



Sandwell Local Plan

Duty to Co-operate Statement

September 2024

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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:
 - the Environment Agency;
 - Historic England;
 - Natural England;
 - Homes England;
 - the relevant Primary Care Trust;
 - the Office of Rail Regulation;
 - the relevant Integrated Transport Authority;
 - the Highways Authority; and
 - 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:
 - housing (including affordable housing), employment, retail, leisure and other commercial development;

- 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);
 - community facilities (such as health, education and cultural infrastructure); and
 - conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure; and
 - 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:
- Meeting unmet housing need;
 - Meeting unmet employment need;
 - Transport and infrastructure matters;
 - Natural and historic environment including designated sites; and
 - 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's primary objective will be to prepare and complete a Duty to Co-operate Compliance Statement to support the Reg 19 Publication Plan, which will address the following matters:
 - The nature of the Duty and the policy and spatial context of the Borough in relation to its nearby authorities.
 - A listing of the relevant 'prescribed bodies'.
 - A listing of the relevant 'strategic matters' affecting Sandwell and the preparation of its Local Plan.
 - 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.
 - 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)
 - Details of all consultations with neighbouring authorities on housing and employment spatial distribution options (see Appendix 2)

16. This is the first iteration of the DtC Compliance 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 ICGs)
 - 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 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

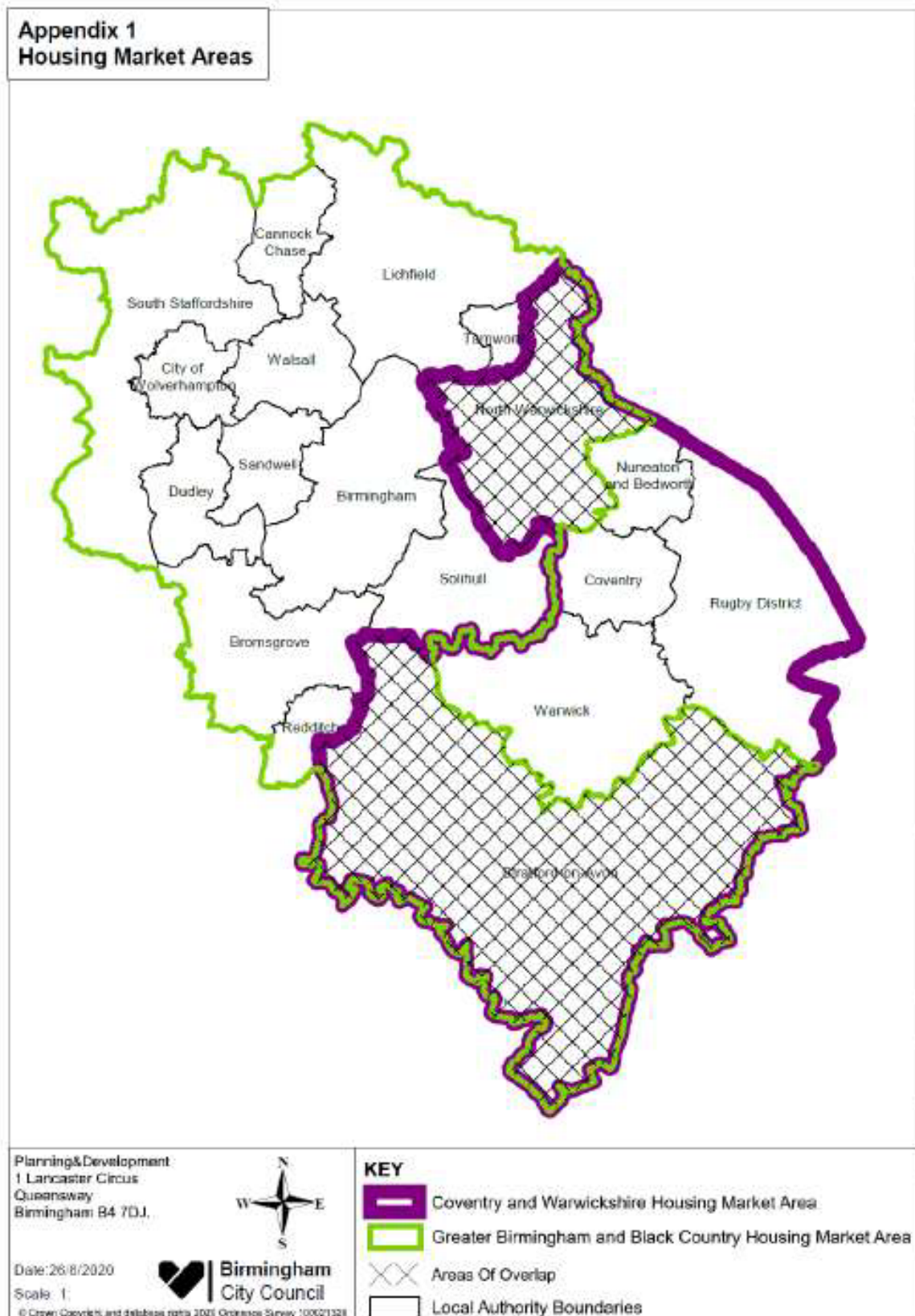
The Black Country Plan and the Duty to Co-operate

