

**Solihull Local Plan Examination
Matters, Issues and Questions identified by the Inspectors**

Matter 2 – The duty to co-operate

Issue

Whether the Council has complied with the duty to co-operate in the preparation of the Local Plan.

N.B. the duty to co-operate concerns the preparation of the Local Plan as far as it related to strategic matters. This covers the period up to, but not after the submission of the Local Plan and strategic matters are defined in S33A (4) of the Planning and Compulsory Purchase Act 2004. Issues of soundness are dealt with under other matters.

Questions

Housing requirement, overall housing provision and unmet need in the wider Housing Market Area (HMA)

4) What is the situation regarding potential unmet housing need in the wider HMA beyond 2031?

The last consistent assessment of potential unmet housing need across all GBHMA authorities came from the 2018 GBHMA Strategic Growth Study, which estimated there was a 60,900 dwelling shortfall up to 2036 across the GBHMA, primarily arising from the conurbation (i.e. the Black Country and Birmingham)¹. Since this study was concluded the position beyond 2031 has not been comprehensively revisited across the whole GBHMA by subsequent GBHMA position statements. However, more recent statements have acknowledged the shortfall arising from the Black Country Plan review, the vast majority of which (over 20,000 dwellings) arises post 2031².

As set out in our answer to Matter 3 (4), we consider there has been clear evidence of an emerging post 2031 housing shortfall from the Black Country local authorities which cannot be accommodated within their urban area. For the reasons set out above, this issue has been clearly set out since 2017/18, having informed Local Plan Review policies in South Staffordshire's case, and has been corroborated by the findings of the GBHMA Strategic Growth Study 2018. The exact scale of the shortfall has varied between 17,200 dwellings (up to 2036) and 36,800 dwellings (up to 2039), but has remained significant over a number of years nonetheless. As set out under Matter 3(4), it is clear from both correspondence received from the Association of Black Country Authorities and the findings of the GBHMA Strategic Growth Study that the shortfalls will not be met by Green Belt release within the Black Country's administrative area alone. These findings have been subsequently reinforced by the publication of the Draft Black Country Plan in July 2021.

¹ See paragraph 9.8 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

² See paragraphs 4.2 and 4.3 of the GBHMA Position Statement 2020 available here; https://www.birmingham.gov.uk/downloads/file/17438/greater_birmingham_and_black_count_ry_housing_market_areas_position_statement_2020

5) What is the Council's position regarding co-operation to resolve this issue and is this an appropriate approach? Is there sufficient basis to take an alternative approach at this stage? What are the implications of having a plan period to 2036?

South Staffordshire considers there is a sufficient basis to take an alternative approach to the Council's proposed housing target for the reasons set out in response to Matter 3 (6), (7) and (8) below. It considers this a matter of soundness that the plan must better address, particularly given that the proposed plan period runs well beyond 2031.

6) What is the position of other authorities in terms of the Council's approach to unmet need up to 2031 and beyond? What specific concerns were raised through duty to co-operate discussions or representations on the Local Plan?

South Staffordshire District Council has previously indicated its concerns to Solihull that recommendations and evidence set out in the GBHMA Strategic Growth Study 2018 have not been accommodated within the proposed plan and that the proposed approach to site selection set out in the Site Assessment Paper may not be consistent with the use of Green Belt and landscape evidence elsewhere in the GBHMA. These points have been made to Solihull through previous Local Plan representations. We have also clearly communicated the need to address post 2031 shortfalls to Solihull and the wider GBHMA through the GBHMA Officers Group and through the joint Statement of Common Ground prepared between South Staffordshire and Solihull prior to this examination.

7) Specifically, what is the position of other authorities in terms of the Council's compliance with the duty to co-operate on these strategic matters?

We do not consider that the points raise in our response to Matter 2 (6) above or in Matter 3 represent an issue of Duty to Co-operate compliance. However, we do have concerns that the final plan is not sound for the reasons set out under Matter 3 and that these issues must be dealt with now, rather than being deferred, through main modifications to the plan.

Matter 3 – The housing requirement/overall housing provision

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the housing requirement and overall housing provision.

Relevant policy – P5**Questions***Unmet need in the wider HMA*

4) What is the scale of unmet housing need in the wider HMA up to 2031? Should this assessment relate only to Birmingham or also include the Black Country Authorities?

