



**South Staffordshire Local Plan Examination
Response to Matter 2: Duty to Co-operate**

Wain Estates

April 2025

Introduction

This statement Matter 2 (Duty to Co-operate) of the examination of the South Staffordshire Local Plan Review (SSLPR) is submitted by Wain Estates (Land) Ltd ('Wain Estates'). Separate representations have been submitted in respect of the following Matters:

- Matter 3: Vision and Strategic Objectives
- Matter 4: Development Needs and Requirement
- Matter 5: Spatial Strategy
- Matter 7: Site Allocations
- Matter 8: Delivering the Right Homes
- Matter 9: Housing Land Supply
- Matter 12: Building a Strong Local Economy
- Matter 14: Protecting and Enhancing the Natural Environment
- Matter 16: Enhancing the Historic Environment

It follows representations submitted on behalf of Wain Estates (by Emery Planning) to the (Regulation 19) Pre-submission Draft of the South Staffordshire Local Plan Review in May 2024 in respect of our land interests at Penkridge Road, Acton Trussell which we are promoting for residential development. For reference, the representations comprised those identified under the following Representation IDs by the Council: AGT24-016-02-01 to AGT24-016-02-14.

The National Planning Policy Framework [NPPF] outlines that during the examination process, a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspector's questions which set out why Wain Estates considers changes to the are necessary to ensure the soundness of the plan.

The Plan was submitted on the 11th December 2024 and thus the December 2023 NPPF is wholly applicable for the purposes of assessing this plan, in accordance with paragraph 234 to 236 of the revised December 2024 NPPF. Reference is therefore made to the December 2023 NPPF in response to the Inspector's questions, unless otherwise stated.

This Statement has been prepared in line with the Guidance Note for the Examination (SST/ED8).

Matter 2: Duty to Co-operate

Issue 1: Whether the Council has complied with the Duty to Co-operate in the preparation of the Plan.

Questions:

1. Have all the genuinely strategic matters requiring cross boundary co-operation been identified?

We do not consider that the Duty to Co-operate been complied with. The 2018 Site Allocations Document (Policy SAD1) made a commitment to undertake an immediate review of the Local Plan to help address the emerging housing shortfall emanating from the GBBCHMA and we do not consider that this has been achieved.

The Council forms part of the GBBCHMA together with 13 other local authorities. There is a significant cross-boundary issue in relation to the unmet housing needs of Birmingham City and the four Black Country Authorities (Dudley, Sandwell, Walsall and Wolverhampton). This is recognised both through the existing plan (and the identified need for an early review), and also the proposed contribution in the SSLPR of 640 dwellings over the period 2023 to 2041 to meet the GBBCHMA's needs. Therefore, the issue of housing and unmet needs of neighbouring authorities is key, and ought to be properly addressed through the Duty to Co-operate.

The Publication Local Plan acknowledges that significant unmet housing need was arising across the GBBCHMA. Paragraph 5.10 states:

“Recognising the existing and emerging shortfalls, the fourteen GBBCHMA local authorities jointly prepared the GBBCHMA Strategic Growth Study in 2018. This drew together existing evidence on housing supply and need across the entire housing market area, estimating that at that time the unmet needs of the GBBCHMA sat at around 28,000 dwellings up to 2031, rising to nearly 61,000 dwellings by 2036. Subsequently consultation by the Black Country authorities in 2021 and Birmingham City Council in 2022 indicated a potential shortfall of 28,239 and 78,415 homes respectively, indicating that the shortfall is likely increasing.”

The South Staffordshire Publication Local Plan 2022 proposed a contribution of 4,000 dwellings between 2022- 2039 to assist with addressing unmet needs, informed by the 2018 Strategic Growth Study. However, the 2024 Publication Plan now proposes a contribution of only 640 dwellings over the plan period up to 2041. The Council's justification states that the Strategic Growth Study is no longer up to date and cannot underpin the basis of the proposed contribution to the GBBCHMA.

Whilst the Strategic Growth Study may require updating, the Council acknowledges that there is a very significant shortfall. In that context it is totally illogical to arrive at a reduced contribution of 640 dwellings. Furthermore, if the Strategic Growth Study needs updating then the onus is on the Council to do that immediately, given the context of the Local Plan Review which is to grapple with this issue. Paragraph 35 of the NPPF states that to be effective, plans must be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.

The Council's reasoning for very significantly reducing the contribution made towards the unmet needs of the GBBCHMA also refers to the changes introduced in the 2023 NPPF, claiming that there is no requirement for Green Belt boundaries to be reviewed or changed when Local

Plans are being prepared. Paragraph 5.9 of the April 2024 Duty to Co-operate Topic Paper (DC2) states that the Council considers it a 'gift' to choose to release Green Belt land 'where they could demonstrate exceptional circumstances'. That is simply not the case, as the Duty to Co-operate remains in place, as does the NPPF requirement to take into account unmet need from neighbouring areas. But in any event, in this case there are also non-Green Belt options available to the Council to meet the unmet needs. We are promoting an omission site that lies outside of the Green Belt. These non-Green Belt options have not been maximised in the chosen strategy.

