

# Wolverhampton Local Plan

## Duty to Co-operate Statement

Supporting  
evidence base  
document

November 2024



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## **1. Introduction**

- 1.1 This statement sets out the processes and actions that have been identified and undertaken to date by City of Wolverhampton Council (CWC) to comply with the legal and policy requirements of the Duty to Cooperate (DtC) throughout its production of the Wolverhampton Local Plan (WLP). The Duty seeks to ensure a joined-up approach is taken in plan making, where collaborative working with other relevant organisations and bodies seeks to deliver sustainable development within the administrative boundary and the wider area.
- 1.2 The statement details the issues of strategic importance that have been identified by CWC as part of the duty to cooperate process and sets out what actions have taken place to address these issues. These issues have been updated, where necessary, as a result of ongoing cooperation with prescribed bodies in the period since consultation on the Issues and Preferred Options document in spring 2024. The statement identifies how CWC will respond to the key strategic and cross boundary issues identified, including through policies in the WLP and other partnership work.
- 1.3 It should be noted that this statement is a “living document” which will be used to log progress and actions at each stage of the Plan preparation process in order to demonstrate compliance with the duty to cooperate.

## **2. Background**

### **National Context**

- 2.1 The Duty to Cooperate is a statutory duty for all Local Planning Authorities (LPAs), introduced in November 2011 through Section 110 of the Localism Act 2011, which established a Duty to Cooperate in relation to the planning of sustainable development.
- 2.2 LPAs are under a Duty to Cooperate with each other and with other prescribed bodies, on strategic matters that cross administrative boundaries. This includes the requirement to co-operate during the preparation of development plan documents and other local development documents with local planning authorities, county councils, and relevant bodies.

Duty to Cooperate bodies for the Wolverhampton Local Plan are:

- Neighbouring strategic policy-making authorities
- the Environment Agency;
- Historic England;
- Natural England;
- Homes England;
- the Black Country Integrated Care Board;
- the Office of Rail Regulation;

- Transport for West Midlands as the relevant Integrated Transport Authority; and
- Highways England

The Birmingham and Black Country Local Nature Partnership is not subject to the requirements of the duty, however the Council has cooperated with this body and had regard to its activities, where relevant to plan-making, as set out in paragraph 030 of PPG.

2.3 Strategic policy-making authorities, in collaborating to identify relevant strategic matters covered in their plans, should also engage with their local communities and infrastructure providers.

2.4 The National Planning Policy Framework (NPPF) (para 20) outlines the following matters on which strategic policies should be formulated to address the strategic priorities of the area, including any relevant cross-boundary issues, setting out the overall strategy for the pattern, scale and quality of development:

- housing (including affordable housing), employment, retail, leisure and other commercial development;
- infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- community facilities (such as health, education and cultural infrastructure); and
- conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

2.5 Paragraphs 24 to 27 of the Framework set out national policy with regard to maintaining effective cooperation. The Framework states that:

- Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy
- Joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere
- One or more statements of common ground should be prepared and maintained, documenting the cross-boundary matters being addressed and progress in cooperating to address these.

2.6 National Planning Practice Guidance (NPPG) states that a statement of common ground (SoCG) is a written record of the progress made by Local

Planning Authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period and based on effective joint working across local authority boundaries. It also forms part of the evidence required to demonstrate that Local Planning Authorities have complied with the duty to cooperate. NPPG provides advice on what SoCG should contain, what geographical area should be covered, activities that should be documented and addressing identified development and strategic infrastructure needs.

- 2.7 Whilst, as National Planning Practice Guidance (NPPG) makes clear, the Duty to Cooperate is not a duty to agree, LPAs should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting local plans for examination. The NPPG also states that '*cooperation should produce effective and deliverable policies on strategic cross boundary matters.*' In order to demonstrate effective and on-going joint working, strategic policy-making authorities are required to prepare and maintain one or more statements of common ground documenting the cross-boundary matters and progress made through co-operatively addressing these.
- 2.8 Para 35 of the NPPF notes that the examination of a Local Plan should include an assessment to identify if the plan has been prepared in accordance with legal and procedural requirements. This therefore includes the Duty to Cooperate. The duty requires a proactive, ongoing and focused approach to strategic matters. Constructive co-operation is seen as an integral part of Local Plan preparation and should result in clear planning policy outcomes capable of being demonstrated through the examination process.

### **Wolverhampton Council's Approach to the Duty to Co-operate**

- 2.9 It is important that evidence of the Duty to Cooperate starts as early as possible and that regular constructive engagement continues throughout the plan-making process. This engagement should show the outcomes of the engagement regarding the strategic cross boundary issues and how this has influenced the submitted Local Plan.
- 2.10 From 2016-17 to 2022, the Black Country Authorities (BCAs) of Dudley, Sandwell, Walsall and the City of Wolverhampton Councils were working on the review of the Black Country Core Strategy – the Black Country Plan - as the local plan for the sub- region. In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans.
- 2.11 To support the production of the Wolverhampton Local Plan and to meet the requirements of the DtC, City of Wolverhampton Council has continued the DtC work that was undertaken for the draft Black Country Plan by working with the other Black Country authorities to engage with neighbouring authorities and

other relevant bodies. Details of the Duty to Cooperate engagement work undertaken as part of the Black Country Plan is set out in section 3.

