshire have comfort of high reserves; therefore, it is unlikely to be allocating any new sites

### **Waste: Shropshire Council**

7.6 Shropshire has a waste transfer and energy recovery facility located in Shrewsbury. The Council supports the development of a circular economy where the active recovery of material resources and energy from waste helps reduce environmental and financial costs and fosters business growth opportunities. The County performs well against national waste management targets and has sufficient existing capacity, including the land resources, to meet its future needs.

No further specific provision is therefore planned for waste management infrastructure. To accommodate any future demands, suitable land will continue to be provided for these purposes as part of the employment land supply.

### **Gypsies and Travellers: Shropshire**



7.7 Shropshire has finalised an updated Gypsy and Traveller accommodation assessment (GTAA 2019). The updated GTAA refines the previously published GTAA (2017) by updating site information and considering public site management

data to better understand and evidence site capacity and pitch turnover. Unauthorised encampment activity is also considered.

7.8 The evidence concludes that there is no current strategic requirement for allocation.

However, the need to provide a permanent plot for Travelling Showpeople resident on a temporary site in Shropshire and potentially for public transit capacity to support private provision are identified. These requirements are proposed to be directly addressed by the Council, with a planning application for a travelling show persons site currently under consideration. In addition to the intended direct provision, policies within the ongoing Local Plan Review will facilitate the ongoing delivery of sites to meet arising needs. Shropshire thus intends on addressing its own needs for gypsy and traveller provision.

### **Unmet Need from Other Local Planning Authorities**

7.9 Published evidence informing the ongoing Black Country Local Plan indicates a significant level of unmet housing and employment need, which is unlikely to be able to be accommodated within the Black Country planning authority area in a sustainable manner.

7.10 Whilst Shropshire is not an adjoining authority to the Black Country area, and is a self-contained housing market area, it is recognised that there are good road and rail links between the areas, particularly between the central and eastern areas of Shropshire and Wolverhampton and Dudley. On this basis it has been considered reasonable for the two plan making areas to enter into constructive discussions, through the duty to cooperate process, about the potential to meet cross boundary unmet need.

7.11 Following positive duty to cooperate discussions throughout the Regulation 18 stage of plan preparation, ABCA responded to Shropshire Council's Regulation 19 Draft Local Plan Consultation in February 2021. ABCA's response is summarised below.

### **Summary of ABCA's response to Shropshire's Regulation 19 Local Plan Consultation (February 2021)**

- *Support proposals to provide for up to 1,500 homes attributed to meeting needs arising in the Black Country.*
- *Consider proposals for significant levels of development in Bridgnorth and Shifnal could credibly meet Black Country needs, given existing migration patterns, geographical proximity and physical links. However, likely a shortfall of land to meet Black Country housing needs will remain, even with this and likely contributions within other emerging neighbouring Local Plans*
- *The Black Country evidence (Urban Capacity Review (UCR) Update 2019) demonstrates a need for 71,500 homes between 2019 and 2038, of which 44,500 homes can be accommodated in the urban area leaving a shortfall of 27,000. This shortfall is likely to increase by around 5,000 homes as a result of recent changes to the calculation of local housing need. An UCR Update 2020*

*will shortly be published calculating an up-to-date shortfall figure, which will inform a forthcoming consultation on the draft Black Country Plan. Evidence clearly demonstrates the Black Country cannot accommodate all of its needs in the urban area.*

- Duty to cooperate discussions with neighbouring Local Authorities have resulted in a number of local authorities (including South Staffordshire, Lichfield, Cannock and Shropshire) indicating they will seek to test ability to accommodate additional housing need over and above their own as part of Local Plan Reviews (anticipate as a best-case scenario they could accommodate up to 10,500-12,500 homes, leaving a significant shortfall of approximately 14,550-16,500 houses (plus 5,000 homes as a result of the change to the calculation of local housing need). Currently engaging with other Local Authorities with a functional relationship (including Telford & Wrekin, Solihull and Bromsgrove) and it is possible further contributions will come forward.*
- In terms of non-urban capacity, assessments undertaken (Green Belt, Landscape Sensitivity, Historic Landscape Characterisation and Ecological surveys) severely constrain capacity to deliver large scale development across much of the Black Country. Market deliverability is also being assessed, but consider this will also limit capacity (based on experience in Birmingham, where capacity of an urban extension was reduced from 10,000 to 5,000 over the 15 year plan period and this was based on a strong housing market recovery scenario in one of the strongest housing markets areas in the West Midlands). The majority of the Green Belt is located in Walsall and to a lesser extent Dudley, so these are the two main housing market areas with potential for Green Belt housing, based on a scenario that there is sufficient unconstrained capacity in the Black Country Green Belt, a deliverability study may reasonably conclude capacity for some 10,000 homes in the Green Belt over the 15-year Plan period, leaving a significant shortfall to be met in neighbouring authorities. This does not reflect findings of key studies/Green Belt assessment, position will be made clearer at the forthcoming consultation on the draft Black Country Plan. However, it is clear that on the basis of the maximum capacity of the urban area, the potential contribution of neighbouring local authorities, and the indicative market capacity of the Green Belt, it is likely that the Black Country will be unable to meet its own housing land needs.*
- Request the draft Shropshire Local Plan recognises there could continue to be a shortfall of land in neighbouring areas which could be accommodated within the Plan area. This must be recognised in the Plan as a key trigger for an early review of the draft Shropshire Local Plan. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. Failure to include this is a serious omission and must be addressed in order for the Plan to be sound.*
- Incorporation of 30ha of employment land to meet needs arising in the Black Country, within the overall employment land requirement is welcomed in principle. The evidence for this is set out in the Economic Development Needs Assessment (EDNA), which identifies strong labour market linkages with the Black Country and Wolverhampton in particular, and recommends close cooperation on employment land supply.*

- *The Black Country employment land requirement ranges from 592ha (baseline) to 870 ha (aspirational growth based on WMCA SEP). Existing urban employment land supply is around 305ha, leaving a shortfall of between 263ha and 500ha, depending on the growth scenarios applied. As per housing, considering all opportunities to bring forward additional employment land within the urban area and Green Belt, but this exercise will not make a significant impact upon addressing unmet need. Contributions through the Duty to Cooperate are currently limited to 50ha in total (including the 30ha in the draft Shropshire Local Plan), but this work is ongoing and will include a proportion of the consented West Midlands Interchange at Four Ashes in South Staffordshire.*
- *The employment land requirement identified in Shropshire's EDNA is between 164ha and 264ha (including the 30ha Black Country contribution). The current supply is some 276ha and the Plan target 300ha. This suggests there is an oversupply of land of between 138ha and 36ha, not required to meet local needs and could provide scope to increase the contribution to the Black Country further.*
- *Employment sites in Shifnal and Bridgnorth (given their location and functional relationship) could be assumed to be capable of meeting needs arising in the Black Country. Size and accessibility of proposed sites to the motorway network may limit the range of occupiers attracted to them (unlikely to be attractive to large scale and footloose inward-investment requirements). Note the EDNA recognises proximity of i54 (Junction 2 of M54) and potential for this to draw further occupiers into the County and the need to consider whether there will be enough demand to justify additional development (in addition to that already proposed as part of the i54 extension). Demand for large scale occupiers/need for additional 'strategic' employment sites will be considered in the West Midlands Strategic Sites Study and is anticipated to be completed in early 2021.*
- *As for housing, it is possible there could continue to be a quantitative and qualitative shortfall of employment land in neighbouring areas which could be accommodated within the Plan area. Request the draft Shropshire Local Plan recognises there could continue to be a shortfall of land in neighbouring areas which could be accommodated within the Plan area. This must be recognised in the Plan as a key trigger for an early review of the draft Shropshire Local Plan. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. Failure to include this is a serious omission and must be addressed in order for the Plan to be sound.*
- *Evidence indicates facilities in Shropshire provide for both minerals and waste requirements arising in the Black Country. With regard to minerals, availability of aggregates has been in excess above minimum guidelines and the Plan does not propose any additional site allocations.*
- *With regard to waste, existing consented facilities are anticipated to provide sufficient capacity to accommodate forecast throughput negating the need for additional facilities.*

7.12 Since the Regulation 19 response from ABCA, the Black Country authorities have published the Draft Black Country Plan and its supporting evidence base including

the Urban Capacity Review update 2020. This has further considered the size of the shortfall in the supply of land for housing and employment in the Black Country. Taking into account proposed new sites, the final urban capacity as set out in the Draft Black Country Plan is 40,117 homes and 307 ha of employment land. The Plan period has also been extended to 2039, because of the requirement to address need for 15 years from the anticipated adoption date of 2024. Evidence supporting the forecast housing and employment shortfall is subject to further public consultation on the Black Country Local Plan at both Regulation 18 and 19 stages, and will be subject to the Examination in Public in line with the agreed Black Country Local Plan preparation timetable

## **8 Matters of Agreement**

8.1 Shropshire Council intends to meet its identified LHN within its Local Authority area.

8.2 That at June 2021, based upon the policies and proposals of the Draft Black Country Plan referenced in paragraph 7.12 the total level of unmet need from the Black Country area to 2039 is forecast to be:

- 28,239 dwellings;
- 210 hectares of employment land

8.3 As such, the Black Country is not able to meet its full LHN within its area to 2039, and is therefore seeking appropriate contributions from all neighbouring and closely related councils through the duty to cooperate process, and for these contributions to be included in the emerging Local Plan Reviews of these areas. It is agreed that whilst the two areas are not adjoining, due to their proximity and transport links, it is appropriate for these two plan making areas to undertake a duty to cooperate.

8.4 The evidence base which supports these forecasts, and thus the level of unmet need, is included within the Black Country Urban Capacity Study and the Strategic Housing Land Availability Assessment (SHLAA), both of which have been published on the Black Country website <https://blackcountryplan.dudley.gov.uk/bcp/> and which have informed the upcoming Regulation 18 consultation on the Draft Black Country Local Plan, and the Site Assessment Report, which will be published as part of the consultation. Given the stage of the plan making process, neither of these documents has been subject to Examination in Public. Should the Inspector chairing the EiP into the Shropshire Local Plan require a discussion on these evidence base material, officers representing the ABCA will provide a lead role in this process.