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.

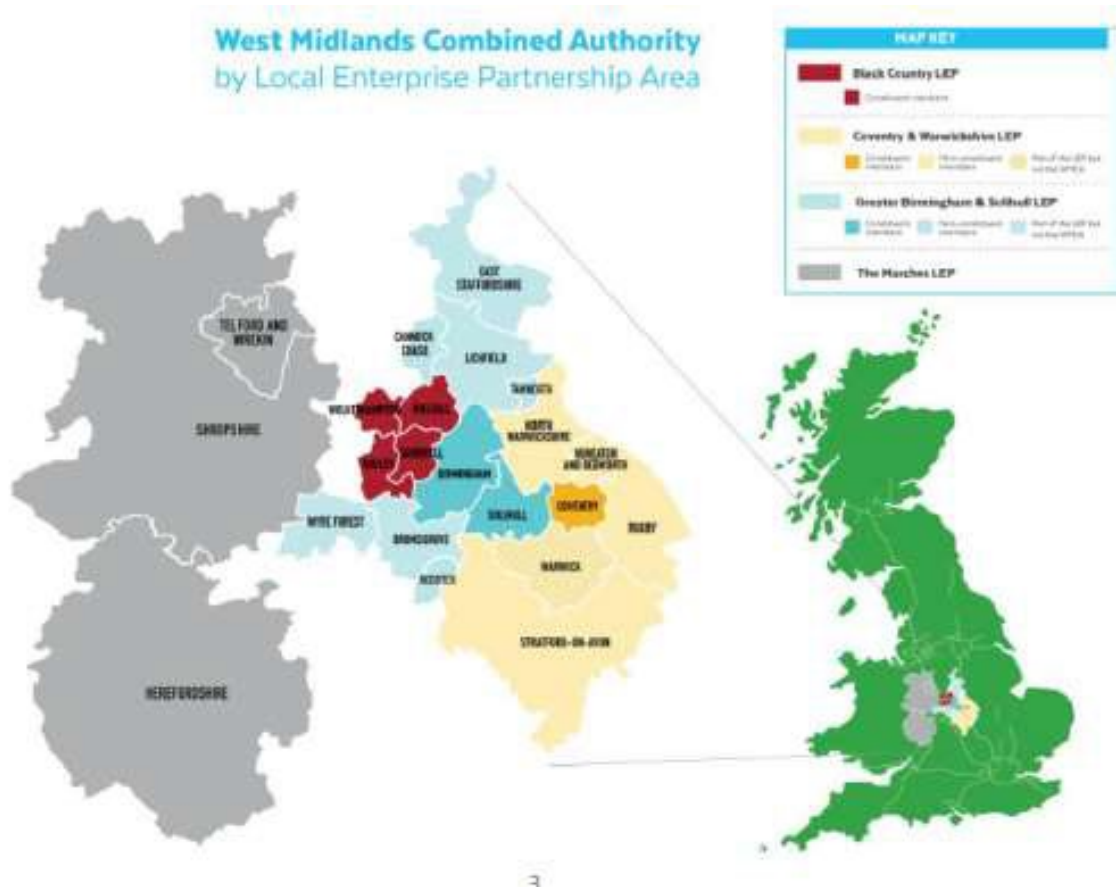
Strategic Matters

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:
- 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.
 - 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.
 - Green belt reviews.
 - Cannock Chase Special Area of Conservation.
 - Strategic Flood Risk Assessments.
 - Implications for transport infrastructure on potential levels of growth in the Black Country.
 - Future healthcare premises and provision for primary and secondary healthcare provision.
 - 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 - Map 1: Greater Birmingham and Black Country Housing Market Area