### **3.0 The Black Country Plan**

3.1 The main Duty to Cooperate strategic matters addressed through preparation of the Black Country Plan were:

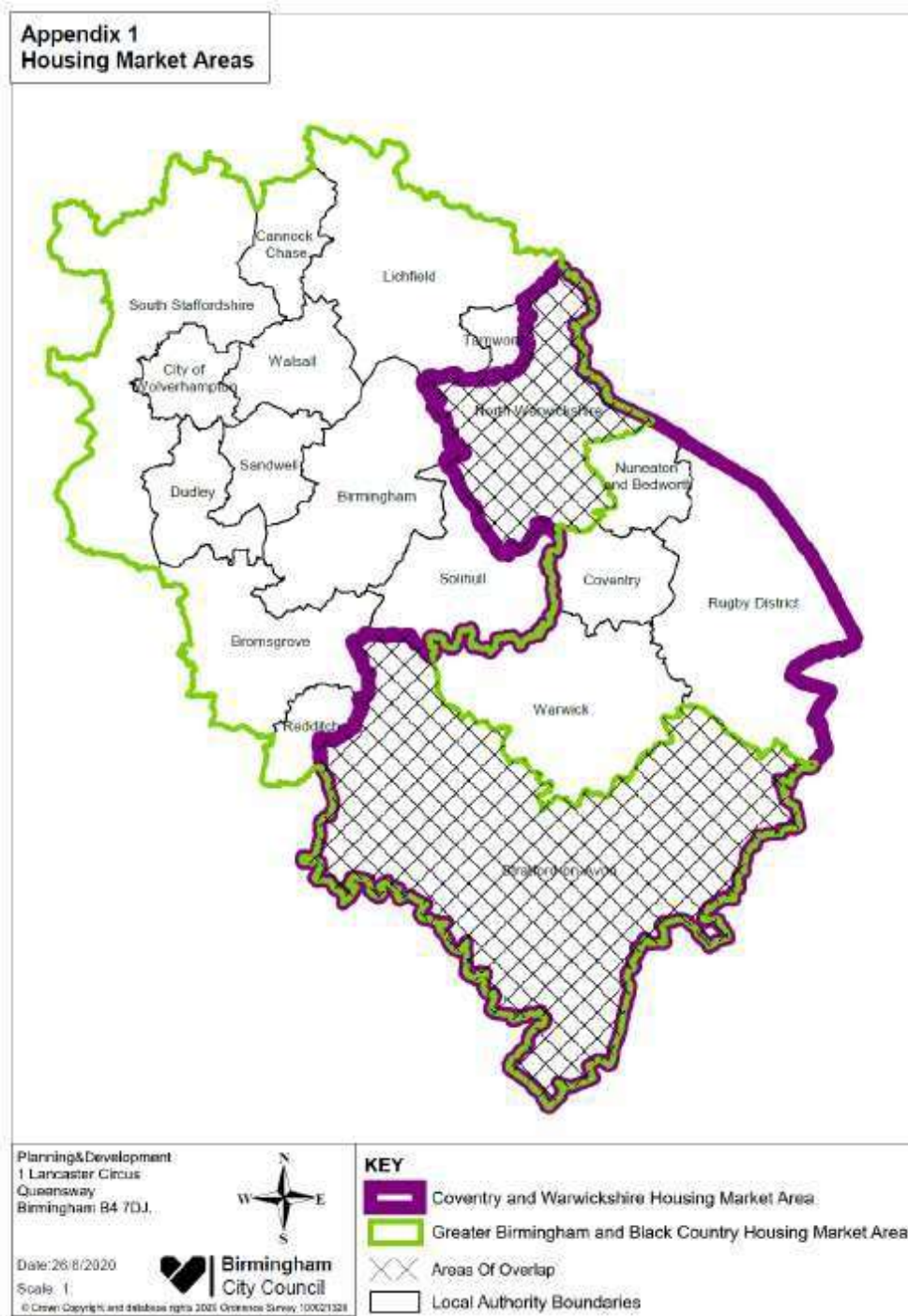
- Meeting unmet housing need
- Meeting unmet employment need
- Transport and infrastructure matters
- Natural and historic environment, including designated sites; and
- Waste and minerals issues.

3.2 From a Duty to Cooperate perspective, a range of issues were raised but the common theme was the need for the BCAs to meet as many of their development needs as possible within the Black Country; that the Plan needed to be evidence-based; and a recognition of the need to continue to work together. Other identified issues included:

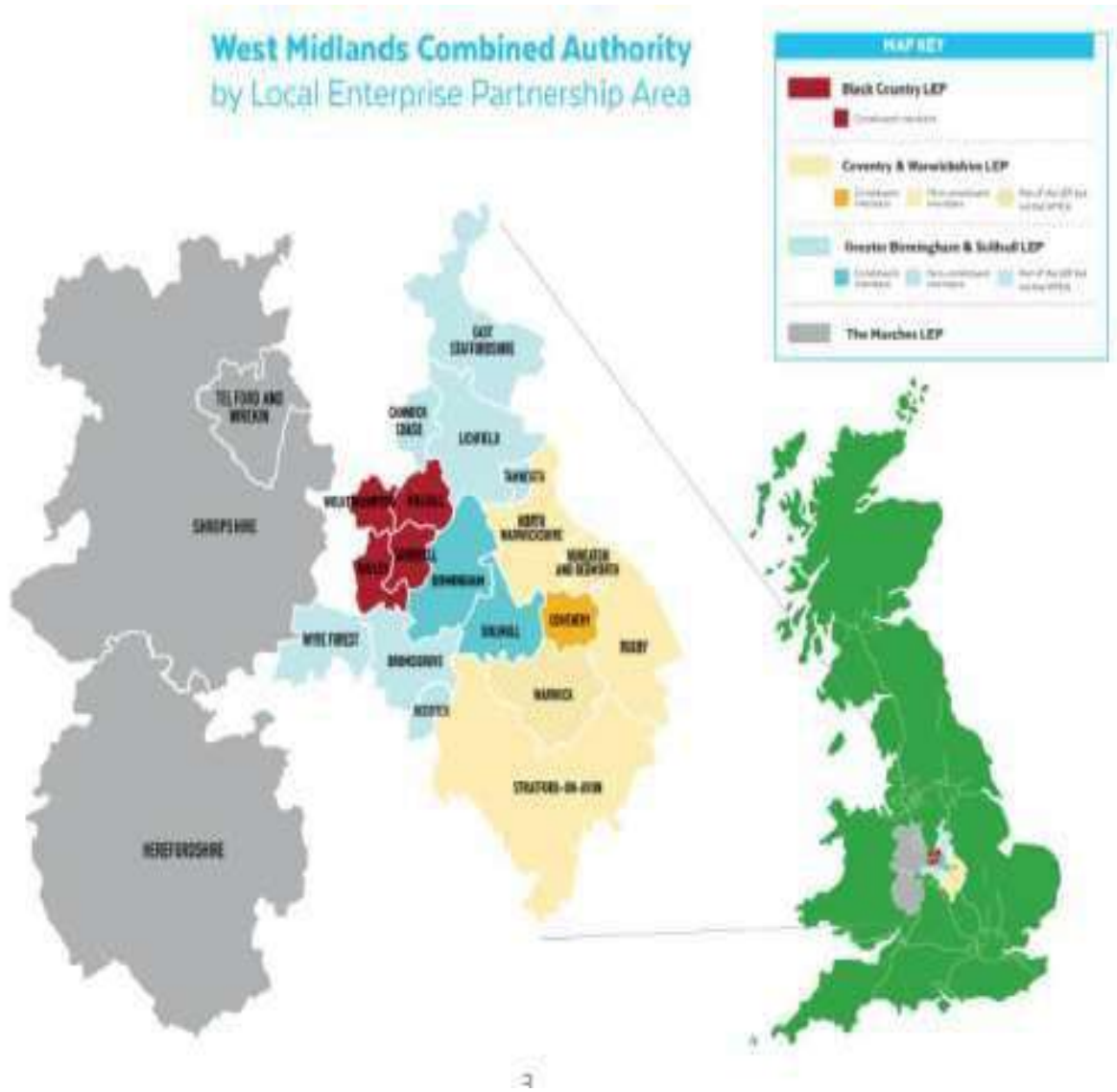
- Housing need and supply across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) given the shortfall of housing established through the Birmingham Development Plan and subsequent Position Statements.
- The need to establish common ground across the GBBCHMA and Functioning Economic Market Areas (FEMA) to agree where and how unmet housing and employment land needs can be met.
- Green belt reviews.
- Recreational impacts on Cannock Chase Special Area of Conservation.
- Strategic Flood Risk Assessments.
- Implications for transport infrastructure on potential levels of growth in the Black Country
- Future healthcare premises and provision for primary and secondary healthcare provision.
- Minerals and aggregates need and supply.

3.3 In July 2018 a letter was sent from the Association of Black Country Authorities (ABCA) on behalf of the BCAs to all LPAs within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) as shown on Figure 1, constituent and non- constituent members of the West Midlands Combined Authority (WMCA) (shown on Map 1) and other LPAs which have a physical and / or functional relationship with the Black Country (Wyre Forest District Council and the South Worcestershire Development Plan LPAs) (see Appendix 4).

**Figure 1: Greater Birmingham and Black Country Housing Market Area (GBBCHMA)**



Map 1 - West Midlands Combined Authority





- 3.4 The letter formally asked whether those authorities were able to help meet some of the Black Country's housing and employment land needs, given the anticipated shortfall between need and the capacity of the administrative area. The letter also sought to identify any other issues of strategic cross-boundary significance that should influence the preparation of the Plan. The responses to these letters were used to inform the development of the Black Country Plan and subsequent DtC engagement.
- 3.5 In summary, the responses to the letter supported the Black Country's approach of developing brownfield land in advance of any Green Belt releases. Responses requested that all opportunities should be explored to meet needs within the administrative area before neighbouring LPAs could commit to any specific housing or employment land contribution. A more positive commitment was made from Shropshire Council and South Staffordshire Council, recognising the opportunity for their Plans to address wider unmet needs.
- 3.6 A follow-up letter was sent in August 2020 (Appendix 4). This letter provided an update on the Plan preparation programme, on strategic housing and employment land issues and asked the LPAs if their Local Plans were delivering levels of housing employment growth in excess of local needs that could reasonably be attributed to meeting the needs of the Black Country.
- 3.7 The responses to this letter confirmed that by this time, a number of Local Plans had progressed and included a positive commitment to accommodating unmet needs arising in the Black Country – principally those of Lichfield, Cannock Chase, South Staffordshire and Shropshire.
- 3.8 Alongside these letters, two Duty to Cooperate meetings were held - in December 2017 and January 2020 - that the recipients of the letters were invited to attend. The purpose of those meetings was to provide an update on the scope of the Plan, to discuss the key issues arising from the emerging evidence with a focus on the likely scale of unmet housing and employment land needs and to confirm the need for the BCAs and key stakeholders to continue to work together.
- 3.9 A third Duty to Cooperate meeting was held in June 2021 to discuss the updated Black Country Urban Capacity Study and the need to develop approaches to address the housing and employment land shortfall through work on current Local Plans and review mechanisms. The related letters and meetings also formed the basis for individual meetings with neighbouring LPAs, and the associated representations they made to Local Plan consultations.
- 3.10 A third Duty to Cooperate letter was issued in April 2022 (Appendix 4). This letter summarised the progress of the Black Country Plan at that time, including the implications of the responses to the 2021 Regulation 18 consultation. The letter also outlined the BCAs four-stage strategic approach to addressing the housing shortfall. In the short term the BCAs would continue to engage with those emerging Local Plans to confirm the