8.5 It is agreed that it is inappropriate and beyond the powers of the adjoining and closely related authorities to establish the limits of sustainable development in neighbouring and closely related authority areas.

8.6 Notwithstanding this, as part of its Regulation 19 stage draft Local Plan, Shropshire Council has accepted the principle of meeting a proportion of ABCA's 'unmet' need in a way which recognises the functional relationship between the

areas, and which respects the character of the area. It is agreed that the following levels of unmet need are accepted in principle by Shropshire as part of its Local Plan Review:

- Housing: up to 1,500 dwellings up to 2038;
- Employment: up to 30 hectares up to 2038

8.8 In establishing the principle of accepting this level of unmet need, it is recognised that Shropshire's housing need over the plan period 2016 to 2038 increases to 27,394 dwellings, and that the employment need range (as set out in the Shropshire Economic Development Needs Assessment (EDNA)) increases to between 162 and 264 hectares over the Plan period.

8.9 It is agreed that the draft Shropshire Local Plan seeks to plan positively to distribute this unmet need in sustainable locations in accordance with the draft Local Plan's strategic approach to development, and in line with distribution of development outlined in the draft policies SP2 and S1-S21 of the Shropshire Local Plan.

8.10 Having considered migration patterns, geographic proximity and physical links, it is agreed that this unmet need could credibly be accommodated within the already planned development in Shifnal and Bridgnorth over the plan period to 2038. However, it is agreed that no one specific allocation will accommodate unmet need and rather this will be met through the delivery of the overall Shropshire Local Plan housing requirement.

8.11 It is recognised that ABCA's response to the Shropshire's Regulation 19 Local Plan consultation supports the Shropshire Council offer of meeting a proportion of unmet need for both housing and employment; specifically around 1,500 dwellings and around 30ha of employment land up to the end of the plan period in 2038;

8.12 It is recognised that current evidence produced to support the Black Country Draft Plan (July 2021) would indicate a continuing need for ABCA to further increase the level of cross boundary support to accommodate identified housing and employment needs from all of its neighbouring and adjoining council areas;

8.13 That as part of the Examination into the Shropshire Local Plan, expected in 2021/022, there may be a requirement to further consider the issue of cross boundary support from Shropshire should the appointed Inspector raise this as a main issue in response to the representations made by ABCA and other parties. Should a main modification be required on the issue of cross boundary unmet need, that this is a matter for Shropshire Council to consider and recommend to the Examination.

8.14 No strategic cross boundary issues regarding mineral or waste provision have been identified

## **9 Matters of Disagreement**

9.1 ABCA consider that Shropshire should introduce a mechanism into the Local Plan Review to trigger an early review of the Local Plan should there be a need to do so to address the ongoing level of unmet need in the Black Country having regard to the quantum of development proposed in the Black Country Plan and contributions from other neighbouring Local Plans. This review could include the early release of safeguarded land and / or the identification of new sites that would provide an additional supply of housing and employment land in the eastern part of Shropshire where it would be best located to contribute to meeting this need.

9.2 Shropshire Council consider there is no specific requirement for such a mechanism to be introduced, as it is considered the natural five year review cycle of Plan preparation will be sufficient to further consider any potential future accommodation of Black Country unmet need within the Shropshire plan making area. This position takes into account the updated timeframe for the preparation of the Black Country Plan which was published in July 2021, indicating an adoption date for the Black Country Plan of April 2024. Shropshire Council would also note that existing/proposed safeguarded land is to meet needs beyond the current Plan period, i.e. beyond 2038. This is consistent with the National Planning Policy Framework (NPPF) which in paragraph 130 (d) and (e) states: “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;” “be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period”

## 10. Duty to Cooperate agreement

10.1 The parties agree that:

- i) Shropshire Council has fulfilled its Duty to Cooperate with the Association of Black Country Authorities.
- ii) The parties will continue to work positively together and where relevant with other prescribed bodies on strategic cross boundary issues.

## 11 Signatories

11.1 This Statement of Common Ground has been agreed and signed by the following:

| <b>Shropshire Council</b> |   |
|---------------------------|---|
| <b>Name:</b>              | Councillor Lezley Picton                                      |
| <b>Position:</b>          | Leader of Shropshire Council & Cabinet Member for Improvement |
| <b>Date:</b>              | 18 <sup>th</sup> August 2021                                  |

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|--|--|
| Signature :  |  |
| <b>Association of Black Country Authorities (ABCA)</b>                           |  |
| <b>Councillor Patrick Harley<br/>Leader of Dudley Council 11<br/>August 2021</b> | <b>Councillor Rajbir Singh Leader<br/>of Sandwell Council 11 August<br/>2021</b>                 |
| <b>Councillor Mike Bird Leader of<br/>Walsall Council 11 August 2021</b>         | <b>Councillor Ian Brookfield<br/>Leader for City of Wolverhampton Council 11<br/>August 2021</b> |



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West Midlands Resource Technical Advisory Body

## West Midlands Resource Technical Advisory Body Statement of

### Common Ground

September 2022

#### 1.0 Introduction - WMRTAB and the Duty to Co-operate

1.1 The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all the bodies involved in planning work together on strategic matters that are of larger than local significance. The bodies bound by this duty include local planning authorities, county councils, LEPs and the Environment Agency. Evidence of co-operation is required to demonstrate the soundness of Development Plan documents. Such evidence might include joint plans or policies, a memorandum of understanding, or jointly prepared informal strategies.

1.2 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group comprising waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations.

1.3 The role of WMRTAB was originally given formal status in the Government's Planning Policy Statement (PPS) 10. Briefly, this role was to advise the Regional Planning Body on technical strategic waste planning issues. Consistent with this role, WMRTAB has pro-actively commissioned technical work and made technical contributions to planning at the strategic level on behalf of constituent organisations.

1.4 The Government's current policy on waste planning<sup>1</sup>, which sits alongside the National Planning Policy Framework, replaced PPS10 and notes that:

*'Waste is a strategic issue which can be addressed effectively through close co- operation between waste planning authorities and other local planning authorities and public bodies to ensure a suitable and sustainable network of waste management facilities is in place.'*

1.5 It goes on to set out actions that constitute effective cooperation under the Duty to Cooperate:

- *'gathering, evaluating and ensuring consistency of data and information required to prepare Local Plans. This may include joint commissioning of studies or the joint preparation of an evidence base*
- *engaging actively in dialogue, particularly on those types of wastes or waste facilities that will impact most on neighbouring authorities*
- *active engagement, where necessary, with planning authorities wider than just those who are their more immediate neighbours, particularly if dealing with waste streams for which there is a need for few facilities*
- *jointly monitoring waste arisings and capacity.'*

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<sup>1</sup> National Planning Policy for Waste, 2014

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1.6 The above matters are all addressed in WMRTAB's agreed Terms of Reference (see Appendix 1).

## **2.0 WMRTAB Objectives and Activities**

2.1 WMRTAB meets regularly (at least two times a year), providing an invaluable opportunity for stakeholders to inform and involve each other regarding progress on waste plans and developments relating to waste management in the West Midlands. As such it brings together a wide range of expertise in what is a very specialist area of planning. WMRTAB also monitors waste management and planning trends, focussing on wider than local patterns and setting the context for plan making and monitoring at the local level.

2.2 WMRTAB's latest terms of reference, adopted June 2021, includes the following:

*'The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.*

2.3 WPAs are invited to bring to WMRTAB at the appropriate stages in the plan-making process any significant cross-boundary issues, and to give notice of such matters and provide any relevant information in advance of the meeting. In its consideration of such issues, WMRTAB will explore to what extent the plan has analysed the available data to demonstrate that appropriate provision is being made for an amount of waste equivalent to that generated in its area, allowing for known imports and exports; and whether specific sites or areas are identified to make provision for waste management.

2.4 WMRTAB has also prepared a series of Joint Monitoring Statements for the wider West Midlands area, and it is intended to continue to prepare similar information on a regular basis.

2.5 The activity of WMRTAB currently occurs on an informal basis. It continues because of its perceived value amongst participant stakeholders. If it is to add full value in terms of the Duty to Co-operate, however, WMRTAB's role should be formally recognised by WPAs (and preferably others to whom the Duty to Co-operate applies).

2.6 In establishing the need for co-operation, members WMRTAB will follow the protocol prepared by the Chairs of regional Waste Technical Advisory Bodies including WMRTAB as included in Appendix 2.

## **3.0 Signatories**

3.1 This statement is agreed by the waste planning authorities listed in Appendix 1. A separate document is maintained on the WMRTAB area of the Local Government Association Knowledgehub website<sup>2</sup> showing details of signatories. The template for this document is included at Appendix 3. In signing this document, each signatory confirms that it endorses the role, and will support the work, of WMRTAB as set out above and in the attached terms of reference.