The latest GBHMA Position Statement 2020 (available [here](#)) provides the latest evidence of GBHMA unmet needs up to 2031. This includes housing supply shortfalls from both Birmingham and the Black Country up to this end date, and also notes the emerging scale of the housing shortfall arising from the Black Country beyond 2031.

The District Council is of the view that the Black Country's housing shortfall (both pre and post 2031) is a matter which should be addressed now.

There has been consistent evidence of an emerging and substantial housing shortfall emerging from the Black Country's urban area from as early as 2017, when a 21,670 dwelling shortfall was identified from the Black Country's urban area³. This has been corroborated by successive urban capacity studies produced by the Black Country, summarised in Table 1 below.

Table 1: Black Country urban capacity shortfalls over time

Black Country Study	Shortfall conclusions	Link
Urban Capacity Review May 2018 (Table 4)	Urban housing shortfall of between 17,800 and 17,200 arising solely from the Black Country up to 2036, even after increased densities and large windfall site increases.	Not currently available online; can be provided on request
Urban Capacity Review December 2019 (Table 7)	Increased Black Country urban housing shortfall of 26,918 dwellings up to 2038, even after additional sources of urban supply are maximised.	Available here
Urban Capacity Review Update May 2021 (Table 7)	Further increased Black Country urban shortfall of around 36,819 dwellings up to 2039.	Available here

The findings of these reports were also reinforced by the findings of the GBHMA Strategic Growth Study in 2018. This concluded that once all existing and proposed supply was accounted for across the GBHMA (including the Black Country), there was

³ See page 23 of the Black Country Issues and Options Report 2017, available here; <https://blackcountryplan.dudley.gov.uk/t2/p2/t2p2c/>

still a cumulative housing shortfall of 28,150 dwellings up to 2031 and 60,900 dwellings up to 2036. This was despite Solihull's proposed 2,000 dwelling contribution to unmet needs already being accounted for in supply at that point in time⁴.

There have also been strong indications for some time that the Black Country is unlikely to be able to accommodate this urban shortfall within its own Green Belt. In July 2018, the Black Country wrote to all GBHMA authorities (and others) requesting an indication of whether authorities could assist in accommodating unmet housing needs from the Black Country. Equally, the Black Country have previously indicated in late 2019 that Green Belt options within its administrative area were unlikely to be able to accommodate this extent of housing shortfall⁵. This impression is reinforced by the findings of the GBHMA Strategic Growth Study 2018. This recommended that a number of strategic Green Belt and non-Green Belt developments would be necessary across the GBHMA in order to address the cumulative shortfalls of the GBHMA (i.e. including the Black Country's), both up to 2031 and 2036⁶. The majority of these were outside of the Black Country's administrative area.

Finally, the inspector examining South Staffordshire's Site Allocations Document in 2018 inserted an immediate Local Plan Review policy into that document, requiring that this review should examine "[t]he potential role of housing supply options within the District to meet unmet cross boundary needs from the wider Greater Birmingham Housing Market Area (GBHMA), including from the Black Country" and that this would also require "[a] comprehensive Green Belt Review undertaken jointly with the Black Country authorities"⁷. Whilst these conclusions were reached some time ago, they do suggest that an inspector considered the Black Country's housing shortfall a strategic cross-boundary matter requiring a response in local plans as early as 2018.

Taken together, the above points clearly show that the Black Country's housing shortfalls have been a strategic matter requiring a cross-boundary response for some time. Therefore, assessments of GBHMA housing shortfalls both up to 2031 and beyond must include consideration of the Black Country Authorities.

5) For Plans that have plan periods beyond 2031 (such as this Local Plan) should the contribution they make to unmet need up to 2031 be calculated on a pro rata basis?

