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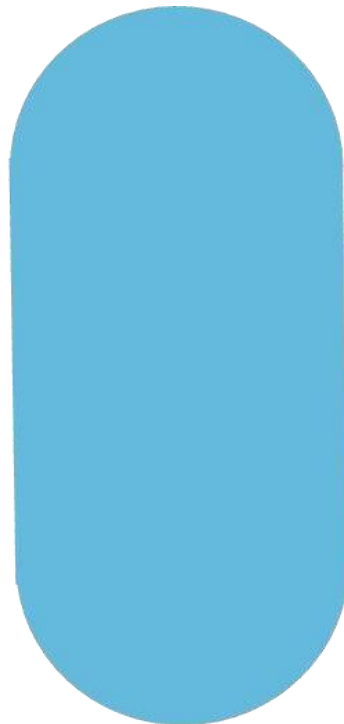
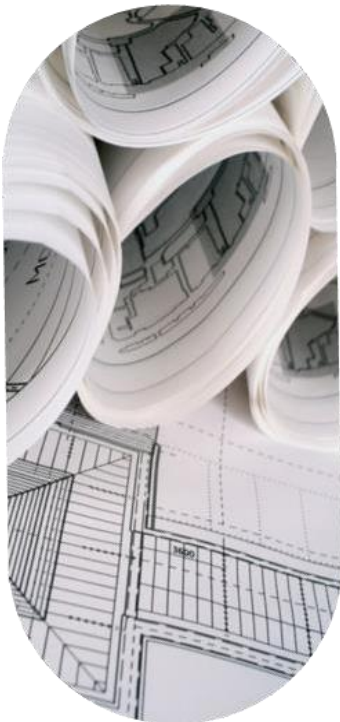
## **South Staffordshire Local Plan**

**Examination in Public**

**Matter 2 – Duty to Cooperate**

**Boningale Group Ltd**

**April 2024**



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## 1. Introduction

- 1.1. This response to Matter 2 of the Inspectors' MIQs in respect of the South Staffordshire Local Plan (SSLP) Examination in Public has been prepared by Marrons on behalf of Boningale Group Ltd. Marrons have been instructed to appear at the Examination on behalf of Boningale Group Ltd.
- 1.2. This hearing statement should be read alongside previous representation to the Regulation 19 Consultation submitted by Marrons on behalf of Boningale Homes Ltd and should be considered in the context of support for a plan led system.
- 1.3. Acting on behalf of our clients, Marrons will attend the Matter 2 Hearing Sessions along with Paul Tucker KC and will make further oral submission on behalf of our client. This statement outlines Boningale Group's comments in respect of Matter 2, with responses to the Inspectors' MIQs (Matter 2) set out below.
- 1.4. Boningale Group are a SME local housebuilder and land promoter based in Shropshire and are currently building out a high-quality development at 'Millfields' in Albrighton, in neighbouring Shropshire. They are actively promoting the following sites in South Staffordshire;
  - Codsall South (Appendix A)
  - Hockerhill Farm, Brewood (Appendix B)
  - Coven Road, Brewood (Appendix C)
  - Boscobel Lane, Bishops Wood (Appendix D)
  - Clive Road, Pattingham (Appendix E)
  - Bridgnorth Road, Stourton (Appendix F)
- 1.5. The Hockerhill Farm, Brewood site is subject to a live planning application for up to 100 residential dwellings. The Boscobel Lane, Bishops Wood site is subject to a Section 78 Appeal against the refusal of planning permission for up to 100 residential dwellings and a community shop.
- 1.6. In order to assist the Inspectors', the contents of this submission and the submissions made in respect of other Matters, demonstrate that the submission version of the Plan is not, in our assessment, capable of being found sound, without significant additional evidence and the identification of additional sites to accommodate housing growth over the Plan period.
- 1.7. These submissions reflect the recent position outlined by Housing Minister Matthew Pennycook and the Chief Executive of the Planning Inspectorate with regard to the continued use of 'pragmatism' in the Examination of Plans and the recognition that any fundamental issues or areas of additional work that require a pause of more than six-months in the Examination process, should indicate that a Plan is not capable of

being found sound. As such aligned with the above consideration, in the current context, we do not believe that the Plan is capable of being found sound noting that the degree of additional work we consider to be required to make the Plan sound would likely require a pause in the Examination in excess of 6-months.

- 1.8. We consider that the Sustainability Appraisal process is totally flawed, to the extent that it is unlawful, as it does not meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”). There has been a failure to consistently and robustly consider reasonable alternatives contrary to Regulation 12 and Schedule 2, paragraph 8. As such we do not consider that the Plan is capable of being found sound.