Map 1 - 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:
 - West Midlands Combined Authority – principal interest in the delivery of brownfield land across the region.
 - Black Country Local Enterprise Partnership – principal area of interest was strategic economic priorities in the region. The BCLEP is now no longer in existence.
 - 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.
 - West Midlands Resource Technical Advisory Body (RTAB) – overarching aim is to support and promote co-operation between Waste Planning Authorities (WPAs) and others.
 - 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.
 - 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.
 - Transport for West Midlands (TfWM) - the body that formally performs the statutory Integrated Transport Authority (ITA) function for the West Midlands metropolitan area.
 - 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:
 - South Staffordshire - 4,000 homes towards the needs of the GBBCHMA.
 - Cannock Chase - 500 homes towards the needs of the GBBCHMA.
 - Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA.
 - 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 Reg18 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 16th November 2022. The most recent Local Development Scheme was approved by Cabinet on 17th 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.

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

Strategic matters arising from the emerging Local Plan	Relevant Prescribed Body
	Other authorities in the GBBCHMA
Cross-boundary transport issues	Highways England Transport for West Midlands Black Country Transport Network Rail
The development of green and blue infrastructure	Natural England Environment Agency Canals and Rivers Trust Sport England
Effect of new development on healthcare and the emergency services	Black Country Integrated Care Board West Midlands Police West Midlands Ambulance Service West Midlands Fire
Effect of new development on utility companies	Western Power Distribution/National Grid Severn-Trent South Staffs Water
Effect of new development on flood risk	Environment Agency Natural England
Effect of new development on biodiversity	Natural England
Effect of new development on air quality	Environment Agency DEFRA 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 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 5).
49. Following various changes to the NPPF in 2023, Sandwell Council wrote to the local planning authorities within the GBBCHMA and neighbouring authorities in 2024 to determine whether they were able to make any contribution to the wider housing shortfall, either through 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:
- confirm the timetable for reviewing their Local Plan and the term of this Local Plan.
 - confirmation of whether their adopted and emerging Local Plan can meet local housing needs in full within the administrative area.
 - 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.
 - confirm whether this contribution will be for the Black Country, Birmingham, or for the wider HMA.
 - confirmation of whether their adopted and emerging Local Plan can meet Gypsy and Traveller needs in full within the administrative area.
50. This information was collated and can be found in appendix 6, along with a copy of the letter.
51. Moving forward, the responses to the letter will be used 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
 - agree the method by which current and potential contributions to addressing the shortfall are apportioned to those Local Plan areas with an evidenced shortfall through future meetings of the HMA Development Needs Group.
52. Following discussions at the GBBCHMA officer group it was agreed to progress the review of the 2018 Growth Study, and it will look to commission the work shortly.

53. 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 appendices 2 and 4).
54. As well as continued dialogue, the BCAs are also in the process of agreeing a methodology for apportioning any agreed contributions from neighbouring authorities based on work previously undertaken, as set out in letters attached as Appendix 5. Work on the Black Country Apportionment SoCG is ongoing and will be based on up-to-date data.
55. The latest unconfirmed contributions are set out in table 1 below:

Table1: 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
Cannock	GBBC HMA	Residential	500	0
Shropshire Council	Black Country Authorities	Residential	1,500	0
		Employment	30 ha	0 ha
South Staffordshire	GBBC HMA	Residential	640	0
	Black Country FEMA	Employment	112.2 ha (min)	(contribution for the FEMA will not be apportioned between the individual authorities)
Telford	Black Country Authorities	Residential	1600	0
Total		Residential	4,240	0
		Employment	142.2 ha	0 ha

Meeting Unmet Gypsy and Traveller Need

56. 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.
57. To try and meet our own needs and to examine the potential to meet the needs of our neighbours, the Council undertook a through 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.