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<sup>2</sup> <https://khub.net/group/west-midlands-resource-technical-advisory-body>

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## Appendix 1 - WMRTAB Terms of Reference

### West Midlands Resources Technical Advisory Body Terms of Reference

Updated June 2021 (Final)

#### 1.0 Introduction

- 1.1 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group consisting of: Waste Planning Authorities (WPAs), primarily from the former West Midlands Region; representatives from the waste management industry; and other interested parties. Member organisations are listed in Appendix 1.
- 1.2 Under the Planning and Compulsory Purchase Act 2008, WPAs are required to prepare Local Plans which set out how and where waste can be managed in their areas over a 15 year period.
- 1.3 National Planning for Waste states that: *“In preparing Local Plans, waste planning authorities should:....work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;”*
- 1.4 Waste arising in one WPA area will frequently be managed in another. For example, in order to achieve economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. Planning to ensure that sufficient capacity is available to meet future requirements for the management of waste therefore constitutes a ‘strategic matter’ and falls under the ‘Duty to Cooperate’ (DtC). The DtC requires local planning authorities to engage ‘constructively, actively and on an ongoing basis’ when addressing strategic waste planning matters in their Waste Local Plans.
- 1.5 The need for cooperation between WPAs and other bodies on waste is reflected in National Planning Policy for Waste and the Waste Management Plan for England 2021 which states:
- ‘Strategic policy-making authorities should cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters, including policies contained in local waste plans. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Further consideration is to be given as to the optimal way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately*

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*planned for, including the scale at which plans are best prepared in areas with significant strategic challenges.'*

## **2.0 Aims**

2.1 The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.

## **3.0 Specific areas of activity**

3.1 In order to meet the above aims, WMRTAB will:

- Bring together a wide range of expertise in what is a very specialist area of planning through a wide membership including waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations;
- Identify strategic issues affecting the sustainable management of waste e.g. waste hierarchy, proximity principle and self-sufficiency;
- Undertake and/or commission technical work where there are identified benefits from work being undertaken at larger than local scale;
- Prepare guidance and best practice to be followed by Member WPAs;
- Formally respond, as a body, to the technical evidence base and policy documents of member authorities and other strategic and national consultations<sup>3</sup>. Responses will be based on any guidance/best practice notes prepared by WMRTAB;
- Notwithstanding the above, provide comments on member WPA compliance with the Duty to Cooperate when its waste planning policy is published for representations;
- Raise awareness of waste management as an integral part of the circular economy/climate change agenda and contribute to the waste/resource management planning agenda on a national level and within the WMRTAB geographic area;
- Raise awareness of the role of WMRTAB generally e.g. by attendance at relevant meetings and events and also through the preparation of articles for relevant publications.

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<sup>3</sup> This will not fetter the ability of Member authorities to make their own representations as appropriate.

- Where invited, provide WMRTAB representation on groups and at workshops where strategic waste planning matters are discussed e.g. Local Enterprise Partnerships, West Midlands Combined Authority, National Waste TAB Chairs;
- Take part in online discussion/information sharing groups to help build skills and knowledge with the WMRTAB membership;
- Provide and/or commission training and support for Member organisations related to waste planning;

3.2 Member WPAs engaging each other (and other WPAs) on strategic waste management matters may have regard to WMRTAB Duty to Cooperate Guidance.

3.3 To assist with the effective running of the group WMRTAB shall:

- Publish evidence documents, guidance, meeting minutes, agendas etc online for member authorities to access and use at public examination as required;
- Prepare and monitor an annual business plan that identifies specific activities to take place with a 12 month period under the above categories;
- Meet twice a year;
- Contribute to the preparation of meeting agendas to ensure discussion of relevant strategic matters (Minutes will be prepared by a designated minute-taker on a rotating basis);
- Review and update (as necessary) these Terms of Reference on an annual basis.

3.4 Member WPAs will make a financial contribution to the organisation and running of the group. This will include the costs of employing an independent Chair.

#### **4.0 Member agreement**

4.1 All organisations listed in Appendix 1 agree to membership of the group on the basis of the terms set out in this document.

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## Appendix 1 WMRTAB Member Organisations

N.B. This list is subject to change but was correct at 30 June 2021

### *Waste Planning Authorities:*

- Birmingham City Council;
- Coventry City Council;
- Dudley Metropolitan Borough Council;
- Herefordshire Council;
- Sandwell Metropolitan Borough Council;
- Solihull Metropolitan Borough Council;
- Shropshire Council;
- Staffordshire County Council;
- Stoke on Trent City Council;
- Telford & Wrekin Council;
- Warwickshire County Council;
- Walsall Metropolitan Borough Council;
- Wolverhampton City Council; and,
- Worcestershire County Council

### *Waste Management Industry:*

- Biffa and Veolia (nominated by the Environmental Services Association),
- MVV
- Robert Hopkins Ltd and NISP/ International Synergies

### *Other Interested Parties:*

- Waste Disposal Authorities
- Adjoining Waste Planning Authorities
- Environment Agency
- Friends of the Earth on behalf of Sustainability West Midlands
- Representatives from other (R)TAB groups

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## Appendix 2 - Duty to Cooperate on Waste – Practice Guide for Waste Planning Authorities in England

Living Draft Version 5.1 – 8 July 2021

### Introduction

1. The management of waste has no regard to administrative boundaries, with waste arising in one waste planning authority's area frequently being managed in another. Furthermore, in order to secure economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. This is recognised in the current<sup>4</sup> National Planning Policy for Waste that expects waste planning authorities to: "*plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;*". For these reasons the management of waste is a cross boundary strategic matter, the planning for which requires co-operation between waste planning authorities.
2. Local Planning Authorities have a duty to cooperate on "strategic matters" relating to sustainable development or use of land that has or would have a **significant** impact on at least two planning areas.
3. Since the introduction of the Duty to Cooperate there has been a tendency for WPAs to consult other WPAs where cross-boundary movements of waste are recorded with little consideration of the significance prior to consultation taking place.
4. **This note is a guide to waste planning authorities (WPAs) in England on the basic process associated with engaging other WPAs with a view to ensuring compliance with the Duty to Cooperate (DtC).** It is intended that this note will help ensure a consistent approach to this matter across England whilst reducing the burden of consultation in relation to issues which are unlikely to be significant across multiple planning areas. Furthermore, the adoption of consistent 'accepted' practices may help with evidencing compliance of the process of preparing waste planning policy with DtC legislation during its independent examination.
5. This note covers DtC engagement between WPAs (including National Park Authorities) only.
6. The note does not constitute legal advice.

### General

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<sup>4</sup> The version of National Planning Policy for Waste referred to in this document was published on 16 October 2014: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>



7. Engagement between WPAs will take place where it is considered that a strategic level of movements is taking place on an ongoing basis. Engagement will be initiated as part of a WPA's plan making but may also occur when strategic capacity begins operation or is lost.
8. The purpose of engagement is for WPAs to satisfy themselves that it is appropriate to plan on the basis that a certain quantity of a certain type of waste arising in their area, which is deemed to be strategic, may continue to be managed in another WPA area over the plan period.
9. Engagement should ideally result in agreement on ongoing waste movements between WPAs and **this may be achieved by an exchange of letters rather than via a separate Statement of Common Ground** (SCG). The need for a SCG will be agreed between the parties involved but should take into account the National Planning Policy Framework<sup>5</sup> and Planning Practice Guidance.
10. It should be noted that where agreement cannot be achieved this does not necessarily mean that there will be a failure to comply with the Duty to Cooperate.

#### *Guidelines for strategic waste movements*

11. What constitutes a 'Strategic' level of waste movement will vary between WPAs.
12. The levels set out below have been agreed in London, the south east and east of England as **a starting point** for considering whether dialogue is required. **The levels are a guide and not a rule i.e. they are not thresholds.** A WPA may still choose to engage another WPA where waste movements are below these levels although it is less likely that a formal Statement of Common Ground would be appropriate.
  - Non-hazardous waste<sup>6</sup> – 5,000 tonnes per annum
  - Inert waste<sup>7</sup> - 10,000t inert per annum
  - *It should be noted that these guideline levels relate to total quantum of movement to an area rather than to a single site. For example, if a WPA exports 6000 tonnes of inert waste to Site X and 6000 tonnes of inert waste to Site Y located in the same area then specific engagement should take place. However, for hazardous waste especially, smaller movements to single sites may occur and so movements may not be strategic.*
  - *The guideline levels relate to waste being exported from one WPA, or one joint waste planning area, to another.*

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<sup>5</sup> NPPF Paragraph 27 states: "In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these."

<sup>6</sup> Non-hazardous waste is waste without hazardous properties but may decompose to release pollutants.

<sup>7</sup> Inert waste is waste that does not undergo any significant physical, chemical or biological change.

13. What constitutes a strategic level of **hazardous waste**<sup>8</sup> movement will vary greatly depending on:

- How much hazardous waste is produced in a WPA area;
- What type of hazardous waste is produced e.g. the tonnage relating to strategic movements of cement bonded asbestos will be much higher than that relating to waste chemicals; and,
- The number of facilities capable of managing a certain type of hazardous waste

A guideline value of 100 tonnes for hazardous waste has been agreed in London, the south east and east of England but for some WPAs and for some types of hazardous waste a quantity much greater than 100 tonnes will be considered strategic (see paragraph 15 below for further considerations). In the North West a value of 500tpa has been used.

14. The guideline levels relate to waste being exported from one WPA, or one joint waste planning area, to another.

15. The West Midlands Resource Technical Advisory Board has proposed a protocol for identifying movements of waste which may be considered strategic. This is included on the WMRTAB knowledgehub website<sup>9</sup> and may be utilised by any WPA.

#### *Data Sources*

16. The main sources of waste data are the Waste Data Interrogator (WDI), Hazardous Waste Data Interrogator (HWDI) and Incinerator Returns. These are publicly available on data.gov.uk. It should be noted that from 2019 the Incinerator Returns are included in the WDI but prior to this year the data is separate.

17. The Environment Agency advise that the HWDI represents reasonably accurate data for the hazardous waste stream. However, the HWDI does not include information on which sites receive the waste so, while the two datasets rarely show the same figures, it helpful to include hazardous waste data from the WDI where it is available to try and identify recipient sites.

#### *Notification*

18. Initial engagement is usually to agree the data on movements of waste and identify any reasons why similar movements of waste cannot continue in future e.g. due to the closure of a site. It is the responsibility of the recipient authority to raise any such issues with the exporting authority and to request a statement of common ground if required. Ultimately if no response to such notification is received this may be assumed to mean agreement. An example letter is included at Appendix 1.

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<sup>8</sup> Hazardous waste is waste that is dangerous or difficult to treat, keep, store or dispose of and if improperly handled carries a risk of adverse impact to humans, animals and the environment.

