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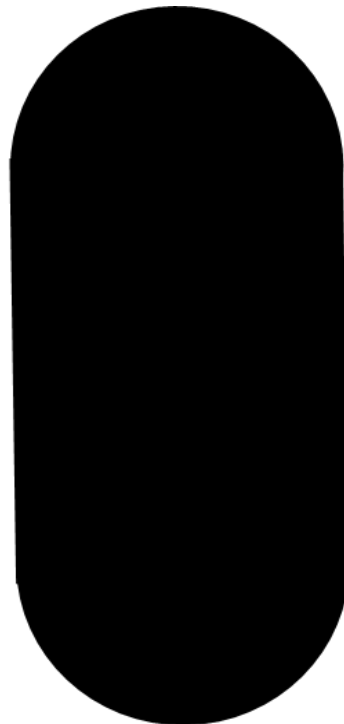
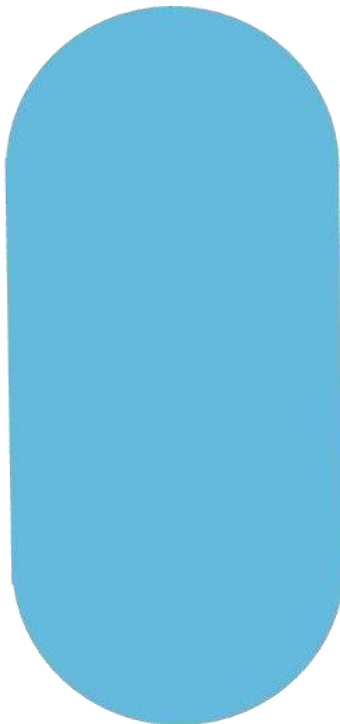
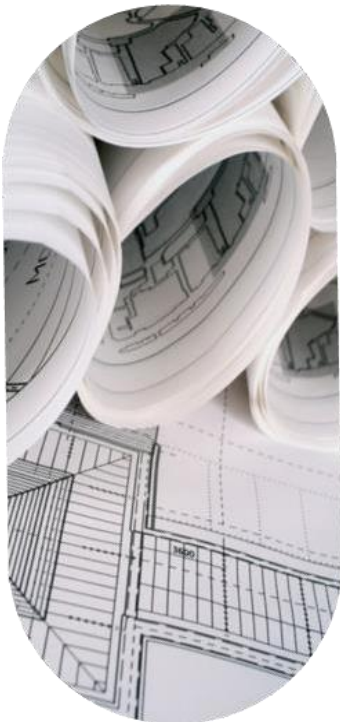
South Staffordshire Local Plan

Examination in Public

**Response to Consultation on Duty to
Cooperate Documents**

Boningale Group Ltd

September 2025



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Document Management				
Matter Number	Author		Checked/Approved	
Draft	GW/LS	03-09-2025	Client	
Final	MW		Client	
Revision				

1. Introduction

- 1.1. This response to the consultation on Duty to Cooperate Documents published on 15 August 2025, in response to the Inspectors Action List following the Week 1 hearing sessions for the 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 response should be read alongside the Hearing Statement submitted in response to Matter 2, and previous representations 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 future Hearing Sessions along with Paul Tucker KC and will make further oral submission on behalf of our client.
- 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, demonstrate that South Staffordshire District Council (SSDC) have failed to engage constructively, actively, and on an ongoing basis with respect to unmet housing need in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), with respect to transport matters, and in relation to its engagement with other national and regional organisations, and as such is not legally compliant.

- 1.7. Furthermore, we do not consider the plan capable of being sound without significant amendment, including the allocation of additional sites to address the significant scale of unmet housing need in the HMA.