then current contributions designed to address the shortfall. For those Local Plans that were less well-progressed, the BCAs committed to engage in a positive and robust manner to ensure that the unmet needs of the Black Country were fully recognised and all opportunities to assist in meeting needs are comprehensively explored. The third element of the strategy recognised that these workstreams were unlikely to address the housing shortfall in full, and that there was a compelling need to progress a programme of work on an inclusive and comprehensive manner across a wide but functional geography. This programme of work was consistent with that discussed at a Duty to Cooperate meeting convened by South Staffordshire Council in December 2020. The final element of the strategy was to seek the inclusion of early review mechanisms in all emerging Local Plans given the anticipated shortfall arising from the then current round of Local Plan preparation.

3.11 The BCAs also met with the following regional stakeholders to discuss key strategic matters:

- West Midlands Combined Authority – principal interest in the delivery of brownfield land across the region.
- Black Country Local Enterprise Partnership – principal area of interest was strategic economic priorities in the region. It should be noted that the Black Country LEP is no longer in existence.
- Greater Birmingham and Black Country Housing Market Area (GBBCHMA) - an open forum for local authorities to discuss cross boundary strategic planning matters, which are of relevance to the GBBCHMA.
- West Midlands Resource Technical Advisory Body (RTAB) – overarching aim is to support and promote co-operation between Waste Planning Authorities (WPAs) and others.
- West Midlands Aggregates Working Party (WMAWP) – principal area of interest is the collection and monitoring of data on aggregates provision as an aid to minerals planning.
- Cannock Chase Special Area of Conservation (SAC) Partnership Joint Strategic Board – principal area of interest is the potential impact of visitors on the value of Cannock Chase SAC.
- Transport for West Midlands (TfWM) - the body that formally performs the statutory Integrated Transport Authority (ITA) function for the West Midlands metropolitan area.
- Highways England (HE) - principal area of interest will be the impact of housing and employment growth on the motorway junctions.

3.12 Appendix 1 sets out the DtC engagement for the Black Country Plan from 2017 to 2022 with details of engagement post 2022.

### **Summary of DtC Engagement Outcomes**

3.13 The primary strategic focus of DtC engagement for the BCP was around the issues of unmet housing and employment land needs. Through the Association of Black Country Authorities (ABCA), the BCAs submitted representations to a number of local plans with a focus on housing and employment land issues given the anticipated shortfall between identified need and the capacity of the urban area to accommodate it. The BCAs also responded to emerging minerals plans on cross boundary issues.

### **Housing Shortfall**

3.14 As of April 2022, the 'offers' from neighbouring LPAs to meet wider-than-local housing needs were

- South Staffordshire - 4,000 homes towards the needs of the GBBCHMA as a whole but majority Black Country given proximity (as set out in Preferred Options November 2021).
- Solihull – 2,100 homes towards the needs of the GBBCHMA as a whole but majority Birmingham given geographical proximity (as set out in Submission May 2021)
- Cannock Chase - 500 homes towards the needs of the GBBCHMA but majority Black Country given proximity (as set out in Preferred Options March 2021).
- Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA as a whole but majority Black Country given proximity (as set out in Publication July 2021).
- Shropshire - 1,500 homes to meet Black Country needs (as set out in submission September 2021 – subject to end of Shropshire Local Plan examination in November 2024).

3.15 These contributions had the potential to provide up to 10,765 homes in total. For those LPAs making a contribution to the needs of the GBBCHMA as a whole (South Staffordshire and Cannock Chase), some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and a known gap between need and supply. On this basis, it was anticipated that some 8,000 homes could reasonably be attributed towards meeting Black Country needs.

3.16 Further contributions were also being sought from Stafford (of up to 2,000 homes), and as-yet undetermined contributions from both Bromsgrove and Telford & Wrekin, who were both at the early stages of their Local Plan reviews at the time of the BCP Reg18 consultation in 2021.

- 3.17 In the case of Telford and Wrekin, the higher growth option that was set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country was well placed to provide a source of 'need' for this housing.
- 3.18 The BCAs did recognise that further work would be required with GBBCHMA LPAs to confirm how the HMA-wide contributions should be apportioned between the respective Local Plan areas. It was anticipated that this would be addressed during and after the Black Country Plan Regulation 18 consultation and would inform the Regulation 19 Black Country Plan. These issues will be consequently carried over into the production of the individual Local Plans for each of the BCAs, including Wolverhampton's Local Plan.
- 3.19 It should be noted that at the time of writing this DtC statement, Telford & Wrekin has since published its Reg 18 Local Plan for consultation (October 2023) with a potential contribution of approximately 1,600 homes towards the Black Country's unmet needs. Furthermore, following the submission of its Regulation 19 Plan to the Secretary of State in 2022, Lichfield District Council paused their Plan process. At a meeting of its Full Council on 17 October 2023, Lichfield District Council made the decision to withdraw its proposed local plan to 2040.