<sup>9</sup> <https://khub.net/group/west-midlands-resource-technical-advisory-body>

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19. Following initial engagement, further discussion will be necessary between WPAs to identify whether there is an issue that requires strategic cooperation. There may also be other locally specific circumstances that are appropriate to trigger discussions under the DtC. Matters to consider are as follows:
- *Is the ongoing waste movement wholly reliant on a single site for management?*
  - *If the quantum of movement is below the guideline levels is it likely to increase in future? E.g. due to other sites closing.*
  - *Are other WPAs (including the host WPA) relying on a particular site for the future management of waste arising in their areas and if so is there a risk that the capacity becomes over committed?*
  - *Is the distance of the ongoing movement (i.e. from point of arisings to point of management) consistent with the proximity principle? If it isn't then it is likely that alternative management options need to be considered.*
20. When contacting the receiving WPA it would be useful to include trend data of the scale of imports for at least the last 3 years but ideally 5 years as this helps identify any anomalous years. *It is recognised that inclusion of trend data may be onerous and discussion with the Environment Agency on how such trend data can more easily be obtained from its databases will be sought.*
21. Where a WPA manages waste from another area and is updating its waste planning policy, it will notify the WPA of the exporting area. This will likely be notification at the initial stages under Regulation 18.
22. Regardless of whether movements exceed the guidelines, all WPAs should notify every other WPA when commencing work on waste planning – this will act as a ‘safety net’ and allows for changes in the guidelines for ‘strategic’ movements. This will likely be notification at the initial stages under Regulation 18. N.B. A database of generic Waste Planning Authority contacts is available via the regional waste technical groups and will be published on the National Waste TAB Chairs Knowledgehub website<sup>10</sup>.
23. While SCGs recognise the availability of capacity they cannot allocate specific capacity to meet specific WPA demands. In this sense the principle of ‘first come first served’ does not apply. It is incumbent on all WPAs to monitor, via authority monitoring reports, the availability of capacity to meet ongoing requirements. If it appears that a deficit in capacity is emerging due to over reliance on specific sites then it is incumbent on all affected WPAs to consider alternative arrangements and, ultimately, make updates to policy if required. All SCGs should include an agreement to monitor the provision of capacity and to be updated accordingly.

**Appendix 1: Example DtC Letter**

Dear

**Duty to Co-operate: cross-boundary movements of waste**

[The exporting WPA] is currently preparing its [name] Waste Local Plan. Further information can be found here.

The Duty to Cooperate requires planning authorities to seek agreement with other planning authorities where their plans may have an impact on their area. I am writing to you as part of the duty to co-operate, about strategic waste exports from [the exporting WPA] to your area.

What constitutes a 'strategic' level of waste movement will vary between waste planning authorities, however the guideline levels set out below have been agreed in London, south east and east of England as a starting point for considering whether dialogue is required. These levels are for the total quantum of movement to an area rather than to a single site.

- Non-hazardous waste - more than **5,000 tonnes** per annum
- Inert waste - more than **10,000t** inert per annum

What constitutes a strategic level of **hazardous waste** movement varies depending on:

- o How much hazardous waste is produced in a WPA area;
- o What type of hazardous waste is produced; and,
- o The number of facilities capable of managing a certain type of hazardous waste

A guideline value of 100 tonnes for hazardous waste has been agreed in London, the south east and east of England.

I have asked five questions below to initiate duty to co-operate engagement on waste.

01: Do you agree with the following waste exports figures? Exports of

HIC and COE waste

| Site Name | Site Tvoe | Type of Waste | 2015 | 2016 | 2017 | 2018 | 2019 |
|-----------|-----------|---------------|------|------|------|------|------|
|           |           |               |      |      |      |      |      |
|           |           |               |      |      |      |      |      |

*Source: Waste Data Interrogator and Incinerator Returns*

Exports of hazardous waste

| Type of waste | Management route | 2015 | 2016 | 2017 | 2018 | 2019 |
|---------------|------------------|------|------|------|------|------|
|               |                  |      |      |      |      |      |

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|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

*Source: Hazardous Waste Data Interrogator and Waste Data Interrogator*

Q2: Do you consider recent movements of waste from [the exporting WPA] to your area to be of 'strategic' importance?

Q3: Are you aware of any planning reasons why similar movements of waste cannot continue in the future (for example any planned closure of facilities)?

Q4: The NPPF requires planning authorities to prepare statements of common ground to document and address strategic cross-boundary matters. Do you consider a statement of common ground is necessary with [the exporting WPA] on cross-boundary movements of waste?

Q5: Are there any other matters you wish to raise at this stage?

I would be grateful for a response to the above questions by [date]. If you have any problems responding, please let me know.

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**Appendix 3 – Template for Details of Signatories of the WMRTAB Statement of Common Ground**

*Birmingham City Council*

Name of Signatory  
.....

Position  
.....

Signature ..... Date.....

*Coventry City Council*

Name of Signatory  
.....

Position  
.....

Signature ..... Date.....

*Dudley Metropolitan Borough Council*

Name of Signatory  
.....

Position  
.....

Signature ..... Date.....

*Herefordshire Council*

Name of Signatory  
.....

Position  
.....

Signature ..... Date.....

*Sandwell Metropolitan Borough Council*

Name of Signatory Tony McGovern

Position Director of Regeneration and Growth

Signature

Date 06 January 2023

*Solihull Metropolitan Borough Council*

Name of Signatory .....

Position .....

Signature ..... Date.....

*Shropshire Council*

Name of Signatory .....

Position .....

Signature ..... Date.....

*Staffordshire County Council*

Name of Signatory .....

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Position .....

Signature ..... Date.....

*Stoke on Trent City Council*

Name of Signatory .....

Position .....

Signature ..... Date.....

*Telford & Wrekin Council*

Name of Signatory .....

Position .....

Signature ..... Date.....

*Warwickshire County Council*

Name of Signatory .....

Position .....

Signature ..... Date.....

*Walsall Metropolitan Borough Council*

Name of Signatory .....



Position

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Signature ..... Date.....

*Wolverhampton City Council*

Name of Signatory

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Position

.....

Signature ..... Date.....

*Worcestershire County Council*

Name of Signatory

.....

Position

.....

Signature ..... Date.....

**Appendix Eight – Air Quality Statement of Common Ground and Minutes of Meetings**

SoCG Natural England and Cannock Chase DC; City of Wolverhampton Council; Dudley MBC; East Staffordshire BC; Lichfield DC; Sandwell MBC; Stafford BC; South Staffordshire DC and Walsall Council

Statement of Common Ground between  
Cannock Chase District Council, City of  
Wolverhampton Council, Dudley Metropolitan  
Borough Council, East Staffordshire Borough  
Council, Lichfield District Council, Sandwell  
Metropolitan Borough Council, Stafford  
Borough Council, South Staffordshire District  
Council, Walsall Council and Natural England  
in relation to air quality.

4<sup>th</sup> December 2024

## Introduction

1. This Statement of Common Ground (SoCG) has been prepared by Cannock Chase District Council (CCDC), City of Wolverhampton Council (CWC), Dudley Metropolitan Borough Council (DMBC), East Staffordshire Borough Council (ESBC), Lichfield District Council (LDC), Sandwell Metropolitan Borough Council (SMBC), South Staffordshire District Council (SSDC), Stafford Borough Council (SBC), Walsall Council (WC) (the partner authorities) and Natural England (NE), hereafter referred to as “the parties” to support the partner authorities emerging Local Plans.
2. This SoCG relates solely to impacts regarding European designated wildlife sites<sup>15</sup> from deterioration in air quality<sup>16</sup> due to increased traffic from local plan development, which is a strategic matter affecting all the partner authorities. Other matters raised by NE in relation to individual authorities’ Local Plans will be considered through separate bilateral SoCGs between NE and the authority, where necessary.
3. The potential adverse impacts of air pollution on European Sites have been identified as an issue for a number of years. The partner authorities whose Local Plans are most advanced and have undertaken Regulation 19 consultation (CCDC and SSDC) have, to date, been unable to rule out adverse effects in relation to air quality from vehicles on relevant European Sites through their Habitat Regulations Assessment. This is due to a lack of transport and air quality modelling evidence to confirm whether air pollution arising from the local plans causes an adverse effect on site integrity (AEOSI), due to exceedance of critical levels and / or critical loads at the European Sites from air pollution. This has led NE to conclude that these Regulation 19 Local Plans are not sound or legally compliant as those European Sites in the area of search with features sensitive to air pollution, adverse effects on their integrity, alone or in-combination, cannot be ruled out due to a lack of evidence. This SoCG sets out the work that has been, and is continuing, to be undertaken to address this issue.

## Geography covered by the SoCG

4. This SoCG covers the geography of the nine partner authorities as shown on the map below; the red line indicates the air quality study area.

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<sup>15</sup> Specifically Special Areas of Conservation (SACs) and Ramsar sites underpinned by Site of Special Scientific Interest (SSSI) designation in England.

<sup>16</sup> Comprising nitrogen oxides (NOx), ammonia (NH<sub>3</sub>), total nitrogen deposition and acid deposition.