The April 2024 Duty to Co-operate Topic Paper states at paragraph 5.7 that the GBBCHMA authorities, along with Shropshire Council, Telford & Wrekin and Wyre Forest, are progressing a Statement of Common Ground (SoCG) dated August 2022 to deliver a review of the 2018 Strategic Growth Study. The Council states that they have played a leading role in drafting the document and will continue to be an active participant in any cross-boundary related evidence to address this issue. However, the SoCG has only been signed by 9 out of 17 parties despite being prepared over two years ago and retains the reference to a contribution of 4,000 dwellings from the Council.

The more recent 'Statement of Common Ground Regarding Housing Shortfall Position in the GBBCHMA at 29 November 2024' (SST/ED11) identifies the following shortfall for Birmingham City and the four Black Country Authorities at paragraph 4.32:

"Table 1 below provides a summary of the emerging shortfall for the plan period 2023 – 2042. This indicates that currently there are shortfalls for Birmingham, Dudley, Sandwell, Walsall and Wolverhampton. This shortfall, as evidenced in the Regulation 18 and Regulation 19 Local Plans, totals approximately 76,427 homes".

It notes at paragraph 5.1 that at present such shortfalls have not been subject of examination and this shortfall could change as more local plan reviews progress.

In terms of contributions to this shortfall, the November 2024 SOCG notes at paragraph 4.33:

"Alongside this a number of contributions (4,290 homes) have been offered towards the shortfall. This included contributions from South Staffordshire, Cannock Chase, Shropshire and Telford & Wrekin. These contributions are made specifically towards the Black Country's needs (e.g. from Shropshire and Telford & Wrekin Councils) or GBBCHMA's unmet needs (e.g. from South Staffordshire and Cannock Chase Councils)".

The contributions currently proposed, including South Staffordshire's contribution of 640 homes, fall way below the shortfall identified.

The November 2024 SOCG also notes the following at paragraphs 6.1 and 6.2:

"The GBBCHMA is committed to working together and with all neighbouring Local Plan areas to progress a programme of evidence base work to inform the work of the HMA and further updates of this statement of common ground.

The existing evidence base is in need of review to allow for a clear and up-to-date picture on unmet housing needs across the HMA beyond 2031. As such, at the time of writing this statement of common ground, the GBBCHMA is seeking to commission an update of the 2018 Housing Market Area Growth Study to re-evaluate the housing shortfall in light of more recent evidence and policy and to develop scenarios designed to address this shortfall. It is anticipated that this Study will commence in early 2025. This Statement of Common Ground will be revisited and refreshed when the updated Growth Study is published and has been agreed".

We also note that the November 2024 SOCG is identified as an 'Officer Agreed Version' but has not been signed the Council and any of the neighbouring authorities.

With the above context in mind, we do not consider that the Duty to Co-operate has been complied with. The onus is on the Council to adduce the evidence to demonstrate that the Duty to Co-operate has been complied with in accordance with paragraphs 26 and 27 of the NPPF. However, the joint working has clearly not been effective. The plan's proposed contribution to meet the GBBCHMA's needs – just 640 dwellings to 2041 – does not come close to meeting the unmet needs in full, and is not part of any coherent or justified strategy towards meeting that objective.

Whilst the Duty to Co-operate is not a duty to always agree with one's neighbours, in this case the issue of the HMA's unmet needs has been well known for several years and is the primary reason for the Local Plan Review. However, aside from the unjustified contribution of only 640 dwellings (reduced from 4,000 dwellings with very limited justification and seemingly little to no discussion with neighbouring authorities), the plan simply seeks to defer the issue, contrary to paragraph 35 of the NPPF. The next plan will be several years away, at which point the Council could well argue that once again the updated Strategic Growth Study needs to be updated again. In a national and local housing crisis, the Council's approach is the antithesis of good plan making and clearly contrary to the spirit of the Duty to Co-operate.

The Council has failed to engage constructively with neighbouring authorities to resolve significant cross-boundary issues relating to unmet housing needs. The proposed contribution towards meeting GBBCHMA's housing needs is wholly unjustified and does not demonstrate effective co-operation. We therefore do not consider that the Publication Local Plan complies with the Duty to Co-operate and further work must be undertaken to resolve this.

2. Have the neighbouring authorities and prescribed bodies the Council is under a legal duty to co-operate with been correctly identified?

No comment.

3. Has any neighbouring authority or prescribed body indicated that the duty to co-operate has not been complied with in relation to any strategic matter? If so, what was the Council's response?

No comment.

4. Who has the Council engaged with in terms of overall housing provision and what form has this taken?

No comment.

5. In terms of migration, commuting, travel to work and housing markets:

a. What are the inter-relationships with neighbouring authority areas?

No comment.

b. How have these been taken into account in preparing the Local Plan?

No comment.

6. Who has the Council engaged with in terms of overall employment land provision and what form has this taken?

No comment.

7. In terms of migration, commuting and travel to work areas:

a. What are the inter-relationships with neighbouring authority areas?

No comment.

b. How have these been taken into account in preparing the Local Plan?

No comment.

8. Are the co-operation activities and outcomes sufficiently evidenced? Have all relevant signed and dated Statements of Common Ground been provided, consistent with the requirements of the National Planning Policy Framework and the associated Planning Practice Guidance? If not, why?

As noted above the 'Statement of Common Ground Regarding Housing Shortfall Position in the GBBCHMA at 29 November 2024' (SST/ED11) is identified as an 'Officer Agreed Version' but has not been signed and dated by any of the parties, contrary to the NPPF and Planning Practice Guidance.