

SOLI HULL METROPOLITAN BOROUGH COUNCIL

SOLI HULL LOCAL PLAN REVIEW – DRAFT LOCAL PLAN

UNMET HOUSING NEED IN THE HMA AND THE IMPLICATIONS FOR THE DUTY TO COOPERATE

**REPRESENTATIONS ON BEHALF OF GALLAGHER ESTATES
AND ST FRANCIS GROUP**

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1. INTRODUCTION

- 1.1 These representations are submitted on behalf of our client, Gallagher Estates Limited and St Francis Group, with respect to the draft Solihull Local Plan the Council is currently consulting upon.
- 1.2 The focus for this paper is the question of the un-met housing need arising in Birmingham, and the relationship of this important issue to the preparation of the Local Plan, including the requirements of the Duty to Cooperate.

2. UNMET HOUSING NEED IN THE HMA AND THE IMPLICATIONS FOR THE DUTY TO COOPERATE

- 2.1 The issue of housing need arising in Birmingham which cannot be met within the city's boundaries is not a new issue historically. In its recent iteration, it has been clear for at least 5 years that there is a significant level of unmet housing need arising in Birmingham for which provision should be made. This unmet need is the single largest component of housing growth in the West Midlands, and is a key driver in the growth of the region generally.
- 2.2 The scale of the unmet need, whilst not confirmed until very recently, has been known for some time. This situation led to the agreement between Birmingham City Council and those Councils in the Housing Market Area (HMA) whose emerging plans were under examination at the time, that the matter could be dealt with subsequent to the adoption of these plans. The use of a policy which promised an early review of the plans from those Councils that might contribute to meeting the unmet need became the accepted method of dealing with the emerging issue of the unmet housing needs of Birmingham.
- 2.3 As the draft Solihull Local Plan makes clear in the introduction at paragraph 4, this is now the appropriate time for addressing the unmet needs arising in Birmingham, and the role Solihull can play in meeting them. The Birmingham Development Plan (BDP) was adopted on 10th January 2017. Its adoption has given very significant weight to a housing deficit in terms of un-met need of 37,900 dwellings over the period 2011-2031. The BDP also commits Birmingham City Council to working actively with neighbouring Councils through the Duty to Cooperate to ensure that appropriate provision is made elsewhere within the HMA to meet the shortfall of 37,900 dwellings.
- 2.4 The BDP also places detailed and significant requirements on the City Council, in Policy TP48, setting out how this active involvement in the provision and delivery of the 37,900 should be satisfied. It states:

The Council will also play an active role in promoting, and monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city. This will focus on:

- *The progress of neighbouring Councils in undertaking Local Plan*

reviews to deliver housing growth to meet Birmingham's needs.

- *The progress of neighbouring Councils in delivering the housing targets set out in their plans.*
- *The extent to which a 5 year housing land supply is maintained in neighbouring areas.*

- 2.5 Policy TP48 from the BDP then spells out the consequences of the failure of neighbouring Councils to plan for this unmet need, in terms of the potential implications for the City itself:

If it becomes clear that progress is falling short of the level required, the Council will undertake a review of the reasons for this, and if this indicates that it is necessary to reassess the capacity for housing provision in Birmingham, a full or partial review of this Plan will be undertaken.

- 2.6 Finally, Policy TP48 spells out key indicators which would trigger this, including:

Failure of a relevant Council to submit a replacement or revised Local Plan, providing an appropriate contribution towards Birmingham's housing needs, for examination within 3 years of the adoption of this Plan.

- 2.7 This Policy places a very significant responsibility on Birmingham to ensure the unmet housing needs arising in the City are properly met in other council areas in the HMA. It will be a test of the ability of the relevant local councils to agree between themselves to address in full the unmet need. If such agreement is not forthcoming, it will also be a test of the effectiveness of the Duty to Cooperate through the examination of the relevant Local Plans, including potentially the Solihull Local Plan. The recently published White Paper recognises the limitations of the current statutory process, and indicated changes will be made to the Framework to address this. It remains to be seen how effective they might be.

- 2.8 The mechanism through which this requirement for cooperation will be met is the Strategic Housing Needs Study and on-going work under the auspices of the GBSLEP and Black Country LEP. However, the LEP authorities do not include all Councils within the Greater Birmingham HMA, but include some which are not in the HMA. Whilst there has previously been some clarity as to the definition of the Greater Birmingham HMA, there does not appear to be any mechanisms established which bring those respective Council's together in the manner envisaged under the Duty to Cooperate, as set out for example in the PPG. This is

a serious deficit in respect of an accountable and transparent approach to dealing with this important issue.