#### **Employment Land Shortfall**

- 3.20 In terms of employment land, at the time of the demise of the BCP, the BCAs had secured 'confirmed contributions' from the Regulation 19 Shropshire Local Plan, which included provision for some 30ha of land to meet Black Country needs.
- 3.21 The South Staffordshire Local Plan review was being supported by a review of the 2017 Economic Development Needs Assessment (EDNA), which suggested that the area had a 'surplus' of some 19ha of land in excess of its own needs. Given the strong physical and functional relationship between South Staffordshire and the Black Country, it was recognised that any surplus of employment land could be identified to meet Black Country needs.
- 3.22 In addition, the Black Country anticipated that a significant proportion of the consented West Midlands Interchange (WMI) site at Four Ashes could be attributed to meet Black Country warehousing and logistics needs. The developable area of the site is 193ha.
- 3.33 Consultants were commissioned to carry out an analysis of the likely catchment of the scheme and this study recommended that the Black Country should be apportioned a further 67ha of land, with the balance potentially available to meet any unmet needs arising in Greater Birmingham (98ha) and North Staffordshire; more than this would become available to the Black Country if it was found that these other areas did not have an unmet need. Work on the South Staffordshire Local Plan was paused in 2023 to await the changes to the NPPF and other Government Planning Reforms. Work has recommenced, and South Staffordshire Council consulted on a new

Regulation 19 Plan in 2024 which included a revised (increased) employment land contribution and is discussed in section 4 of this document.

- 3.34 At the time, further capacity was being sought from Stafford (between 30-40ha) and potentially from Bromsgrove.
- 3.35 In summary, the Shropshire contribution (subject to the completion of the Shropshire Local Plan examination), plus the WMI's recommended apportionment have the potential to provide for some 102.2ha of employment land towards meeting Black Country needs, plus any additional capacity arising from further evidence reviews, for example from the Stafford and Bromsgrove Local Plans.

#### **4.0 The Wolverhampton Local Plan**

- 4.1 In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans. A new Local Development Scheme (LDS) setting out the programme for the preparation of a Wolverhampton Local Plan was subsequently approved on 26 January 2023. Due to the need to pause the preparation of the Local Plan as a result of proposed changes to the NPPF, the January 2023 LDS was not capable of being realised and a new LDS was brought into effect on 21 February 2024.
- 4.2 The timetable for the preparation of the Wolverhampton Local Plan is as follows:

Consultation on Draft Plan (Regulation 18)	February – April 2024
Consultation of Publication Plan (Regulation 19)	December 2024 – January 2025
Submission of the Plan to the Secretary of State for Examination	Early 2025
Examination in Public	Early 2025 – Spring 2026
Adoption	Mid-2026

- 4.3 Prior to work ceasing on the BCP, DtC work for the BCAs, including responses to Local Plan consultations for neighbouring authorities, was led by the Association of Black Country Authorities (ABCA) on behalf of the four Councils. Contributions were secured from neighbouring areas of some 8,000 homes and 133.6ha of employment land – all secured on a Black Country basis.
- 4.4 Given that the BCAs are now pursuing their own individual plans the existing housing 'offers' from neighbouring areas will need to be clarified and apportioned between the BCLAs as part of a formal agreement. For employment land, the approach is based on meeting needs arising within the Black Country FEMA – this consisting of the administrative area of the four local authority areas. The 2023 Black Country EDNA recommends that the BCAs should continue to engage with neighbouring local authority areas

particularly those with whom the Black Country has a strong or moderate economic relationship and other areas with which there is an evidenced functional relationship.

### **Strategic Matters under Duty to Cooperate**

- 4.5 Paras 3.1-3.2 set out the main strategic matters that were identified for the Black Country Plan. As part of its work on the Wolverhampton Local Plan, Wolverhampton has evidenced a **shortfall in its housing supply and Gypsy & Traveller Pitch provision**, as well as its **employment land** supply. The Wolverhampton Waste Study has also shown that there are **some potential capacity gaps for waste infrastructure** going forward. Regional cross-boundary work has also been on-going to address **potential impacts on European designated wildlife sites from deterioration in air quality** due to increased traffic from local plan development. City of Wolverhampton Council therefore considers that these strategic matters are the principal cross-boundary Duty to Cooperate issues affecting the preparation of the Wolverhampton Local Plan.
- 4.6 The WLP will provide for much of the **development needs** arising in Wolverhampton over the Plan period to be met within Wolverhampton. However, the capacity of Wolverhampton is finite and it is not possible to provide for all development needs within city boundaries. National guidance requires local planning authorities to make evidenced efforts, throughout the Plan-making process, to work with neighbouring authorities to seek to export such unmet development needs. The WLP sets a housing target for Wolverhampton of 9,330 new homes over the period 2024-42, compared to a local housing need for 19,728 homes, creating a shortfall of 10,398 homes. For employment land, the EDNA establishes a need for 126.4 ha of land for employment development over the period 2024-42 and an anticipated supply of 42.9 ha, generating a shortfall of 83.5 ha up to 2042. The Plan also generates a shortfall of 19 gypsy and traveller pitches up to 2032.
- 4.7 The Council works with other **Waste Planning Authorities** to ensure that waste management capacity requirements likely to be generated by Wolverhampton up to 2042 and which cannot be met within the city will be met in other areas. The Council also works with other Minerals Planning Authorities to identify, monitor and manage minerals requirements over the Plan period.
- 4.8 National planning policy requires unmet housing and employment land need to be provided for across the Housing Market Area, Functional Economic Market Area (FEMA) and other areas with which Wolverhampton has a physical or functional relationship. Before and throughout the Plan preparation process the Council has worked openly and constructively with neighbouring authorities to help provide as much certainty as possible about how and where Wolverhampton's full housing and employment land needs will be delivered. The Council recognise that this approach may only address a proportion of the housing and employment shortfall, as it is inappropriate

and beyond the powers of the Council to establish the limits of sustainable development in neighbouring authorities.