Meeting Unmet Employment Land Need

58. 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 work on updating this is ongoing. The Last EDNA (October 2023) shows that

there is an employment land need of 479 ha 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 302 ha.

59. 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 drafted and agreed and will be signed shortly.
60. 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 is being drafted and agreed between those authorities within the South Staffordshire FEMA, including Sandwell Council as part of the BC FEMA.
61. Authorities within the West Midlands Strategic Employment Sites Study Area (WMSESS) agreed a brief and commissioned a study to understand the future requirements for strategic sites across the area and the findings have been published.

Cross-boundary transport issues

62. 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 Issues

Green and Blue Infrastructure

63. The Environment Agency (EA) has engaged with the BCAs regarding the draft BCP. Sandwell Council has worked with the EA and has incorporated their suggestions on green and blue infrastructure, climate change, flood risk and mitigation where appropriate. The EA reviewed 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, no issues or objections were raised.
64. 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 is therefore discussing the issue of playing pitches and general sport and recreation issues with Sport England.

Effect of new development on healthcare and the emergency services

65. 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.

66. 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.

Effect of new development on utility companies

67. Regarding water supply, it has not been possible to directly engage with South Staffordshire Water, as the water supplier for much of the Sandwell area, meaning that at this stage 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.
68. Severn-Trent Water has engaged with the local plan process 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.
69. 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.

Effect of new development on flood risk

70. 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.

Effect of new development on biodiversity

71. 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.

Effect of new development on air quality

72. The Environment Agency has engaged with the BCAs regarding the draft BCP. Sandwell Council will continue to work with them to include policies and proposals that will mitigate against the effects of new or existing developments that contribute to poor air quality.
73. Sandwell Council, alongside neighbouring authorities, have met with Natural England to discuss potential impacts on Special Areas of Conservation (SACs) and will seek to agree a way forward where impacts are identified.

Effect of new development on the historic environment

74. Historic England engaged with the BCAs regarding the draft BCP and 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 also agreed and incorporated into the Regulation 19 version.

Effect of new development on waste disposal

75. 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.
76. Letters were set out on the 19th April 2023 and were followed up on the 25th 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.
77. 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.
78. 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

79. 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

80. 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.

81. 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.
82. Work has been progressing on updating the LAA, through continued discussions an updated assessment will be published in the near future.

Climate Change

83. 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.

Next Steps

84. The Council will make every effort to continue to liaise with key stakeholders and the 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

85. 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.
86. 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:

Table2: Statements of Common Ground

Organisation	Strategic Issue Addressed	Status
Black Country Local Authorities and South Staffordshire District Council FEMA	Employment land contribution	Drafted, Agreed.
Black Country Local Authorities	Apportionment of any contributions between the four BCAs	In discussion
Greater Birmingham and Black Country Housing Market Area	Apportionment of any contributions between the GBBCHMA authorities and agreement to refresh the Housing Growth Study	In discussion
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	Drafted, Agreed and Signed

Black Country Authorities and Telford and Wrekin Council	Housing land contribution	In discussion
Shropshire Council and Black Country Authorities	Housing and Employment Land contribution – addendum to existing SoCG	Drafted, Agreed

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. 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)

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

Sandwell Housing Market Assessment Update (June 2024)

Jobs and Homes Alignment Study- (Sept 2024)

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)

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.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
Duty to Cooperate discussions with individual LPAs	South Staffordshire Council (meetings from September 2019 onwards)	13/7/21	Presentation to South Staffordshire Councillors on the Black Country Plan as presented to BCA Cabinets.
		9/6/21, 12/5/21, 2/2/21, 13/11/20, 6/11/20, 1/10/20, 25/6/20, 4/6/20, 12/5/20, 24/4/20, 20/3/20, 19/12/19, 24/9/19	Local Plan timetables and issues arising from Black Country Plan evidence gathering.
		13/2/20	Presentation to South Staffordshire Councillors on the Black Country Plan evidence base and associated housing and employment land shortfall.
	Shropshire Council (meetings from April 2020 onwards)	9/3/21, 22/1/21, 13/11/20, 22/10/20, 24/9/20, 25/8/20, 30/7/20, 19/6/20, 21/5/20, 2/4/20.	ABCA representations to Shropshire Local Plan and Black Country Plan evidence.
	Birmingham City Council (from November 2020 onwards)	20/5/21, 25/11/20, 4/11/20	Local Plan programme and issues arising from Black Country Plan evidence gathering.
	Telford & Wrekin Borough Council (from November 2020 onwards)	26/3/21, 6/1/21, 14/12/20, 19/11/20.	Local Plan programme and issues arising from Black Country Plan evidence gathering.
Wyre Forest Borough Council (from October 2019 onwards)	5/12/19, 3/10/19	Local Plan timetables and ABCA representations to Wyre Forest Local Plan.	