We are unclear of what this approach would exactly entail so it is difficult to comment conclusively. However, as a general principle we would not support any approach to apportioning shortfalls that did not have regard to the existing and potential infrastructure opportunities, sustainability principles, public transport infrastructure and Green Belt purposes of broad locations across the GBHMA. A pro-rata approach risks ignoring these crucial points and therefore reinforcing an unsustainable pattern

⁴ See paragraph 1.23 and Table 7 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

⁵ See the Association of Black Country Authorities response to South Staffordshire's 2019 Local Plan consultation available here; [https://www.sstaffs.gov.uk/planning-files/Spatial-housing-strategy-statutory-bodies-and-stakeholders/ABCA%20SHSID%20\(1\)%20Final%20Letter.pdf](https://www.sstaffs.gov.uk/planning-files/Spatial-housing-strategy-statutory-bodies-and-stakeholders/ABCA%20SHSID%20(1)%20Final%20Letter.pdf)

⁶ See paragraphs 1.95 – 1.103 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

⁷ See Policy SAD1 of the 2018 Site Allocations Document, available here; <https://www.sstaffs.gov.uk/doc/179829/name/APP2%20SAD%20September%202018%20FINAL.pdf/>

of development across the GBHMA. We consider that post 2031 contributions should, in the first instance, reflect the delivery of the strategic growth locations GBHMA Strategic Growth Study evidence base.

6) What is the situation regarding potential unmet housing need in the wider HMA beyond 2031?

The last consistent assessment of potential unmet housing need across all GBHMA authorities came from the 2018 GBHMA Strategic Growth Study, which estimated there was a 60,900 dwelling shortfall up to 2036 across the GBHMA, primarily arising from the conurbation (i.e. the Black Country and Birmingham)⁸. Since this study was concluded the position beyond 2031 has not been comprehensively revisited across the whole GBHMA by subsequent GBHMA position statements. However, more recent statements have acknowledged the shortfall arising from the Black Country Plan review, the majority of which (over 20,000 dwellings) arises post 2031⁹.

As set out in our answer to Matter 3 (4), we consider there has been clear evidence of an emerging post 2031 housing shortfall from the Black Country local authorities which cannot be accommodated within their urban area. For the reasons set out above, this issue has been clearly set out since 2017/18, having informed Local Plan Review policies in South Staffordshire's case, and has been corroborated by the findings of the GBHMA Strategic Growth Study 2018. The exact scale of the shortfall has varied between 17,200 dwellings (up to 2036) and 36,800 dwellings (up to 2039), but has remained significant over a number of years nonetheless. As set out under Matter 3(4), it is clear from both correspondence received from the Association of Black Country Authorities and the findings of the GBHMA Strategic Growth Study that the shortfalls will not be met by Green Belt release within the Black Country's administrative area alone.

7) Should this Local Plan seek to address such need? Is there a clear basis to do this?

We consider that Solihull should take greater steps to seek to deliver the proposed new settlement at Balsall Common identified in the GBHMA Strategic Growth Study 2018. Even if the Council does not consider the exact location proposed by that study to be deliverable, it should examine other land supply alternatives within its area more thoroughly before concluding that it cannot increase its contribution to GBHMA unmet needs. As it stands, the contribution to GBHMA unmet needs proposed by Solihull does not appear materially different to the 2,000 dwelling contribution it has been proposing since November 2016¹⁰. This is despite the adoption of the Birmingham Development Plan in 2017, the more recently established Black Country housing shortfalls over the 2017-20 period and the findings of the 2018 GBHMA Strategic Growth Study all occurring since this point in time. This does not suggest that the contribution proposed by Solihull to GBHMA unmet needs is effective, as it

⁸ See paragraph 9.8 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

⁹ See paragraphs 4.2 and 4.3 of the GBHMA Position Statement 2020 available here; https://www.birmingham.gov.uk/downloads/file/17438/greater_birmingham_and_black_county_housing_market_areas_position_statement_2020

¹⁰ See Table 7 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

currently appears to defer this plan's role in addressing much of the evidence regarding GBHMA shortfalls that has emerged over the last 4 years.

We would suggest that Solihull's numerical contribution to GBHMA unmet needs should be increased to reflect the potential to deliver a new settlement at Balsall Common, as recommended in the GBHMA Strategic Growth Study 2018¹¹. If it is considered that there may be deliverability issues that would prevent the new settlement at Balsall Common from being delivered, then we would expect the Council to explore similar typologies within its area that may share some of the benefits of the area of search identified in the GBHMA Strategic Growth Study¹² (e.g. sites in close proximity to the conurbation, with sustainable transport links into it) or other sustainably located site options within its administrative area that may provide more suitable alternatives. The lack of progress on this recommendation to date will have already exacerbated the extent of the housing shortfalls across the GBHMA. Due to the lead-in times associated with large scale developments it was necessary to begin work to deliver new settlement recommendations set out by the study back in 2018¹³. It is therefore imperative that strategic locations such as this are progressed now through current local plans, rather than being deferred to future reviews.

