

Response to Documents Published in Respect of Matter 2 Duty to Co-operate Action Points 2.1 and 2.2

Having participated in the Matter 2 Hearing Session where we raised concerns relating to the lack of evidence that the Duty to Cooperate had been met, we welcome the provision of documents referenced SST/ED32A - SST/ED32C and SST/ED33A - SST/ED33B.

Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) imposes a duty on South Staffordshire District Council ('SSDC') to cooperate with other planning authorities and prescribed bodies by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation (Savills emphasis). It is not a duty to 'agree' but Councils have to demonstrate that fundamentally they have worked together to deliver on cross boundary issues. The PCPA is clear that sustainable development or use of land that would have a significant impact on at least two planning areas is a strategic matter.

We acknowledge that documents referenced SST/ED32A - SST/ED32C and SST/ED33A - SST/ED33B evidence that ongoing meetings with the Housing Market Area ('HMA') authorities have been held between 2018 and 2025. However, as set out above, the PCPA requires engagement to be effective. We are now eight years in to the HMA shortfall having been confirmed, it has even increased significantly in scale, and yet there is still no agreement on how this shortfall will be distributed across the HMA. The discussions have not been effective as they have led to nothing surmountable and there is still a strategic issue which has not been addressed.

The evidence provided by SSDC also still does not show how their 640 dwelling contribution to the shortfall was calculated. They are only proposing to contribute 0.84% of the identified 76,427 dwelling shortfall. If SSDC are not required to make a calculated and reasonable contribution to the shortfall, this will set a precedent for the other authorities and will lead to other Development Plans making similar, minimal contributions and the strategic matter of meeting identified HMA needs will not have been effectively addressed.

As noted previously, SSDC's officers were previously vocal in their objections to minimal contributions proposed by other LPAs in the HMA, for example, Solihull Local Plan Review. SSDC stated in their response to the Solihull Local Plan Examination that if the "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". The Inspectors agreed that Solihull should be doing more to meet HMA housing needs and the plan was subsequently withdrawn as Solihull did not want to identify additional residential sites.

The HMA SoCG and meeting minutes provided by SSDC go no way to sufficiently evidence that cross boundary issues have been seriously engaged in and that SSDC's proposed contribution to the HMA shortfall is meaningful or effective in any way. From what we can see in the minutes between November 2023 – April 2025, since SSDC notified the HMA authority of their change in strategy (to reduce their HMA contribution and amount of Green Belt release) in October 2023, they did not discuss the potential implications of changing their strategy on the ability for the rest of the HMA to address the outstanding shortfall.

In conclusion, this late evidence provided by SSDC, shows that there have been ongoing discussions between the HMA authorities where strategic matters were discussed. However,



this alone does not mean that the Duty to Cooperate has been met. SSDC did not discuss the potential implications of amending their strategy on the ability for the rest of the HMA to address the strategic housing shortfall. Should SSDC's plan progress with the level of growth proposed, the HMA shortfall will not be addressed. The Plan submitted therefore does not meet the Duty to Cooperate and nor does it demonstrate a positively prepared and justified strategy as required by paragraph 35 of the National Planning Policy Framework.