2. Action 2.1 – Engagement on strategic matters under the Duty to Cooperate (SST/ED32 A, SST/ED32B, SST/ED32C)

- 2.1. The Council have published a significant amount correspondence, meeting minutes, and other information to seek to evidence that they have, over the preparation of the plan engaged on strategic matters, running to some 2,273 pages. Some of the included information is redacted without any apparent explanation, specifically the GBBCHMA Meeting Minutes & Agendas included at Appendix 22 of SST/ED32C.
- 2.2. A number of clear themes emerge through review of these documents however. Whilst there has been engagement with other bodies on strategic matters, including transport and housing, this engagement has often been performative, and has evidently not been constructive or effective.

Highways

- 2.3. In our Hearing Statement on Matter 2 (AGT24-027-02) we raised concerns that significant matters of highways capacity, cumulative impact, and highway safety were not reflected in the October 2024 SoCG between SSDC, Shropshire Council, City of Wolverhampton Council, and National Highways.
- 2.4. We raised concerns that cumulative impacts of development have not been considered, and to leave this to the planning application stage is insufficient and could lead to the allocation of sites which are not deliverable.
- 2.5. The published documents make clear that National Highways have had similar concerns, as seen in their emails to SSDC dated 10.10.2024, 23.10.2024, 27.11.2024 (SST/ED32C Appendix 27). In their email dated 23.10.2024 National Highways state:

“Cumulative traffic impact assessment...is a key tool for evaluating the combined effects of multiple developments rather than considering projects in isolation. This process helps prevent a fragmented approach and ensures a comprehensive understanding of network-wide impacts.”

- 2.6. It is clear from the published documents that whilst National Highways have sought to take a pragmatic approach with regard to the Plan, they share concerns that the cumulative impact of sites in the plan has not yet been adequately considered, and there is a need to complete cumulative assessments as part of the plan-making process rather than leaving this to the application stage. On this basis we do not consider that SSDC has engaged effectively on highways matters.

Scale of Unmet Need for Housing across the GBBCHMA

- 2.7. In our Hearing Statement on Matter 2 (AGT24-027-02) we highlighted that the purpose of the Duty to Cooperate is to produce effective policies on cross-boundary strategic matters. It is not simply an issue of consultation, but a question of effective cooperation.
- 2.8. As set out in SST/ED32A, the HMA relevant to South Staffordshire has been agreed since early in the plan making process. The Birmingham Development Plan also confirmed a substantial shortfall in projected housing delivery against identified needs up to 2031. The 2018 HMA Strategic Growth Study sought to quantify the shortfall across the whole HMA, and suggest options for how this shortfall could be addressed. This identified that, after actions to seek to increase density and make effective use of urban land, there was still a shortfall of around 48,000 dwellings up to 2036. As such, while the scale of unmet need has no doubt fluctuated, it has long been clear that there has been a substantial and sustained unmet housing need across the HMA.
- 2.9. Despite this position, the minutes from the GBBCHMA Working Group (SST/ED32 C Appendix 22) do not indicate that SSDC or other authorities in the HMA sought to maintain an up-to-date understanding of the scale of unmet need across the HMA after the publication of the 208 Growth Study, despite numerous changes in the national planning context and progress on plan-making across the HMA. The minutes for the meeting on 18 January 2022 make reference to a need to refresh the Strategic Growth Study to provide an up-to-date illustration of the level of unmet need. Despite SSDC acknowledging that a refresh of the Strategic Growth Study was of significant importance, and asserting that the existing study is out of date, a refreshed version has yet to be published.
- 2.10. The signed SoCG between the GBBCHMA authorities (SST/ED21) does acknowledge that there is currently evidence of a significant shortfall against housing

need, at 76,427 homes across the HMA to 2042. Whilst it is clear from the published evidence that SSDC has focused on agreeing a SOCG (SST/ED32C), the SoCG however does not indicate that any attempt has been made by the HMA authorities to meaningfully address the scale of unmet need, with a confirmed/potential contribution of only 8,080 dwellings, a fraction of that required.