Meeting type	Public body / organisation	Meeting dates	Topics discussed
	Stafford Borough Council (from January 2020 onwards)	26/3/21	West Midlands Interchange apportionment work
		23/12/20, 14/10/20, 9/7/20, 30/6/20, 20/5/20, 24/3/20, 27/2/20, 30/1/20	Stafford Local Plan and key issues emerging from Black Country Plan evidence.
	Cannock Chase Borough Council (May 2020 onwards)	22/4/21, 16/2/21, 15/12/20, 13/10/20, 22/5/20	Cannock Chase Local Plan and key issues emerging from Black Country Plan evidence.
	Lichfield Borough Council (from June 2020 onwards)	19/1/21	Lichfield Local Plan Regulation 19 Plan.
		14/7/20, 4/6/20.	Lichfield Local Plan and key issues emerging from Black Country Plan evidence.
	Regional stakeholder meetings	West Midlands Combined Authority Housing and Land Delivery Board	3/3/21
13/1/21			Affordable Housing Delivery Vehicle, Zero carbon Homes Charter and Routemap.
2/11/20			Local Plans: Progress, Zero Carbon Homes Programme, Advanced Manufacturing in Construction
7/9/20			CV19 Recovery – Town Centre Living and Regeneration, Advanced

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			Manufacturing in Construction Routemap.
		27/4/20	Affordable Homes delivery vehicle, Zero Carbon Homes
		15/1/20	Affordable housing policy, Inclusive Growth Corridors – Delivery and Investment Plans.
		30/9/19	Regional Design Charter and Modern Methods of Construction
		21/2/19	Regional Design Charter and Town Centres Programme
		20/12/18	Growth Corridors and Strategic Development Opportunities
		6/9/18, 25/10/18	Town Centres Programmes
		21/2/18, 16/7/18	WMCA Spatial Investment and Delivery Plan
	Black Country Local Enterprise Partnership	12/2/20	Presentation to LEP Place Board on Black Country Plan emerging evidence and key issues.
		1/7/19	Presentation to LEP Board on Key issues and opportunities, the emerging Vision and evidence update.
		June 2019	Presentation to LEP Place Board on Key issues and opportunities, the emerging Vision and evidence update.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
		17/12/18	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)	11 th May 2018 10th September 2019 5th March 2020 8th December 2020 10th June 2021	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

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>allocate 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 issues) on 14 January 2020 and 9 June 2021.</p>
	West Midlands Aggregates Working Party (WMAWP)	13th July 2018 9th July 2019 8th October 2019 23rd April 2020 16th April 2021	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.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>WMAWP has been kept updated on the evidence base produced by Wood consultants (including a detailed 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>
Regional Stakeholder Meeting	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

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			involvement of the WMCA transport Support Group.
Regional Stakeholder Meeting	West Midlands Combined Authority Transport Support Group (TSG) (formerly Connected to Growth Group)	Quarterly 2017-2020, Monthly 2020-21	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 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 2017-21	Implementation of the current MOU. Update of the evidence base during 2018-21 (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 SFRA and Water Cycle Study work.
	WMCA	2018-21.	Various discussions to ensure alignment of the Black Country Plan with WMCA strategic priorities.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
	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 Country Council School Organisation and South Staffordshire Council Planning Teams.	12/6/19, Various dates in 2021	Potential cross-boundary implications of future housing development within the Black Country and South Staffordshire on school place provision and planning.
To discuss health needs in the Black Country & develop & agree BCP policies on health, including developer contributions.	Dudley, Sandwell & West Birmingham, Walsall + Wolverhampton Clinical Commissioning Groups (CCGs) (now Black Country & West Birmingham CCG); Royal Wolverhampton Hospital Trust; Dudley, Sandwell, Walsall & Wolverhampton LPAs & Public Health Departments; NHS Improvement (some); West Midlands Fire Service (to 10/6/19); Dudley Council Transportation (14/5/21); Transport for West Midlands (16/7/21), Wolverhampton Council Estates (16/7/19 &	1/7/21, 13/5/21, 29/1/21, 23/10/20, 24/6/20, 7/1/20, 20/9/19.	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 housing allocations in BCP, evidence base/ SPD to support policies. Plus BCP accessibility standards for new healthcare facilities (24/6/20 only), draft Sustainability Assessment & Viability Assessment