- 4.9 The Council is committed to continued and constructive engagement, through the Duty to Co-operate, with neighbours to secure the most appropriate and sustainable locations for housing and employment growth to meet Wolverhampton needs. In terms of housing, the engagement will extend beyond the adoption of this Plan and will build on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area (HMA) and neighbouring areas to address the combined housing shortfalls of the Birmingham and Black Country authorities in particular. As a significant housing shortfall remains over and above existing and anticipated contributions, the Council is producing a single Statement of Common Ground across the HMA, which includes a commitment to further work to identify how the shortfall can be accommodated.
- 4.10 Reflecting the efforts of those neighbouring authorities who are supporting the delivery of the Wolverhampton and Black Country wider housing and employment land need, where it is shown to be desirable, appropriate, sustainable and deliverable, the Council will support neighbouring authorities to bring forward development and work in partnership to ensure infrastructure needs are met in full across administrative boundaries.
- 4.11 Alongside this, a range of other strategic matters have been raised by DtC bodies that have been addressed during the production of the Plan. Table 2.1 sets out the strategic matters arising from the emerging Wolverhampton Local Plan, relevant prescribed bodies and a summary of the strategic matter.

**Table 2.1 : Duty to Cooperate Strategic Matters for Wolverhampton Local Plan**

<b>Strategic Matter</b>	<b>Detail</b>	<b>Specific Local Planning Authorities and Prescribed Bodies</b>	<b>Relevant Statement of Common Ground (SoCG) or audit trail</b>
<b>Unmet Housing Need</b>	<p>As part of its work on the Options Wolverhampton Local Plan, Wolverhampton has evidenced a significant shortfall in its housing supply based on its up to date SHLAA evidence. The shortfall as of April 2024 (the relevant date for Regulation 19 and for submission) is 10,398 homes. On this basis, Wolverhampton will continue to engage with neighbouring local authorities under DtC to inform them of the up to date evidence and the housing shortfall. There have been a number of previous housing offers that were made to the Black Country Authorities and the GBBCHMA. Wolverhampton Council will be seeking to clarify the status of these offers at Regulation 19 stage in order to seek to address its shortfall. At this stage, the current 'offers' from the emerging South Staffordshire, Cannock Chase and Shropshire Local Plans provide for 4,240 homes in excess of local needs and available to contribute towards addressing the wider HMA shortfall.</p> <p>In addition, the four Black Country Authorities have agreed to continue to work together with regard to these DtC discussions and a number of meetings have been arranged between the Black Country Authorities and individual local authorities to progress this. The Black Country Authorities have also agreed to a methodology for apportioning any agreed contributions from neighbouring authorities. This approach was summarised in the Council's response to the Telford &amp; Wrekin Local Plan consultation in January 2024.</p>	<p>GBBCHMA LPAs:  Dudley MBC,  Sandwell MBC,  Walsall MBC,  Birmingham City Council, South Staffordshire District Council, Bromsgrove District Council, Cannock Chase District Council, Lichfield District Council, Tamworth Borough Council, North Warwickshire Borough Council, Redditch Borough Council, Solihull MBC, Stratford on Avon District Council.</p> <p>Other LPAs:</p>	<p>Appendix 6 SoCG between South Staffordshire District Council and City of Wolverhampton Council on South Staffordshire Local Plan (July 2024)</p> <p>Appendix 5: SoCG between Shropshire Council and the Black Country Authorities (July 2021 / October 2024)</p>



	<p>At the time of updating this DtC Statement (November 2024) a draft SoCG is being progressed for agreement with the GBBCHMA authorities on the contributions to the Black Country's and HMA shortfall and the apportionment of the contributions. Using the agreed methodology, this SoCG identifies a potential contribution of 1,593 homes to meet needs arising in Wolverhampton from the 4,240 figure referenced above.</p> <p>The Council is committed to working with all neighbouring Local Plan areas including those in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) to progress a programme of work involving an update of the 2018 Housing Market Area Growth Study to understand the extent of the combined housing shortfall across the GBBCHMA and to develop scenarios designed to address this shortfall. This programme of work is consistent with the approach established through ABCA since April 2022 correspondence as detailed in para 2.19. The update of the 2018 Growth Study is anticipated to commence in late 2024.</p>	<p>Shropshire Council, Telford &amp; Wrekin Council, Wyre Forest District Council, Stafford Borough Council</p>	
<p><b>Permanent Gypsy &amp; Traveller Pitch Provision</b></p>	<p>The Black Country Gypsy and Traveller Accommodation Assessment (2022) and subsequent update as of 2023 for Wolverhampton, provides Gypsy and Traveller Need requirements to the end of the Plan period in 2042. Taken together with evidence of supply of 56 permanent pitches up to 2032 (as set out in Table 6 and para 6.49 of the WLP Regulation 19), this suggests that there will not be sufficient suitable land to provide a five-year deliverable supply of pitches from adoption of the WLP in 2027 to 2032 – with a shortfall of 19 pitches.</p> <p>It is not possible or appropriate to intensify or extend the existing permanent pitch sites, and no further suitable sites have emerged or been identified within Wolverhampton to address this unmet need. No deliverable site options were put forward through the Black Country Plan</p>	<p>Black Country Authorities and South Staffordshire District Council as neighbouring authorities. Plus, other authorities in the GBBCHMA</p>	<p>Appendix 6 SoCG with South Staffordshire District Council on South Staffordshire Local Plan (July 2024)</p>