- 2.11. The GBBCHMA Working Group minutes and other documents in SST/ED32C, including bilateral engagement with other HMA authorities, similarly do not indicate any meaningful or ongoing joint-working has taken place on how the unmet need, or at least a significant proportion thereof, could be accommodated. It appears that the Statement of Common Ground has simply been treated as a 'tick-box' exercise to seek to demonstrate compliance with the Duty to Cooperate, rather than being a mechanism to record evidence of constructive or effective joint working.
- 2.12. There is also little evidence that SSDC or other authorities has given any meaningful consideration to the current national planning context. This Plan is being progressed under transitional arrangements and the 2023 version of the NPPF. Whilst the NPPF 2023 is the starting point for determining the housing requirement for the plan, the current planning context cannot be ignored, including with respect to unmet need.
- 2.13. Delivering significantly more housing, and increasing the pace of delivery underpins the Government's mission to kickstart economic growth. At the heart of this is an aim of building 1.5 million homes in England within the current Parliament. This is a hugely ambitious target, and requires a step change throughout the planning and development process. To deliver on this ambition, the government consulted on changes to the NPPF in July 2024 (prior to submission of the Plan for examination) including the introduction of a new standard method for calculating housing needs. The consequence of changes to the NPPF made in December 2024 is that the scale of unmet need across the HMA is only set to grow from the figure in the GBBCHMA SoCG. The GBBCHMA Working Groups minutes from 2024 (SST/ED33C Appendix 22) do not provide any indication that SSDC and other HMA authorities sought to positively engage with the Government's ambition to boost housing delivery.

South Staffordshire's Contribution to unmet need

- 2.14. In our Hearing Statement on Matter 2 (AGT24-027-02) we expressed concern that the reduction in SSDC's contribution to meeting unmet need contradicts the NPPF 2023 and will place additional pressure on other authorities in the HMA.

- 2.15. From the published documents, it is apparent that there is an absence of a clear and robust justification for the reduction in South Staffordshire District Council's contribution to the GBBCHMA's unmet need from 4,000 to 640 dwellings. SSDC has essentially disregarded the evidence of unmet need in the 2018 Strategic Growth Study, and simply sought to take the opportunity to minimise its contribution to meeting unmet need.
- 2.16. Despite the GBBCHMA SoCG, it is clear that a number of other authorities have had concerns with SSDC's approach on this matter. In the April 2024 Regulation 19 consultation, Cannock Chase District Council expressed that while the Strategic Growth Study (2018) is dated and an update is required, it is the only jointly agreed piece of evidence, and thus the only valid form of evidence, to inform contributions to unmet housing needs. Several additional authorities within the HMA also argued in this consultation period that the Council has not adequately evidenced nor justified their significantly reduced contribution to the substantial amount of unmet housing need across the GBBCHMA (Appendix 33 of SST/32EDC).
- 2.17. Simply, it is clear that SSDC have not demonstrated constructive collaboration and sufficient cross-boundary working, as required by the PPG, regarding the strategic matter of unmet housing need in the GBBCHMA.
- 2.18. Further, as discussed in our Hearing Statement on Matter 2 (AGT24-027-02), the reasoning behind the Council's decision to reduce its contribution to unmet need in the HMA is deeply flawed, based entirely on an narrow interpretation of Green Belt policy in the NPPF 2023, and which fails to account for the wider policies in the Framework, and ignores the substantial and pressing need for housing across the HMA. It is clear from the published documents that other Council's have shared concerns with SSDC's approach in this regard.
- 2.19. For instance, within SSDC's SoCG with North Warwickshire (SST/ED32C Appendix 34 pages 1463-1520) it is noted that North Warwickshire objected to SSDC's change in approach to its contribution to unmet need. This reflects our argument above, that the Council is agreeing SoCG's to seek to demonstrate compliance with the Duty to Cooperate, but is not genuinely working alongside neighbouring authorities to create an up-to-date and sound evidence base and positive policy approach to address the GBBCHMA housing shortfall.