Meeting type	Public body / organisation	Meeting dates	Topics discussed
	20/9/19); Active Black Country (from 29/1/21).		(29/01/21 & 13/05/21), BCP Infrastructure Delivery Plan (29/01/21 & 13/05/21), Black Country Garden City (13/05/21)
		16/7/19	More detailed discussion on NHS's SHAPE model, TRACC accessibility model used by TfWM/ BCAs & how they can be used collaboratively in planning health infrastructure
		10/6/2019	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
		14/5/19	How BCP housing targets relate to CCG/ NHS Estates Strategies & TfWM/ BCA assessment of accessibility to support location of services.
		9/4/2019	Background housing needs of BCP. Draft policies on hot food takeaways & other uses giving rise to health

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			concerns, on infrastructure needs & funding arrangements.

Meeting Type	Public Body/Organisation	Meeting Dates	Topics Discussed
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.
		14/08/2023	Letter received from South Staffs
	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
Lichfield DC		01/09/2022	Draft SoCG produced but not yet signed
		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
Telford Council		19/05/23, 23/05/23, 04/07/23, 08/08/23	General update of where we are with local plans. No discussion re meeting need. Sandwell to send formal letter 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 st August 2024	Meeting between Black Country Authorities and Telford to discuss potential contributions to unmet need and Local Plan timetables.
Black Country Planning Leads		Continue to meet every 4-6 weeks 22 nd February 2024, 9 th April 2024, 6 th June 2024, 9 th July 2024, 5 th September 2024	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.
		Draft letters agreeing to apportionment method received Sept/Oct 2023	Draft letters received from BCAs – awaiting sign-off

		Letter to BCAs regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfalls	Letter of 20 th June 2024 Responses received from all but Wolverhampton City Council
	Dudley Council	9 th May 2024	Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common ground, progress on both the SLP and DLP
	Walsall Council	9 th May 2024	Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common ground, progress on both the SLP and WLP
	City of Wolverhampton Council	3 rd March 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 as yet
		Letter of 20 th June 2024	Letter to BCC regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall
		20th June 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 th June 2024	Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall. Response has been received.
	Cannock Chase DC	17/08/2023	Letter sent requesting discussion on issues – no response received

		20 th June 2024	Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall. Response has been received.
	Stratford Upon Avon	17/08/2023	Letter sent requesting discussion on issues – no response received.
		20 th June 2024	Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall. Response has been received.
	Solihull MBC	17/08/2023	Letter sent requesting discussion on issues – no response received.
		20 th June 2024	Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall. No response received.
	Tamworth Borough Council	17/08/2023	Letter sent requesting discussion on issues – no response received.
		20 th June 2024	Letter regarding clarification on status of local plan and to assess any likely contributions to address housing and employment shortfall. 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.

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 th February 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 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

ABCA

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

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.

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.

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 Study¹ 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 Plan². 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

¹ https://www.birmingham.gov.uk/downloads/file/1750/pg3_housing_delivery_on_green_belt_options_2013pdf

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
Total		Up to 10,500-12,500	TBD**



* - 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 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 – 17th August 2023

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



By email: Redacted

From: Redacted

FAO: Redacted

Email: Redacted

Date: 17th 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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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: 17th 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.