7. Since being made aware of the potential issue in 2019, the Cannock Chase SAC Partnership<sup>17</sup> has undertaken a number of actions to ascertain the impact of NOx emissions and their contribution to nutrient nitrogen deposition on the SAC designation to 2050.
8. In May 2020, the SAC Partnership proposed a strategic solution to the nitrogen issue; 'A road map to mitigation scheme'. Natural England was supportive of the measures the Partnership proposed, however could not provide an assurance that they would not object to any plans and projects for the 3 year 'grace' period needed to implement the 'road map' where increased nitrogen deposition resulted in an AEOSI of a European site.
9. The SAC Partnership agreed to commission evidence in the form of an air quality assessment to determine the likely scale of air pollution from vehicle movements on 6 European Sites over a 20-year period (2020 to 2040). Work was due to commence in early 2020 but this was delayed due to the Covid Pandemic. Data on NOx concentrations at appropriate locations has been collected monthly since October 2020 using diffusion tubes, with ammonia monitoring commencing on the same basis in 2021. Monthly monitoring of both pollutants continues to-date.
10. NE reviewed the data collected (alongside modelling predictions on the Air Pollution Information System) and were content that the NOx concentrations shown at the air quality collection points were below the threshold for concern. However, monitored ammonia concentrations were higher than modelling predictions. In addition, modelling predictions indicated that all six sites were receiving nitrogen deposition inputs above their critical loads.
11. It was necessary to establish if NOx emissions would remain under threshold once the proposed allocations in competent authority plans are factored in alongside proposals with consent or allocation in adopted local plans based on the precautionary principle, and whether the local plans would worsen the impacts of ammonia and nitrogen deposition.
12. In October of 2022, Middlemarch Environmental was instructed by South Staffordshire District Council (SSDC), on behalf of the nine partner authorities, to prepare a brief<sup>18</sup> to provide a detailed step-by-step methodology of how the partners could establish a scientific and robust evidence base to determine the likely air pollution impacts (both alone and in-combination) via increased traffic generation on

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<sup>17</sup> The SAC Partnership is a partnership between organisations who have legal responsibilities in relation to the Cannock Chase Special Area of Conservation (SAC). The purpose of the partnership is to ensure that the ecological integrity of the SAC is maintained and all legal obligations in relation to the SAC are met. The Partnership is funded by mitigation contributions collected by seven local authorities from new housing development within 15km of Cannock Chase. These contributions fund both the Partnership and a series of works which mitigate the increase in recreational activity arising from new development. The SAC Partnership includes all partner authorities subject to this SoCG with the exception of Dudley MBC and Sandwell MBC.

<sup>18</sup> Creation of an Air Pollution Evidence Base Brief to Support Local Plan HRA Staffordshire, Wolverhampton, Walsall, Sandwell and Dudley (March 2023)

several European sites as a result of Local Plan proposals coming forward. The brief (Appendix A) identified the European sites relevant to the partner authorities plans as follows:

- Bees Nest and Green Clay Pits SAC
- Cannock Chase SAC
- Cannock Extension Canal SAC
- Fens Pools SAC
- Midlands Meres and Mosses Phase 1 Ramsar Site
- Midlands Meres and Mosses Phase 2 Ramsar Site
- Motte Meadows SAC
- Pasturefields Salt Marsh SAC
- Peak District Dales SAC
- West Midlands Mosses SAC

13. The Middlemarch brief was able to scope out the following sites for various reasons but in most cases due to there being no 'A' or 'B' roads within 200m of the boundary of the European site:

- Aqualate Mere (Midlands Meres and Mosses Phase 2 Ramsar Site)
- Bees Nest & Green Clay Pits SAC
- Betley Mere (Midlands Meres and Mosses Phase 1 Ramsar<sup>19</sup> Site)
- Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2 Ramsar Site)
- Chartley Moss (West Midlands Mosses SAC)
- Motte Meadows SAC
- Peak District Dales SAC
- Wynbunbury Moss (Midlands Meres and Mosses Phase 1 Ramsar Site)

14. This resulted in a recommendation for the following European Sites to be taken forward for detailed traffic and air quality modelling:

- Cannock Chase SAC
- Cannock Extension Canal SAC
- Cop Mere (Midlands Meres and Mosses Phase 2 Ramsar Site)
- Fens Pool SAC
- Oakhanger Moss Site of Special Scientific Interest (SSSI) (Midlands Meres and Mosses Phase 2 Ramsar Site)
- Pasturefields Salt Marsh SAC

15. NE were consulted on the Middlemarch brief in a letter dated 14 April 2023 (See Appendix B) and confirmed that "*it has been prepared in full accordance with [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations](#). We are therefore able to support the report's methodology and its conclusions*".

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<sup>19</sup> Ramsar sites are treated in planning as having equivalent protection of SACs and SPAs and are therefore included in this study. The Ramsar designation is underpinned by Site of Special Scientific Interest designation in England.

16. In August 2023 Sweco Ltd were appointed by SSDC (on behalf of the partner authorities) to undertake the traffic and air quality modelling in line with the Middlemarch brief. Following completion of the modelling, Sweco's draft assessment (Appendix C(i) and Appendix C(ii)) concluded that of the sites detailed in paragraph 14, only the four European sites detailed below were subject to air pollution exceedance:
- Cannock Chase SAC
  - Cannock Extension Canal SAC
  - Fens Pool SAC
  - Oakhanger Moss SSSI (Midlands Meres and Mosses Phase 2 Ramsar Site)
17. A steering group meeting took place between the partner authorities, Sweco and NE on 11<sup>th</sup> September 2024 in order to discuss the assessment findings. At this meeting, the findings of the baseline report were agreed unanimously by the partner authorities and NE. At this meeting all four European Sites were discussed to understand likely impact(s) on the qualifying feature(s)<sup>20</sup> of the sites and potential mitigation, with a number of actions agreed along with a commitment to further meetings.
18. At a subsequent meeting held on 25<sup>th</sup> September 2024 it was agreed by NE that AEOSI could be ruled out on Fens Pool SAC. The site is designated for Great Crested Newts (GCN) which are not sensitive to air quality. Furthermore, it has been confirmed by Dudley MBCs Countryside Services Team that the ponds that GCN use for breeding are located away from the exceedance areas. It was also agreed at the meeting of 25<sup>th</sup> September 2024 by NE that Oakhanger Moss could be screened out after further analysis by Sweco demonstrated that the air pollution exceedance at the site was predominantly caused by national traffic growth outside of the air quality project area due to its proximity to the M6 motorway, and that air pollution directly resulting from the partner authorities was de minimis compared to national growth.
19. At a Steering Group meeting on 14<sup>th</sup> November 2024, Cannock Chase SAC and Cannock Extension Canal SAC were discussed in detail in relation to understanding whether adverse effects on site integrity were likely to occur or not.
20. In relation to Cannock Chase SAC, Natural England confirmed that they had reviewed maps that show the extent of the habitats on Cannock Chase SAC that are reasons for designation of the SAC within the areas of exceedance indicated by modelling; RAP01, RAP02 and RAP03.
21. For RAP01 most of the area is mapped as site fabric, as such adverse effects can be ruled out in this area. Some of the area is mapped as heathland, however the area that the exceedance falls within is immediately adjacent to the road and is predominantly woodland/trees. As heathland has a mosaic nature (which includes trees), and because the presence of trees near the road is likely to be buffering the SAC area behind from air emissions from the road, Natural England concluded that

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<sup>20</sup> As defined by the relevant SAC/SSSI citation documents.

they would not wish to restore this area to heathland by tree removal. As such a conclusion of no adverse effects on site integrity can be made for RAP01.

22. For RAP02 the area of exceedance falls entirely within site fabric of the SAC, and therefore adverse effects on site integrity can be ruled out on that basis.
23. For RAP03 there is an incredibly small area of qualifying habitat in the exceedance area. NE advised that adverse effects to site integrity can be ruled out because the associated area of qualifying habitat within the area of exceedance is negligible.
24. Based on the information in paragraphs 20-23 inclusive, adverse effects to site integrity can be ruled out in relation to Cannock Chase SAC.
25. Regarding Cannock Extension Canal SAC, the document 'Ecology of the Floating Water Plantain' (Lansdown RV & Wade PM (2003), understood to be the authoritative document on floating water plantain in the UK, states that floating water plantain which is the qualifying feature of Cannock Extension Canal SAC is tolerant of a broad range of nutrient conditions. The plant is also the submerged phenotype along the Cannock Extension Canal SAC and so direct deposition of nutrients to the plant are not likely to occur; particularly in relation to ammonia and NOx.
26. Natural England commented that the 'Ecology of the Floating Water Plantain' (Lansdown RV & Wade PM (2003) document indicates that floating water plantain can take some time to show responses to effects from additional nutrients, however it is likely that this would have been observed at the SAC given the prolonged presence of the A5 immediately adjacent to the Cannock Extension Canal SAC.
27. Based on the apparent high degree of tolerance of floating water plantain to a range of environmental conditions and nutrient levels, as well as its submerged nature at the Cannock Extension Canal SAC, it was agreed that a conclusion of 'no adverse effects on site integrity' could be drawn.

## Areas of Agreement

28. The following matters are agreed between all parties to this SoCG:
  - Constructive and ongoing engagement has occurred between all parties and the Duty to Cooperate has been met.
  - The final Middlemarch brief and the detailed methodology to scope out the European Sites from further assessment (set out in paragraph 13 of this SoCG).
  - That the transport and air quality modelling undertaken by Sweco has been produced in line with the Middlemarch brief and represents a robust assessment for decision making.
  - That the evidence demonstrates air pollution resulting in exceedance of critical loads and / or levels is present at the four European sites set out in paragraph 16 of this SoCG, however adverse effects on site integrity can now



be ruled out for the following sites for the reasons set out in paragraphs 18-27 of this SoCG:

- Fens Pool SAC
- Oakhanger Moss SSSI (Midlands Meres and Mosses Phase 2 Ramsar Site)
- Cannock Chase SAC
- Cannock Extension Canal SAC
- That the Sweco study evidencing traffic growth and resultant air quality impacts will need to be kept under review and revisited when future planned growth across the partner authorities' geography becomes more certain.