- 2.20. Overall it is clear from the published documents that SSDC, particularly through their unilateral decision to reduce their contribution to unmet need, have failed to engage in effective cooperation in regard to housing at a strategic level.
- 2.21. Furthermore, from a comprehensive review of the raft of information provided, it is clear that the Council have failed to test the implications of their revised approach to meeting unmet need through the Sustainability Appraisal. The Sustainability Appraisal as a minimum would need to consider the social, environmental and economic impacts on the reduction of unmet need to be accommodated through the Plan. The simple fact being that artificially reducing the quantum of need to be provided, and in doing so without the support of neighbouring authorities, there will be widespread implications, including an increase in car dependency, unsustainable movements more generally and will result in residents being displaced yet further from their communities that they need necessarily be displaced.
- 2.22. This matter was consider by the Inspectors' examining the unsound and now withdrawn Shropshire Local Plan, who considered that a failure of the SA to reflect the nuanced requirements and decisions taken in regard to unmet need was fundamentally flawed, unsound and in capable of being rectified.
- 2.23. Despite the raft of additional information provided by the Council, which as detailed above, we consider to be performative only, we are ever more concerned about an abject failure of the Council to sufficiently engage in the Duty to Cooperate with respect of unmet housing need. Not only do we consider the approach taken to be unsound and insufficient, we consider it to be so sufficiently flawed that it is legally uncompliant and subject to challenge.

3. Action 2.2 - Engagement with national and regional organisations under the Duty to Cooperate (SST/ED33A and SST/ED33B)

- 3.1. Whilst we acknowledge that South Staffordshire District Council has attempted to demonstrate engagement with selected Statutory/ Prescribed bodies, we consider that the approach does not satisfy legal and policy requirements in particular, Section 33A of the Planning and Compulsory Purchase Act 2004, the Planning Policy Guidance on the Duty to Cooperate, and Paragraphs 24-27 of the NPPF 2023.
- 3.2. During the 2022 consultation period, a single representation was received from the Mayor of West Midlands. Transport for West Midlands (TfWM) and West Midlands and the West Midlands Combined Authority (WMCA) did not appear to provide any clear or formal input into this representation, indicating that these bodies have not provided formal representation on strategic matters during the entire plan-making process. This further adds to the absence of a clear record of ongoing, active and formal engagement with a number of prescribed bodies.
- 3.3. Multiple prescribed bodies, for instance the Civil Aviation Authority, Homes England and the Office of Rail and Road, did not submit formal representations at any of the consultation stages of the plan (see SST/ED33A). Where no formal response was received, South Staffordshire District Council have solely relied on informal 'follow-up engagement' methods, for instance dialogue at ad hoc workshops. As such, there lacks sufficient and substantive evidence to demonstrate meaningful ongoing and active engagement on critical strategic matters.
- 3.4. Further, we consider that the Council has not fully evidenced meaningful engagement with TfWM, the Mayor of West Midlands and the WMCA in the plan-making process. While the governance structures of these bodies are certainly linked, conflating these bodies obscures their distinct functions. For instance, it is unclear as to whether engagement has adequately gathered the technical input from TfWM required for transport planning.
- 3.5. Simply, we consider that the council have not robustly evidenced engagement with all prescribed bodies and other key regional and national organisations, and as such have not complied with the Duty to Cooperate in line with the Planning and

Compulsory Purchase Act 2004 Section 33A which specifically states the requirement to '*engage constructively, actively and on an ongoing basis*' over strategic matters during the preparation of the Plan.

- 3.6. The approach taken, as discussed above, is fundamentally flawed, unsound, insufficient and legally challengeable in our assessment. Furthermore, given the significance of the failure of the Duty to Cooperate, we do not consider that there is any realistic scope of addressing the failings within the current Examination, and as such, recommend that the Council withdrawn their Local Plan from Examination.



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