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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www.sandwell.gov.uk

Sandwell Council's letter to South Staffordshire District Council Council – sent 5th July 2023



By email: Redacted

From: Redacted

FAO: Redacted

Email: Redacted

Date: 5th 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~~to C~~) 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 D~~to C~~ 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 (So~~CG~~) 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

South Staffs Response to Sandwell's letter



Sent via email to:

[REDACTED]

Please ask for: Ed Fox

Direct Dial: [REDACTED]

Email: [REDACTED]

14th 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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Twitter: [@south_staffs](https://twitter.com/south_staffs) • Facebook: [South Staffordshire Council](https://www.facebook.com/SouthStaffordshireCouncil)



- 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 – 13th September 2023



By email: Redacted

From:

FAO: Redacted

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:

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, 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 MBC, Sandwell Council House, Freeth Street, Oldbury, West Midlands. B69 3DE
www.sandwell.gov.uk

Sandwell's Letter to Shropshire County Council – 8th August 2023



By email: Shropshire Council

FAO: Edward West

From: Philippa Smith

Email: [REDACTED]

Date: 8th 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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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

Letter to Lichfield District Council – 8th August 2023



By email: Lichfield Council

FAO: Patrick Jervis

From: Philippa Smith

Email: [REDACTED]

Date: 8th 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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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 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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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:

Housing Need to 2041	
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
Housing Supply to 2041	
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
Shortfall	9,174 - 18,231

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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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

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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: 31st 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:

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

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 26th 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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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 5th 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 – 11th September 2023

Council House, Priory Road, Dudley, West Midlands DY1 1HL
www.dudley.gov.uk



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 31st 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 26th 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



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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
Total	9,405	100.0	6,533	100.0

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
Total	1,501*	2,000

*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 Popplewell (Planning Policy Manager) [REDACTED].

Yours sincerely



Carl Mellor
Head of Planning

Cc Philippa Smith – Sandwell MBC



Appendix Six

Letter to neighbouring authorities of 20th 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:

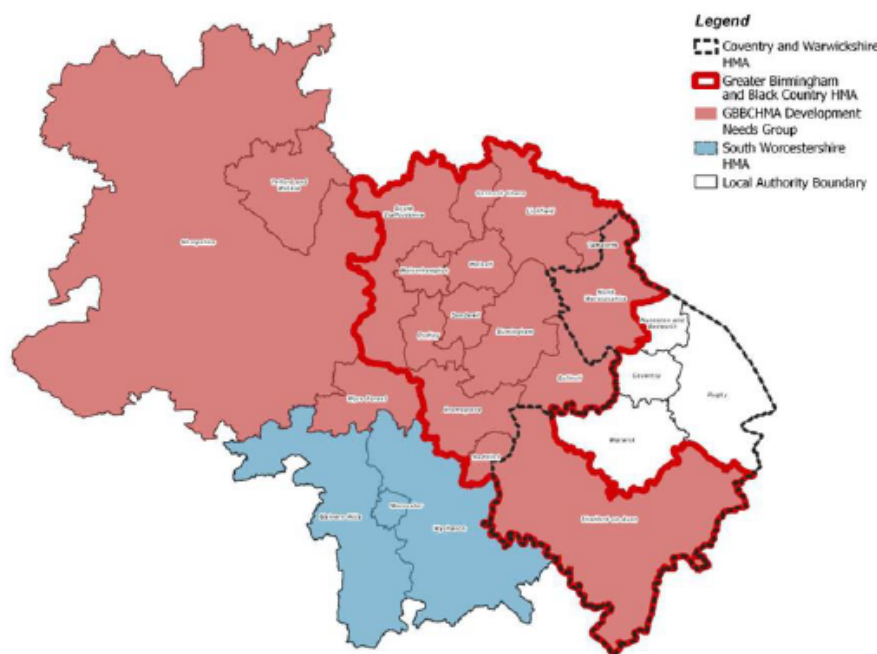
- Dudley – shortfall of 1078 homes 2022-41 as set out in the 2024 Regulation 18 Local Plan consultation <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/draft-dudley-local-plan-consultation/dudleys-draft-local-plan-consultation-documents>
- Walsall – shortfall of 11,329 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%20Housing%20Land%20Availability%20Assessment%202022.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>

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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.¹ Through the site assessment process for the SLP, Sandwell identified provision for 10 pitches.

¹ 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

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- 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 5th 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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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