29. Areas of disagreement:

- None

## Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between the parties. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

### **Natural England**

Name:

Position:

Signature:

Date:

### **Cannock Chase District Council**

Name:

Position:

Signature:

Date:

### **City of Wolverhampton Council**

Name:

Position:

Signature:

Date:

**Dudley Metropolitan Borough Council**

Name:

Position:

Signature:

Date:

**East Staffordshire Borough Council**

Name:

Position:

Signature:

Date:

**Lichfield District Council**

Name:

Position:

Signature:

Date:

**Sandwell Metropolitan Borough Council**

Name:

Position:

Signature:

Date:

**South Staffordshire Council**

Name:

Position:

Signature:

Date:

### **Stafford Borough Council**

Name:

Position:

Signature:

Date:

### **Walsall Council**

Name:

Position:

Signature:

Date:

## Appendices

Appendix A – Middlemarch Brief available on request

Appendix B – Natural England letter to partner authorities dated 14<sup>th</sup> April 2023

Appendix C – SWECO Report, traffic and air quality modelling

<https://www.sandwell.gov.uk/downloads/download/491/sandwell-local-plan-environment-evidence>

Appendix D – steering group meeting minutes

## **Appendix D**

### **AQ Steering Group Meeting Notes – 11<sup>th</sup> September 2024 – MS Teams**

#### **Attendees:**

Kelly Harris (KH) – Lead Planning Manager – *South Staffordshire District Council (Chair)*

Matthew Wall (MW) – Senior Planning Ecologist – *South Staffordshire District Council*

Jemma March (JM) – Interim Planning Policy Manager – *Cannock Chase Council*

Matthew Hardy (MH) - Senior Planner – *Cannock Chase Council*

Michele Ross (MR) – Lead Planning Manager – *City of Wolverhampton Council*

Kaliegh Lowe (KL) – Principal Planning Officer – *Dudley Metropolitan Council*

Patricia McCullagh (PM) - Planning Policy Team Leader – *Sandwell Metropolitan Borough Council*

Alex Yendole (AY) – Strategic Planning & Placemaking Manager – *Stafford Borough Council*

Paul Horswill (PH) – Senior Officer– *Natural England (NE)*

Gillian Driver (GD) – Senior Officer – *Natural England*

Marian Ashdown (MA) –Principal Officer– *Natural England*

Damian Pawson (DP) – Technical Director Air Quality - *Sweco*

Lee Shelton (LS) – Principal Air Quality Consultant – *Sweco*

#### **Agenda:**

1. Apologies and Introductions - KH
2. Brief presentation of air quality findings – Sweco
3. Agree sites with adverse effects to site integrity – NE/All
4. Next steps – KH/NE

#### **Summary of Actions Arising from Meeting:**

- Sweco Presentation to be circulated to Partnership Authorities.
- Sweco to provide results for all sites showing ‘Future Year Do Something’ against Future Year ‘Do Nothing’.
- Cannock: Partner Authorities to review the conservation objectives, site improvement plan and other relevant information on designated sites view for the affected units to confirm the current interest feature and whether there is an objective to restore it to heathland.

- Fens Pools: Dudley to check location of GCN breeding pools on Fens Pools SAC to determine if they fall inside the zones of exceedance.
- Oakhanger Moss: Sweco to check modelling/remodel air pollution
- Cannock Extension Canal: NE to reconsult with our air quality specialist in light of a recent evidence review of air-quality impacts and aquatic habitats

**Key Agreed Outcome:**

Draft air quality report agreed to be used as baseline by all attendees.

**1. Introduction**

- All Local Authorities are facing potential air quality objections from Natural England (NE), which could delay or prevent the submission of the local plans; South Staffordshire District Council and Cannock Chase Council are likely to be the first to submit.
- The government's emphasis on addressing issues in local plans necessitates a collaborative approach and timely solutions; specifically referring to the exchange of letters between Matthew Pennycook MP and the Planning Inspectorate. This indicated local plan examinations would not be used to resolve outstanding local plan issues.
- Solihull's recent withdrawal of their local plan highlights the urgency of the matter.

**2. Brief Presentation from Sweco on Air Quality Results**

- Sweco presented the findings of their air quality study, focusing on in-combination assessments.
- NE Praised the report, "it's a very good report" and well explained. Queried whether Future Year 'Do Something' was modelled against the Future Year 'Do nothing' without using the alternative baseline or whether just modelled the Future Year 'Do Something' against the alternative baseline? Could be useful for Oakhanger Moss (near M6) and possible A5.
- Sweco confirmed they had these results and would review them.

**Outcome: Baseline report agreed unanimously by Partner Authorities.**

**3. Site Specific Discussions**

**Cannock Chase SAC**

- The HRA consultants initially considered scoping out this site due to it being woodland (which is an SSSI feature) as opposed to heathland (which is a SAC feature).
- However, a more detailed analysis is required to assess whether there is an objective to restore any of the affected areas to heathland.
- SStaffs will review the conservation objectives, site improvement plan and other relevant information on designated sites view for the affected units to confirm the current interest feature and whether there is an objective to restore it to heathland.

**Fens Pools SAC**

- This site is designated for GCN, and the supplementary advice mentions supporting processes and air quality.

- An assessment will be conducted to determine if GCN ponds are present in the exceedance area and if they could be affected by nitrogen deposition.
- The Countryside services team at Dudley will be consulted for information on pond locations.
- NE to re-consult with our air quality and amphibian specialists to discuss the sensitivity of this feature to air quality

### **Oakhanger Moss SSSI**

- This site is considered sensitive to air quality, and mitigation measures may be required.
- The modelling will be double-checked to confirm the extent of the impact area as it appeared to spread a significant distance from the road.

### **Cannock Extension Canal**

- This site has been a subject of ongoing discussions.
- Water quality monitoring data and information from Canal and River Trust can be reviewed.
- Determining whether the site is nitrogen or phosphorus limited is crucial for assessing potential impacts and whether adverse effects on site integrity are likely.
- Any mitigation must be Habitat Regulations compliant; policies for electric chargers and modal shift of traffic will not suffice.
- The Centre for Ecology and Hydrology are continuing to explore the impact of air quality and aquatic habitats. A draft of their report was recently shared with stakeholders. NE will consult with air quality specialist to get the latest advice on this site in light of this report.

### **4. Next Steps**

- A follow-up meeting will be held within the next week to ten days.
- A technical steering group with ecologists and HRA consultants will be established.
- Minutes will be circulated for inclusion in Duty to Cooperate reports.
- All parties will collaborate to address NE's concerns and establish a mitigation plan, potentially through a Statement of Common Ground (SoCG).
- The air quality study will be a living document and updated as plans evolve.

### **Additional Notes**

- Walsall and other local authorities local plans are not yet as progressed as others, and the air quality study will need to be reviewed as new site allocations and local plans come forward. It is an iterative document.
- Inter-authority collaboration is crucial for addressing these regional air quality concerns and all agreed to continue dialogue.
- Sweco draft air quality report to remain draft and confidential until the SAC assessments are finalised and agreed.

## **AQ Steering Group Meeting Notes – 25<sup>th</sup> September 2024 – MS Teams**

### **Attendees:**

Kelly Harris (KH) – Lead Planning Manager – *South Staffordshire District Council (Chair)*

Matthew Wall (MW) – Senior Planning Ecologist – *South Staffordshire District Council*

Jemma March (JM) – Interim Planning Policy Manager – *Cannock Chase Council*

Matthew Hardy (MH) - Senior Planner – *Cannock Chase Council*

Michele Ross (MR) – Lead Planning Manager – *City of Wolverhampton Council*

Kaleigh Lowe (KL) – Principal Planning Officer -*Dudley Council*

Patricia McCullagh (PM) - Planning Policy Team Leader – *Sandwell Metropolitan Borough Council*

Gillian Driver (GD) – Senior Officer – *Natural England*

Marian Ashdown (MA) – Principal Officer, Flexible Casework Team – *Natural England*

Damian Pawson (DP) – Technical Director Air Quality - *Sweco*

Lee Shelton (LS) – Principal Air Quality Consultant – *Sweco*

### **Apologies:**

Alex Yendole (AY) – Strategic Planning & Placemaking Manager – *Stafford Borough Council*

Paul Horswill (PH) – Senior Advisor – *Natural England (NE)*

### **Agenda:**

1. Apologies
2. Agree minutes of previous meeting
3. Actions from previous meeting & discussion on screening/‘adverse effects on site integrity’
  1. Cannock Chase SAC
  2. Cannock Extension Canal SAC
  3. Fens Pools SAC
  4. Oakhanger Moss – Midlands Meres & Mosses Phase II
4. Actions for next meeting
5. Agree date of next meeting



### **Summary of Actions Arising from Meeting:**

- Natural England to confirm agreement with previous minutes – **to be completed by 4<sup>th</sup> October 2024 at the latest.**
- MW to check designated sites viewer to clarify whether lichens/bryophytes are associated with the units of Cannock Chase SAC where exceedances are indicated – **TBC by Wednesday 4<sup>th</sup> October**
- NE to talk to the other people in the team to check on management plan status; specifically for the areas impacted by exceedances and to look into condition assessment progressed earlier this year – **TBC by Wednesday 16<sup>th</sup> October**
- Dudley Council to follow up on information relating to Fens Pools SAC and GCN pond locations for HRA reporting – **TBC by Friday 18<sup>th</sup> October**
- NE & MW to continue internal discussions to assist determination of whether Cannock Extension Canal is oligo/mesotrophic and N or P limited – **continual objective to be resolved as soon as possible.**
- MW and NE to continue to investigate whether floating water plantain at Cannock Extension Canal is solely the submerged phenotypic variant to assist with Appropriate Assessment if necessary- **continual objective to be resolved as soon as possible.**
- NE to consult with air quality specialists in relation to the Centre of Ecology and Hydrology's report on the impact of air quality and aquatic habitats - **TBC Friday 4<sup>th</sup> October**
- NE to continue to investigate other project that had AQ impacts on a similar site to Cannock Extension Canal and what mitigation if any was proposed ~~review report on floating water plantain and air quality impacts~~ and provide any useful information to the Steering Group **TBC Friday 4<sup>th</sup> October**
- MW to check for distribution map of floating water planting with CRT – **TBC Friday 4<sup>th</sup> October**
- Cannock Chase Council to circulate draft Statement of Common Ground and to work with SStaffs to draft an updated SoCG - **TBC Friday 4<sup>th</sup> October**

### **Key Agreed Outcome:**

- Fens Pools SAC and Oakhanger Moss SSSI (Midlands Meres & Mosses Phase II Ramsar) screened out of further assessment.