## 2. Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan.

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

- 2.1. Whilst we acknowledge that strategic highway matters have been identified and to a degree considered by the Council, we fundamentally consider that the October 2024 SoCG between the Council, Shropshire Council, City of Wolverhampton Council and National Highways, does not reflect the significant matter of highway capacity, cumulative impact or highway safety.
- 2.2. Indeed we note that there are several specific locations within the Plan area where existing traffic in combination with traffic generated by proposed allocations across the wider area and indeed as a result of speculative applications, will place additional pressure on existing junctions.
- 2.3. This is noted to be the case at the A41, Wrotesley Park Road and Heath Housing Lane cross roads which is located to the south of Codsall (a Tier 1 settlement) and Perton (another tier 1 settlement). The junction is already operating above capacity, and given the Council's spatial approach, happens to be in a location where there is a grouping of strategic allocations. Additionally, the A41 serves as the principle route into Wolverhampton from south Shropshire, including Bridgnorth, Shrewsbury and Albrighton.
- 2.4. Within the signed SoCG it is acknowledged that the cumulative impacts of development have not been considered and rather that these matters will be dealt with through the applications related to the proposed development.
- 2.5. Simply however, this is insufficient and could very realistically result in the allocation of sites that simply cannot come forward and deliver.
- 2.6. Taken the abovementioned junction for example again, there is limited scope within the land controlled by the County Council (highways land) to offer sufficient mitigation. This is not a position that will change as a result of applications coming forward, unless they come forward for a reduced number of dwellings.
- 2.7. As such, we consider that the Council have not robustly engaged in regard to Strategic highways matters.

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

- 2.8. For the Council to answer.

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

2.9. For the Council to answer.

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

2.10. Whilst we recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, the Councils must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation. We consider that the Council, on the available evidence have failed to demonstrate sufficient cross-boundary working.

2.11. Despite the most up to date evidence suggesting, and the Council having previously agreed to take circa 4,000 dwellings worth of unmet need from the GBBCHMA, the decision to considerably reduce the contribution to addressing unmet need by SSDC will have a profound impact on the wider region and more specifically neighbouring authorities. The predetermination of the approach to unmet need, driven entirely by the previous Government's political narrative and arbitrary protection of the Green Belt, will place additional pressure on neighbouring authorities or will at worst result in a continued and significant level of unmet need. This approach directly contradicts the requirements of the framework and indeed the national mandate to deliver housing.

2.12. As is stated in the Duty to Cooperate Addendum Topic Paper 2024 (DC1), the Council have entered into and agreed bilateral Statements of Common Ground with a number of neighbouring authorities (listed at paragraph 2.1).

2.13. It is however confirmed that Statements of Common Ground have not been signed with Bromsgrove District Council, Redditch Borough Council and North Warwickshire Borough Council.

2.14. It is also pertinent to note that there is no collective Statement of Common Ground with all of the GBBCHMA authorities.

2.15. Notably before the publication of the NPPF 2023 (and indeed before the updated standard method published alongside NPPF 24), and the Council's significant change in strategy, a GBBCHMA Development Needs Group Statement of Common Ground

(August 2022) was published. Within the SoCG it is confirmed that despite some of the CBBCHMA authorities having already taken some of the previously identified unmet need, there remained a shortfall of 6,302 homes between 2011 and 2031 based on April 2020 information. It further identified a more significant and challenging shortfall post 2031.

- 2.16. Simply the SoCG confirms that, there is, as yet, no agreed approach to accommodating the shortfall across the GBBCHMA or other closely related Local Planning Authorities with an agreed functional relationship, that can accommodate unmet need in a sustainable manner.
- 2.17. Despite the findings of the Strategic Growth Study, where South Staffordshire were expected and had planned to take an additional 4,000 dwellings worth on unmet need, there is no current agreed position on the scale of the shortfall to be planned for post-2031, with individual local authorities taking different positions on the Black Country's emerging post - 2031 housing shortfall for example.
- 2.18. The relative weight given to the Strategic Growth Study varies, all local authorities utilising the Strategic Growth Study have tested and supplemented it with more local evidence, but the manner in which this has been done varies, with South Staffordshire having taken amongst the most radical of positions and simply confirmed that they consider the evidence out of date.
- 2.19. Consultation responses to the Preferred Options consultation from other HMA authorities were generally supportive of the 4,000 dwelling contribution. The Association of Black Country authorities were also supportive and re-stated their request for all of the 4,000 dwelling contribution to be attributed to the Black Country referencing commuting and migration links and the proximity of some allocations to the Black Country.

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

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

- 2.20. There is reference throughout multiple DtC updates to an assessment of commuting flows and travel to work assessments. However, it is unclear when, in relation to unmet need, this evidence was updated.
- 2.21. It is essential that a distinction in any assessment is made between unmet need and the need arising in South Staffordshire.

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

2.22. For the Council to answer.

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

2.23. For the Council to answer.

**7. In terms of migration, commuting and travel to work areas: a. What are the inter-relationships with neighbouring authority areas? b. How have these been taken into account in preparing the Local Plan?**

2.24. For the Council to answer.

**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?**

2.25. Aligned with our response to question 4 above, we do not consider that outcomes of co-operation activities have been sufficiently evidenced.

2.26. There is no evidence that the wider HMA are supportive or indeed have prepared any robust evidence to reflect the quantum of unmet need that the SSLP is seeking to accommodate.

2.27. Indeed the last and only evidence dates back to the 2018 Study Paper, which recommended a far greater contribution to addressing unmet need be made by SSDC.





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