	<p>and WLP preparation processes, which included three “call for site” opportunities and an assessment of publicly owned land and privately-owned housing sites. Duty to Cooperate requests to neighbouring authorities to provide pitches to help address this unmet need have also been unsuccessful.</p> <p>To try and address the Council’s own unmet needs, and to seek to accommodate shortfalls arising in neighbouring local authority areas (including South Staffordshire and Dudley), the Council as part of the WLP Regulation 18 consultation undertook a call for sites process requesting the submission of sites for consideration for gypsy &amp; traveller pitch provision. The Council also undertook a review of its own sites. No new sites were identified as being deliverable or developable for permanent gypsy &amp; traveller pitch provision.</p> <p>The Council has requested contributions from neighbouring local authorities towards the unmet permanent gypsy &amp; traveller pitch provision via Duty to Co-operate discussions and to date has not been able to secure any contributions. This is due in large part to the shortfall of permanent gypsy &amp; traveller pitches arising in many neighbouring local authorities.</p>		
<p><b>Unmet Employment Development Land Needs</b></p>	<p>Sitting with the Black Country FEMA, DtC discussions with neighbouring authorities and across the Black Country Functional Economic Market Area (FEMA), the proposed contributions will make a significant contribution towards meeting Wolverhampton’s and the Black Country FEMA employment need shortfall (see Employment Land Supply evidence papers, 2024). Taking account of existing and proposed employment land supply within the Black Country and contributions from outside the Black Country, there is a gap of 138.2ha (or 21% of overall need of 661.9ha) for the Black Country FEMA to 2042.</p>	<p>Black Country Authorities, Birmingham City Council, South Staffordshire District Council and Bromsgrove Borough Council as neighbouring authorities. Plus,</p>	<p>Appendix 7 SoCG with South Staffordshire FEMA local authorities.</p> <p>Appendix 5 SoCG between Shropshire Council</p>

	<p>In addition, the four Black Country Authorities have agreed to continue to work together with regard to these DtC discussions and a number of meetings have been arranged between the Black Country Authorities and individual local authorities to progress this.</p> <p>A South Staffordshire FEMA SoCG has been agreed between South Staffordshire Council and the local authorities within the FEMA area including Wolverhampton. This confirms the contributions from South Staffordshire towards meeting needs arising in the Black Country as of August 2024.</p> <p>The statement of Common Ground with Shropshire Council confirms the employment land contribution made to the Black Country.</p> <p>A further SoCG is being prepared for the Black Country FEMA and those authorities with whom the Black Country has a functional economic relationship as evidenced in the Black Country EDNA. This will reflect the status of Local Plan preparation in the constituent authorities.</p> <p>The Council also participated in the West Midlands Strategic Employment Sites Study which reported in mid-2024. This work has advised on the need for additional strategic employment sites across the West Midlands and potential locations to address that need. A number of these locations are within areas that have an identified functional economic relationship with the Black Country and so have the opportunity to meet needs arising in the Black Country of a scale that may close out the current shortfall. The Council will continue to work with the relevant local authorities to ensure that the recommendations of the work are being fully considered.</p>	other authorities in the Black Country FEMA	and the Black Country Authorities
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<p><b>Cross boundary Transport</b></p>	<p>The Council will continue to work with transport infrastructure providers to ensure that transport infrastructure can accommodate the proposed growth and development to be taken forward in the Local Plan.</p> <p>At Regulation 18 stage, the following DtC responses on transport were received:</p> <p><b>Worcestershire County Council:</b> Concern over the potential cumulative transport impact of development on the network in Worcestershire and unknown implications of DtC exports, particularly as WCC has not been involved in BC transport modelling and the PRISM model does not extend to northern-most extents of Worcestershire’s highway network. Request more information on / involvement in transport evidence and infrastructure strategy. Consideration should be given to planning adequate transport infrastructure, including any necessary capacity improvements in Worcestershire to provide for cross-boundary movements.</p> <p><b>Staffordshire County Council:</b> Acknowledge continued engagement and cooperation with CWC on WLP, including through joint work on WMI and I54. SCC should be fully engaged and consulted on development proposals within Stafford Road RCA. The Stafford Road corridor, within both Wolverhampton and Staffordshire, should be made as accessible as possible by bus from new developments. Policies should ensure transport impacts on Staffordshire are understood and addressed and SCC is engaged at pre-app and application stages.</p> <p><b>Transport for West Midlands / WMCA:</b> Should be more acknowledgement of combined impact of clusters of small developments on existing and proposed transport infrastructure and efforts to change travel behaviours. Transport masterplans should be</p>	<p>Transport for West Midlands (TfWM) Staffordshire County Council Worcestershire County Council Black Country Transport Group National Highways Network Rail</p>	<p>Statement of Common Ground in progress with Staffs County / South Staffs MBC</p>
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	<p>used to understand issues and align land use planning and transport more effectively, as set out in Big Moves – Growth for Everyone. Transport evidence should be completed and made available to TfWM before Plan is developed, to allow technical support to be provided.</p> <p><b>Dudley MBC:</b> The Council should feed any transport demand growth assumptions into transport considerations for the A4123 corridor transport interventions being developed jointly by Dudley, Sandwell and Wolverhampton. The Council should continue to work with Dudley Council and Black Country Travel regarding upgrading of Sustrans NCN 54/81, particularly areas around Coseley and Bilston. The WLP should take account of the planned future delivery of the Wednesbury to Brierley Hill Metro Extension route, which will improve sustainable access and provide greater opportunities along the travel corridor for employment, and within Wolverhampton for housing, leisure and shopping.</p> <p><b>National Highways and Network Rail</b> did not respond to the consultation.</p> <p>Work on the updated Black Country Transport modelling was completed in October 2024. This work was undertaken by the four Black Country Authorities and Black Country Transport Group. The updated modelling work was carried out to ensure that new emerging local plans for the Black Country Authorities were sufficiently modelled, where possible, to provide an understanding of traffic levels across the Black Country in the future to 2042. Other authorities and bodies were involved as appropriate during this exercise. National Highways since submitted a response to Sandwell Local Plan which raised</p>		
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	<p>various issues regarding the modelling, and a response which addresses the issues has been published.</p> <p>A separate Transport Statement of Common Ground between South Staffordshire Council, Staffordshire County Council and City of Wolverhampton Council has been drafted to support the South Staffordshire and Wolverhampton Local Plans.</p>		
<b>Flood Risk and Water Management</b>	<p>Water issues such as flood risk, water supply, wastewater treatment, water quality and surface water management often cross administrative boundaries. The Council will continue to work with the Environment Agency and Severn Trent Water (and neighbouring authorities where required) to ensure that such matters are adequately addressed in the Local Plan. The Black Country Authorities completed a Strategic Flood Risk Assessment in 2019 and a Water Cycle Study in 2020. A Wolverhampton Level 1 and Level 2 Strategic Flood Risk Assessment (Level 1 and Level 2) was completed in 2024, which has informed policies and proposals in the WLP. Following the Issues and Preferred Options consultation, the Council continued to have dialogue with the Environment Agency and Severn Trent Water on issues raised during the consultation, including the need to address wastewater treatment and water quality issues in the WLP. During preparation of the WLP Regulation 19, Severn Trent and the Environment Agency received details of all proposed site allocations and were further engaged in the work on the Strategic Flood Risk Assessment and WLP policy development. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>	<p>Severn Trent Water Environment Agency</p>	<p>Severn Trent Wolverhampton Wastewater and Network Assessment (25/09/24)</p> <p>Environment Agency Wolverhampton Local Plan Meeting Notes (02/10/24)</p>
<b>Waste Disposal</b>	<p>The Council has been involved in waste discussions through the West Midlands Resource Technical Advisory Body (WMRTAB), a body set up to support and promote cooperation between Waste Planning Authorities (WPAs) and others.</p> <p>Members of WMRTAB agree that waste should be planned for as a strategic matter and this is consistent with the position in the WMRTAB</p>	<p>RTAB Waste Planning Authorities</p> <p>WMAWP</p>	<p>Appendix 8 WMRTAB Statement of Common Ground</p>