If the GBHMA Strategic Growth Study findings and post 2031 shortfalls are not deemed appropriate to enforce at local plan examinations then this will represent a significant backwards step in addressing housing shortfalls across the GBHMA. South Staffordshire is currently planning to deliver a 4,000 dwelling contribution towards the unmet needs of the GBHMA, based upon the findings of the 2018 Strategic Growth Study and the strategic growth locations recommended within that study. This approach was proposed as early as 2018 and sought views from neighbouring and other GBHMA authorities at multiple stages, to ensure it was genuinely a proportionate response to the evidence of unmet needs across the market area. We have taken this approach as this is the only evidence-base prepared across the GBHMA that consistently assesses existing and potential infrastructure opportunities, sustainability principles, public transport infrastructure and Green Belt purposes of broad locations with input from all GBHMA authorities. If this evidence base is no longer deemed appropriate to use in this examination it will undermine progress in our Local Plan Review and raise questions regarding whether exceptional circumstances genuinely exist across the GBHMA to deliver Green Belt development towards unmet housing needs.

Capacity of the Borough to accommodate housing

8) Is the Council's capacity based approach justified? Is there any basis to take a different approach i.e. establish an appropriate contribution to unmet need in the HMA and then ensure adequate land is identified?

We don't consider that the Council's capacity-based approach to its housing requirement is justified. It appears that the housing requirement and the contribution

¹¹ See Figure 10 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

¹² As set out in Paragraphs 8.95-8.97 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

¹³ See paragraph 10.49 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

to the unmet needs of the housing market area have been determined on the basis of the capacity of the sites allocated through Solihull's site selection process.

This site selection process does not appear to have reflected or given extra weight to the spatial recommendations made in the GBHMA Strategic Growth Study and appears to have delivered a GBHMA unmet needs contribution that is not any different to that which Solihull originally proposed back in November 2016. This risks displacing growth that may be better accommodated within Solihull into other less sustainable areas within the housing market area.

We consider that Solihull's site selection process should be revisited to fully explore the following opportunities in order:

(a) the potential for a rail-based new settlement "Between Birmingham and Coventry"¹⁴ (i.e. the GBHMA Strategic Growth Study recommendation for the Borough)

or, if this is truly not deliverable:

(b) alternative site suggestions that share many of the benefits of the proposed new settlement area of search between Birmingham and Coventry (e.g. proximity to the conurbation and sustainable transport links into it)

We consider that an approach that seeks firstly to truly establish Solihull's full potential capacity in these key strategic locations is the appropriate approach to sustainably determining the borough's contribution to the GBHMA unmet housing needs. This approach would have regard to the findings of the GBHMA Strategic Growth Study, ensuring that development is focused in broad locations and typologies considered more sustainable than other options elsewhere within the GBHMA. This contribution could then be agreed with the GBHMA authorities generating housing shortfalls (i.e. Birmingham and the Black Country) to ensure it was proportionate to their unmet needs. Conversely, we would not support first seeking to identify a housing target for the borough, before then seeking land to meet it. Such an approach would have no regard to the broad sustainability of land options in Solihull compared to those in the wider GBHMA and could result in an unsustainable pattern of development.

13) Is the conclusion that there is total capacity for 15,017 dwellings in the plan period (and therefore a contribution of 2,105 dwellings to Birmingham's unmet needs) justified?

If the total capacity of 15,017 dwellings is being presented as the absolute maximum housing capacity that Solihull can accommodate, then we do not believe this contribution is justified for the reasons given in answer to Matter 3 (14).

14) Is there scope to identify more housing land to increase this contribution?