### **2. Agree Minutes from Previous Meeting**

Minor amendments to previous minutes re. road names and titles clarified and accepted.

NE have made some notes on the previous minutes and need to confirm with Dr Paul Horswill. Will confirm and agree minutes as soon as possible.

### **3. Discussion on Sites and Adverse Effects on Site Integrity**

#### **Cannock Chase SAC:**

An order has been placed by Wolverhampton with Staffordshire Ecological Record (SER) for lichen and bryophyte records on Cannock Chase SAC; currently waiting on SER data.

NE confirmed that there are some management plans for Cannock Chase but not for the whole site. NE to talk to the other people in the team to check on management plan status; specifically for the areas impacted by exceedances.

SStaffs raised that a condition assessment visit was undertaken by NE staff earlier this year, might be helpful/useful to look into. NE to investigate condition assessment details.

SStaffs wanted to clarify point regarding lichens and bryophytes with NE. NE need to see if lichens are associated with the units closest to the road. Should be able to find on designated sites viewer and units viewer.

#### Fens Pools SAC:

Dudley Council provided a map with great crested newt (GCN) pond locations. There are some newer ponds to be included on the plan, Dudley Council trying to establish via Countryside Services Team where they are. The GCN ponds are understood to be outside of the areas of exceedance. Dudley Council will follow this up with their Countryside Services team.

NE happy to screen Fens Pools out and consider this a proportionate response to the impacts as foraging habitats for GCN are not hugely sensitive to impacts, and air quality impacts are unlikely to affect the pools themselves to the extent that they would affect the population of GCN.

Dudley Council confirmed that the Countryside Services Team said that the population of GCN is still healthy and Dudley Council will continue to send across the relevant data nonetheless to inform the subsequent HRA reporting.

#### Oakhanger Moss Ramsar:

Sweco presented detail on significant exceedances at previous meeting. Sweco have since remodelled the data and the modelling was sound.

Sweco noted that the majority of the impact was a result of background growth nationally rather than due to traffic growth from the local plans. Local plan in-combination growth was noted to be below c.100 AADT.

Sweco clarified to NE that the traffic growth causing most of the impact was from traffic outside of the study area. NE agreed that Oakhanger Moss could be screened out on that basis.

#### Cannock Extension Canal:

Canal and River Trust (CRT) have been contacted to confirm whether the canal was nitrogen or phosphorus limited. Water quality data has been provided but it is unclear whether the canal is mesotrophic or oligotrophic, or whether it is N or P limited based on the data. Sstaffs will continue to liaise with CRT for information.

NE have asked internally whether Cannock Extension Canal is likely to be N or P limited and are still looking into it.

SStaffs queried whether traffic on the A5 and background growth needs to be considered in the same way that has been progressed for Oakhanger Moss. NE confirmed that this is unlikely to be useful.

NE reiterated that it had been previously mentioned that the floating water plantain is submerged at the site, rather than floating. Is there anything floating that could pick up airborne concentrations?

NE mentioned that the CEH exploring impact of air quality on water quality ~~and aquatic habitats~~. NE will consult with AQ specialists to get advice on this site in light of this report.

SStaffs mentioned that NE ~~had~~ is aware of a ~~similar~~ project that could have air quality impacts on a protected canal site that is notified for ~~regarding~~ floating water plantain and water quality. NE confirmed a specialist had been contacted to find out what if any mitigation measures where applied at this site. No response received so far. ~~The report has been received by NE but hadn't been reviewed yet.~~

SStaffs noted CRT may have a distribution map for floating water plantain at the site.

#### 4. Actions for Next Meeting

Verbally confirmed and summarised above.

#### 5. Date of Next Meeting

No date confirmed but likely to be within the next two weeks. Urged everybody to continue to liaise via email to resolve items prior to the next meeting.

#### 6. AOB

Cannock Chase Council started a Statement of Common Ground (SoCG) with NE in the summer and will circulate to SStaffs with a view to progressing a draft SoCG for Partner Authorities in relation to this air quality study.

Meeting Closed.

## **AQ Steering Group Meeting Notes – 14<sup>th</sup> October 2024 – MS Teams**

### **Attendees:**

Kelly Harris (KH) – Lead Planning Manager – *South Staffordshire District Council (Chair)*

Matthew Wall (MW) – Senior Planning Ecologist – *South Staffordshire District Council*

Jemma March (JM) – Interim Planning Policy Manager – *Cannock Chase Council*

Matthew Hardy (MH) - Senior Planner – *Cannock Chase Council*

Kalieghe Lowe (KL) – Principal Planning Officer -*Dudley Council*

Patricia McCullagh (PM) - Planning Policy Team Leader – *Sandwell Metropolitan Borough Council*

Gillian Driver (GD) – Senior Officer – *Natural England*

Marian Ashdown (MA) – Principal Officer, Flexible Casework Team – *Natural England*

Damian Pawson (DP) – Technical Director Air Quality - *Sweco*

Lee Shelton (LS) – Principal Air Quality Consultant – *Sweco*

### **Apologies:**

Paul Horswill (PH) – Senior Advisor – *Natural England (NE)*

Michele Ross (MR) – Lead Planning Manager – *City of Wolverhampton Council (Annual Leave)*

### **Agenda:**

1. Apologies
2. Agree minutes of previous meeting
3. Actions from previous meeting & discussion on screening/'adverse effects on site integrity'
  1. Cannock Chase SAC
  2. Cannock Extension Canal SAC
4. Statement of Common Ground
5. Actions for next meeting
6. Agree date of next meeting

### **Summary of Actions Arising from Meeting:**

All to continue to investigate necessary details to understand adverse effects on site integrity.

GD/NE to review internal only reports and feedback/advise as necessary.

NE to send back comments on SoCG.

Sweco to finalise air quality report and issue.

### **2. Agree Minutes from Previous Meeting**

Agreed two sets of previous minutes.

### **3. Discussion on Sites and Adverse Effects on Site Integrity**

#### Cannock Chase SAC:

MW talked through notes circulated regarding Cannock Chase. Checked whether lichens & bryophytes (L&B) are associated with qualifying features and whether there is any ambition to restore areas of exceedance that are currently woodland to heathland.

Units associated with the Chase on SSSI units (via designated sites viewer) within exceedance areas are all lowland dry heath; not North Atlantic Wet Heath. Two types of dry heath on Cannock Chase, H8 and H9. Interpretation Manual of European Habitats document suggests L&B aren't associated with H8 or H9, NVC however states that L&B are characteristic of H9.

MW said on management, the National Trust (NT) and Staffordshire County Council are landowners. MW has contacted project managers for wood pasture project at RAP01. Some intention to regenerate heath north of the A415 but not clear yet whether that includes areas of exceedance.

MW said on RAP02 have emailed NT to check management regime. Project in this area to break up bramble and encourage heathland regeneration.

GD has been looking at internal reports and is working on this in the background too. GD confirmed that information from MW seems to tally, initially at least, with information NE have.

MW asked if the National Trust clarify that their restoration doesn't extend into the area of exceedance, do we take this as there's no ambition to restore, or do we have to look elsewhere for this information too.

MA & GD unsure but will check internally and get back on that point. GD said there are some other documents she's seen, including some from the higher tiered scheme. Hoping between us we can get all the information needed to answer the questions.

KL asked whether the management of the site would count as mitigation. MA mentioned that that management should be happening anyway as part of the management of the site; as we have exceedance of the 1% there is a likely significant effect but that doesn't necessarily translate to adverse effects on site integrity. We need to understand what's in those areas of exceedance, is it qualifying habitat (or meant to be qualifying habitat) or is it site fabric that is unlikely to ever become qualifying habitat because of it's condition & location.

MW queried whether there would have been mapping of the SAC in the first instance that we could use to understand where the qualifying features are meant to be. GD said she would check with her

colleague as she has a map but needs to double check the information. Resolution of mapping data isn't detailed enough on designated sites viewer for the level of detail we need.

ACTION – continue to progress with background research on Cannock Chase.

#### Cannock Extension Canal:

MW discussed summary of findings so far. Water quality data sent through from Canal and River Trust (Charles Hughes) which we're very grateful for. Data is only from 2021 and 2022; not the most up to date. Information we have suggests that the canal is likely nitrogen limited. CRT are not sure as there are other factors at play other than the 16:1 Redfield ratio.

MA pointed out the ratios in the summary document were the wrong way around. Double checked the ratios and think it is likely nitrogen limited based on the ratios.

MW said that the CRT indicated that the main concern was the runoff and discharges into the Canal.

GD had read an internal document about standing water habitats. Need to have more of a think about N and P limitation.

MW CRT said that nutrient levels are likely indicative of an oligotrophic system as nutrient levels are generally low. MW undertook a site visit and clarified with both the CRT and other ecologists, and the floating water plantain is the submerged type rather than the floating type.

#### Statement of Common Ground

KH said that EF had pulled together a draft SoCG. Would be useful if we could agree the majority of the wording in the SoCG. Checked that other parties had a chance to review the document.

GD said NE have comments from PH, MA and herself. Just needs to liaise with all before responding more formally.

JM indicated they would submit in Autumn (i.e. up to the end of November). Working with a period of c.6 weeks to move forward and complete the work. Asked whether there is anything Local Authorities could do in a bespoke manner to resolve the issue to let them know. KH responded that we don't know what the effects are yet and whether we will need to do anything at all.

AY wanted to know whether Cop Mere can be screened out as it's not within 200m of an A or B road. Paragraph 14 needs to be amended, moved up into the bullet point list of Paragraph 13.

EF Paragraph 14 sets out the sites taken forward for Sweco to assess. Wasn't scoped out at the Middlemarch brief stage, but take forward by Sweco. Sweco have scoped it out based on no exceedance. KH reiterated that. AY clarified that in terms of harm that it has been scoped out, KH agreed this was the case.

No further comments on SoCG.

#### 4. Actions for Next Meeting

All to continue with progression of understanding adverse effects on site integrity for Cannock Chase SAC and Cannock Extension Canal SAC.