2.9 It is acknowledged that the next step in the evolving architecture of cooperation in the region is the invitation for quotations from consultants to prepare a Greater Birmingham HMA Strategic Growth Study. The process is being managed by Birmingham City Council and the closing date for the return of proposals is 22 February 2017. It is understood Solihull MBC is a party to this Study. The timetable for the Study is somewhat ambitious, with commencement of the contract on 5th April and a final report anticipated to be submitted by 22 September 2017.

2.10 The tasks the Greater Birmingham HMA Strategic Growth Study is to address include;

- Confirming the level of housing need in the Greater Birmingham HMA and the shortfall compared with identified supply in adopted and emerging plans;
- Updating the earlier Strategic Housing Need Study to cover the period 2011-2036;
- Considering growth options to deal with the baseline housing shortfall across the HMA;
- Undertaking a sequential capacity review by considering increased densities and site outside the Green Belt, and PDL sites in the Green Belt;
- Undertaking a review of the Green Belt within the HMA.

The outcome of the Study will be clear recommendations on the broad locations for growth, a range of potential housing capacity from each growth location and an indicative delivery timetable.

2.11 Whilst the consultants undertaking the Study will report to a HMA Officer group, there is no indication published in documents as far as we have been able to discover as to how the results of this study will be published, considered and conclusions reached between all the HMA Councils on the implications for Local Plans. The democratic deficit in this process is a worrying feature which has the

potential to undermine significantly its efficacy, including the ability to discharge the Duty to Cooperate.

- 2.12 Of crucial importance to the preparation stage of the Solihull Local Plan are the implications of the HMA-wide work described above on the proposals for meeting a share of the unmet housing needs arising in the HMA. The draft Local Plan and the Housing Topic Paper refer evasively to *“a direction of travel that has received a measure of support is indicating that the Council ought to be testing, through this local plan review, the potential to accommodate a further 2,000 dwellings from the shortfall, in addition to accommodating the Boroughs own needs.”* These carefully crafted, and deliberately opaque words are no substitute for the proper resolution of this issue through active engagement under the Duty to Cooperate.
- 2.13 The un-answered question at this stage in plan preparation is, therefore, to what extent the Council intends placing significant weight on the outcome of the Greater Birmingham HMA Strategic Growth Study as it refines its Local Plan prior to submission? If Solihull MBC is an active and willing participant in the Study, it cannot credibly progress further with its Local Plan until the results of the Study are known, and the implications for the distribution of the unmet need from Birmingham to the constituent Councils in the HMA is agreed in accordance with the Duty to Cooperate.
- 2.14 Elsewhere in our representations we have set out our view that the Council's assessment of its own housing need falls significantly short of a credible OAN. In the context of the critical role the Borough's strategic economic assets play in the prospects for economic growth in the wider region, the necessity of supporting this growth with a credible housing requirement over the plan period is of crucial importance to deliberations as to the appropriate distribution of unmet housing need in the HMA.
- 2.15 It will be incumbent on other Councils in the HMA to respond to the draft Local Plan and express their views as to the process for meeting Birmingham's unmet housing needs, and how this relates to a figure of 2,000 dwellings in the draft Local Plan. This is especially true of Birmingham, mandated as it is to play an active role in promoting the delivery of 37,900 homes in the HMA to meet the shortfall in the City.

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- 2.16 We are aware that North Warwickshire Council has considered a report at its Planning and Development Board on 16th January 2017 which sets out clearly concerns over the figure of 2,000 dwellings to be tested through Local Plan process, believing that it is insufficient to reflect the links and relationships between Solihull and Birmingham.
- 2.17 In conclusion, we harbour serious doubts as to the way in which the important issue of unmet housing need arising in the HMA is being addressed in the draft Local Plan. We believe a figure of 2,000 dwellings as the contribution by Solihull towards meeting the 37,900 dwelling shortfall in Birmingham is not supported by any credible evidence, nor by any transparent agreement which would satisfy the Duty to Cooperate.
- 2.18 The Council adopted the Solihull Local Plan 2013 on the premise of a review to address the issue of unmet housing need arising in Birmingham. The Council has correctly determined in the current draft Local Plan that now is the time to address this important issue. It, therefore, unacceptable for the Council to proceed with its new Local Plan in advance of the results of the Greater Birmingham HMA Strategic Growth Study, and any agreed, coordinated approach to the distribution of unmet need in the HMA being determined. In our view, the Council is currently on a path which will lead to a finding that the Duty to Cooperate has not been discharged.