As set out in our previous Matter 3 responses, we believe that this Local Plan should seek to accommodate all strategic growth recommendations made for Solihull in the GBHMA Strategic Growth Study 2018, or should propose alternative growth locations with similar benefits to offset any lost capacity from not delivering this recommendation. We do not believe it is appropriate for Solihull to discount levels of

¹⁴ See paragraph 8.95 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>

growth that would deliver these recommendations, as the GBHMA Strategic Growth Study provides an evidence base to show that they are the most sustainable options available to the GBHMA. If they are not delivered, by implication, other less sustainable areas will be required.

At a site-specific level we do not have confidence that the site assessment process set out most recently in the 'Site Assessments Re-Issue March 2021' truly reflects the upper limit of what could be accommodated in Solihull. It appears from this that a large proportion of site suggestions have been discounted primarily on the basis of the Council's own Green Belt/landscape criteria, including officer judgements regarding whether a site would create defensible boundaries or unacceptably reduce gaps between settlements. We count in the region of 65 sites that appear to not have been selected on this basis, with theoretical capacity for over 10,000 dwellings. See **Appendix 1** of this response for these.

On the face of it this appears a far more limiting set of factors than the approach advocated by the Black Country local authorities elsewhere within the same housing market area (in assessing their Green Belt). The Black Country do not appear to advocate discounting Green Belt land based upon perceived indefensible boundaries or reductions in settlement gaps, only appearing to automatically discount sites where they are in both the highest areas of Green Belt harm and the highest areas of landscape sensitivity¹⁵. The Black Country have also re-confirmed this position through the recently published Draft Black Country Plan Site Assessment Report¹⁶.

We also have concerns that many sites have been discounted based upon other constraints, often being considered isolated from/poorly related to nearby settlements. Whilst we agree with many of the judgements made in the Site Assessments Re-Issue March 2021 paper, there are a significant number of sites which appear to have been considered isolated despite being directly adjacent to neighbouring settlements and having clear footway/vehicular access points into them, or could feasibly form freestanding new settlement opportunities. We estimate that around 31 sites with capacity for over 11,000 dwellings have been discounted in part because of these points (in combination with the Green Belt/landscape judgements flagged in the previous paragraph). See **Appendix 2** of this response for these.

Cumulatively, we believe that within the sites set out above there may be scope to identify additional land to contribute towards the unmet needs of the GBHMA. We do not think it would be sustainable or desirable to allocate all of the sites flagged above, but we believe there are clearly other site options available to Solihull to consider. These could be prioritised for allocation in line with our response to Matter 3 (8) in order to identify a greater contribution to unmet housing needs from the wider GBHMA.

15) Is this actually necessary given likely supply from elsewhere in the HMA up to 2031?

For the reasons set out in our response to Matter 3 (4) and (6), we believe there has

¹⁵ See the Association of Black Country Authorities response to South Staffordshire's 2019 Local Plan consultation available here; [https://www.sstaffs.gov.uk/planning-files/Spatial-housing-strategy-statutory-bodies-and-stakeholders/ABCA%20SHSID%20\(1\)%20Final%20Letter.pdf](https://www.sstaffs.gov.uk/planning-files/Spatial-housing-strategy-statutory-bodies-and-stakeholders/ABCA%20SHSID%20(1)%20Final%20Letter.pdf)

¹⁶ See Diagram 2 of the 2021 Draft Black Country Plan Site Assessment Report August 2021, available here; <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4/>

been a clear emerging shortfall within the GBHMA, some of which arises before 2031, although the majority arises beyond the 2031 period.

If increases in supply are not required for shortfalls beyond 2031 then this will effectively imply that the Black Country's post 2031 unmet need in particular is not a strategic cross boundary matter which needs to be addressed. Concluding that increases in supply are not necessary because of land supply in the HMA up to 2031 would substantially set back plan-making elsewhere in the GBHMA, where Councils are preparing plans for periods well beyond 2031 and are seeking to address unmet needs beyond this date. Equally, it would harm the ability to the GBHMA to meet unmet needs beyond 2031 at a later date, as the GBHMA Strategic Growth Study was clear that large strategic growth recommendations needed to be delivered as soon as possible in order for the post 2031 unmet needs to be met¹⁷.

¹⁷ See paragraph 10.49 of the 2018 GBHMA Strategic Growth Study, available here; <https://www.solihull.gov.uk/sites/default/files/2020-12/Greater-Birmingham-HMA-Strategic-Growth-Study-Feb-2018.pdf>