NE to send back comments on the SoCG.

Walsall to be included in meetings given they are in close proximity to the Cannock Extension Canal. Technical working group meetings also being progressed separately.

## 5. Date of Next Meeting

14<sup>th</sup> November 2024 at 13:00 (Microsoft Teams). Invite sent by Edward Fox.

## 6. AOB

MW sent Rochdale Canal SAC information to GD as Suzanne Wykes (Cannock Chase Ecologist) has found the HRA for the Greater Manchester Places for Everyone Plan (not HS2 as we initially thought). MW has sent to GD and NE for review.

MH queried when Sweco report would be finalised. DP confirmed it would likely be next week (w/c 21<sup>st</sup> October).

Meeting Closed.

## **AQ Steering Group Meeting Notes – 14<sup>th</sup> November 2024 – MS Teams**

### **Attendees:**

Kelly Harris (KH) – Lead Planning Manager – *South Staffordshire District Council (Chair)*

Matthew Wall (MW) – Senior Planning Ecologist – *South Staffordshire District Council*

Jemma March (JM) – Interim Planning Policy Manager – *Cannock Chase Council*

Matthew Hardy (MH) - Senior Planner – *Cannock Chase Council*

Kaleigh Lowe (KL) – Principal Planning Officer -*Dudley Council*

Patricia McCullagh (PM) - Planning Policy Team Leader – *Sandwell Metropolitan Borough Council*

Gillian Driver (GD) – Senior Officer – *Natural England*

Marian Ashdown (MA) – Principal Officer, Flexible Casework Team – *Natural England*

Damian Pawson (DP) – Technical Director Air Quality – *Sweco*

Suzanne Wykes (SW) – Countryside Ecology Officer – *Cannock Chase Council*

Neville Ball (NB) – Planning Officer – *Walsall Council*

Edward Fox (EF) – Strategic Planning Team Manager – *South Staffordshire District Council*

Samantha Cheater – Environmental Consultant – *Lepus Consulting (Wolv, Sandwell & Dudley)*

Megan Mulligan – Planning Policy Officer – *Stafford Borough Council*

Neil Davidson (ND) - Managing Director *Lepus Consulting*

Michele Ross (MR) – Planning Policy Manager – *Wolverhampton Council*

### **Apologies:**

Paul Horswill – Senior Advisor – *Natural England (NE)*

### **Agenda:**

6. Apologies & Introductions

7. Agree minutes of previous meeting
8. Discussion on 'adverse effects on site integrity' for
  - a) Cannock Chase SAC
  - b) Cannock Extension Canal SAC
9. Statement of Common Ground
10. Discussion on approach to Windfall sites
11. AOB



## **Summary of Actions Arising from Meeting:**

### **2. Agree Minutes from Previous Meeting**

NE to review previous minutes. All others agreed subject to NE review.

### **3. Discussion on Sites and Adverse Effects on Site Integrity**

#### Cannock Chase SAC:

MW provided an update on progress to-date following last meeting, handing over to NE to elaborate on recent email from GD.

GD found some maps showing the areas subject to the exceedance. For RAP01 most of the area is in site fabric, some is in the area of heathland but the maps don't distinguish what type of heathland it is. The area the exceedance falls within is right next to the road, and heathland is a mosaic habitat so you would expect some trees. Conversations have been had internally with NE on this point, concluding that NE wouldn't want the trees removed close to the road, and so RAP01 can be ruled out of adverse effects on site integrity.

RAP02 is entirely site fabric, so adverse effects on site integrity can be ruled out.

RAP03 there is an incredibly small area of qualifying habitat but NE advise that adverse effects on site integrity can be ruled out because the section of exceedance is so minute.

KH confirmed with NE that there are therefore no adverse effects on site integrity to Cannock Chase SAC, and that this would be updated in the Statement of Common Ground (SoCG). NE agreed.

#### Cannock Extension Canal:

GD and NE have looked at an internal report but unfortunately that can't be shared. We were looking at whether the canal is N or P limited and there's still some uncertainty around which it is. Looks like the canal is N limited.

MA said that the floating water plantain phenotype is submerged at the Cannock Extension Canal SAC, so likely to be less of an issue. How much of an issue is it going to be given the qualifying feature is submerged.

MW circulated the HRA for the Places For Everyone Greater Manchester Plan to NE which had the same situation we have here, floating water plantain and critical level exceedance from increased traffic levels. A specialist report on floating water plantain [noted post-meeting as 'Ecology of the Floating Water Plantain (Lansdown RV & Wade PM (2003))'] states that it is tolerant of a broad range of conditions, and the HRA for the Greater Manchester plan ruled no adverse effects on site integrity because the qualifying feature is so tolerant. After reading the report we drew the same conclusion that acknowledges an exceedance but that we can rule out adverse effects for the same reason.

KH raised that the Canal and River Trust had mentioned inputs to MW who confirmed that the CRT seemed more concerned about the agricultural inputs and other discharges to the canal causing water quality issues than traffic pollution.

SC confirmed that a preliminary draft HRA has been provided for Sandwell, Dudley and Wolverhampton. Queried what the critical load for nitrogen for the extension canal.

GD confirmed it's either 2-10kg/N/year or 3-10kg/N/year.

SC said that the critical load of 10kg/N/year is only used in oligotrophic waters of low alkalinity with no significant agricultural or other human inputs. Having read into the surrounding land uses and agricultural runoff issues, it seems that there is a lot of human influence/runoff into the canal, and queried whether the 10kg/N/year was correct to use?

GD has queried this with NEs specialist. Said to use the 2-10 as a screening mechanism, and when you get to the Appropriate Assessment stage you can discuss any nuances in more detail.

SC confirmed that the Sandwell, Dudley and Wolverhampton HRA had concluded no adverse effects on site integrity based on what MW had said with regard to the tolerance of floating water plantain and the appropriateness of the critical loads.

MA confirmed that she doesn't have any major concerns about concluding no adverse effect on integrity because of the above evidence.

GD stated that because it's submerged, ammonia and NOx are unlikely to be an issue. So, it's more nitrogen deposition and how much would actually then end up in there. We suspect water quality is more of an issue on this site. The report does say it's quite tolerant, although it also said that sometimes there's bit of delay in the plant showing responses to effects, but we suspect if there was an issue we would have seen this over time given the site's proximity to the road.

KH so understanding this correctly, with the bespoke narrative relating to the Cannock Extension Canal, not a broad-brush approach, given the unique situation of the Extension Canal we can conclude no adverse effects on site integrity.

NE agreed with the position; affirming that the conclusion rests largely on the specific ecology of this species and its submerged nature at the Cannock Extension Canal.

#### Statement of Common Ground

KH stated the last SoCG circulated and updated, but this needs updating to move the sites above into areas of agreement. NE and Partner Authorities confirmed they would be agreeable to this.

KH checked sign off procedures for local authorities.

- South Staffordshire have delegated authority to agree the SoCG.
- GD needs to take the SoCG to her area manager and would update her.
- JM confirmed 28<sup>th</sup> November for Cannock Chase local plan submission.
- MR confirmed that a report went to cabinet to confirm delegated approval to sign statements of common ground generally. Would need to send the SoCG to the cabinet lead and director.
- KL confirmed Dudley has to take SoCGs through cabinet. Mentioned it may be quicker to get individual letters from Natural England to confirm they support the outcome of the HRA if there's a delay in getting SoCGs signed.
- PM confirmed Sandwell do have delegated powers and would be looking to submit mid-December.

KH confirmed that HRAs still need updating and indicated that NE

ND suggested doing minutes of the meeting and confirming in the minutes that these matters have been discussed, which sets the scene that NE are happy with everything subject to seeing the final detail in the HRAs which would give an Inspector some comfort; particularly when looking at DTC matters to see evidence of working together.

MA suggested if Partner Authorities can send across some wording in a letter then NE can review the content and agree a letter to move forward.

Partner Authorities discussed options for whether individual letters from NE could be used instead of a SoCG if the latter is delayed due to the constitutional agreement process. Partner Authorities will consider the most appropriate course of action but move forward at present with the existing SoCG.

JM queried when other authorities were looking to publish their own HRAs. Wanted to ensure consistency of conclusions and assessment in partner authority HRAs.

MR confirmed Wolverhampton HRA would be published 25<sup>th</sup> November.

KH emphasised the importance of HRA consultants working collaboratively to ensure assessments align across the local authority plans.

ND agreed to share HRA reports to ensure the approach is similar across consultants, and to ensure the principles are the same.

SC confirmed that the HRA completed by Lepus had been shared with MW to-date.

MA explained that not having extraneous information to justify the assessments is critical, whilst we all agree the bottom line, having consistent reasoning saves having to disagree with specific elements of assessments/reasoning as they come forward.

#### 4. Windfall sites and addressing HRA and increased traffic

KH asked how to deal with windfall applications. For other local plans coming forward they will need to model those additional sites, but for those sites that lie outside of the strategic local plan process, how should windfall sites be dealt with in Development Management? Can we agree an approach?

MA confirmed NE will not be picking this up in development management at all as it can only be dealt with strategically. The air quality project is a snapshot in time, and air quality isn't like nutrient neutrality where there is no threshold, there is a clear 1% threshold for air quality. It will likely take several years for a 1% exceedance to occur, by which time it's likely that local plan reviews, which may/will capture additional necessary allocations for new housing need numbers will have taken place and a HRA will be part of that process.

It's therefore likely that the local plan review process will occur before windfall sites have the chance to result in an increase of 1%; and so they should continue to be dealt with strategically rather than on a site-by-site basis in development management. LPAs can take their own advice on this.

#### 6. AOB

ND mentioned that HRA informs the SA and SEA work, so the outcomes from all of this need to read across into the sustainability appraisal work and the SEA work.

No other AOB from others. No further meeting proposed.

KH closed the meeting thanking everyone for prioritising this project and making time to help us get the project and air quality issues resolved. It's been really nice to see positive working in the way it's happened here.

Meeting Closed.