	<p>Statement of Common Ground (September 2022) (SOCG) (Appendix 8). The WMRTAB SCG sets out matters of agreement between the Waste Planning Authority members of WMRTAB in terms of how waste will be planned for in the West Midlands.</p> <p>Waste movements taken from the Environment Agency's Waste Data Interrogator (2019- 2023) were used to gauge whether the waste movements from Wolverhampton to other WPAs were considered strategic and whether there was a need to engage in DtC dialogue with these WPAs. Using the new WMTRAB waste movement thresholds from the Waste Data Interrogator showed that there were only two WPAs where there were significant waste movements between Wolverhampton and other WPAs, these were Staffordshire County Council and Walsall Council, both of which are WMRTAB members. Therefore, there is a need for further DtC dialogue at Regulation 19 stage.</p> <p>To be considered a significant waste movement, a local authority would have to send 20% of its waste generated to a WPA for three out of five years and 40% in the last year (2023). Wolverhampton is a net importer of waste and over the last five years, there have been no waste movements to other WPAs outside of the West Midlands that meet the WMTRAB thresholds.</p> <p>Wolverhampton has continued to meet with the Black Country authorities and it is considered that a specific Black Country Statement of Common Ground (SoCG) is not required. DtC discussions are also continuing through WMRTAB.</p>		
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	WMRTAB has helped facilitate discussion between WCC and other neighbouring WPAs to assist with meeting its DtC on the strategic matter of waste management.		
<b>Mineral extraction</b>	Any issues around the extraction and preservation of minerals are discussed at the West Midlands Aggregates Working Party (WMAWP) whose principal area of interest is the collection and monitoring of data on aggregates provision as an aid to minerals planning. Any cross-boundary issues regarding minerals are discussed at this meeting. At present, the provision of minerals is not considered to be a strategic matter for Wolverhampton, although, the Council is willing to participate in any discussions if required.		
<b>Local Aggregate Assessment</b>	<p>Local Aggregates Assessment (LAA) for the West Midlands Metropolitan Area updates the previous document published in 2016 and provides information as of 2022.</p> <p>The LAA for the West Midlands comprises the seven metropolitan authorities. Each Metropolitan Area local authority is a minerals planning authority. However, unlike County Councils they do not prepare specific Minerals Local Plans, instead local plan policies address planning for and recycling of aggregates as appropriate. The Metropolitan Area is a producer of primary land won sand and gravel, most of which occurs in Solihull with some smaller workings in Walsall; there are currently no viable crushed rock reserves. An inevitable consequence of this is that the Area is a significant importer of aggregates, and this situation is expected to continue. Facilities where recycled and secondary aggregates are produced are distributed more widely across the Area. Work has been progressing on updating the LAA, through continued discussions an updated assessment will be published in the near future.</p>		

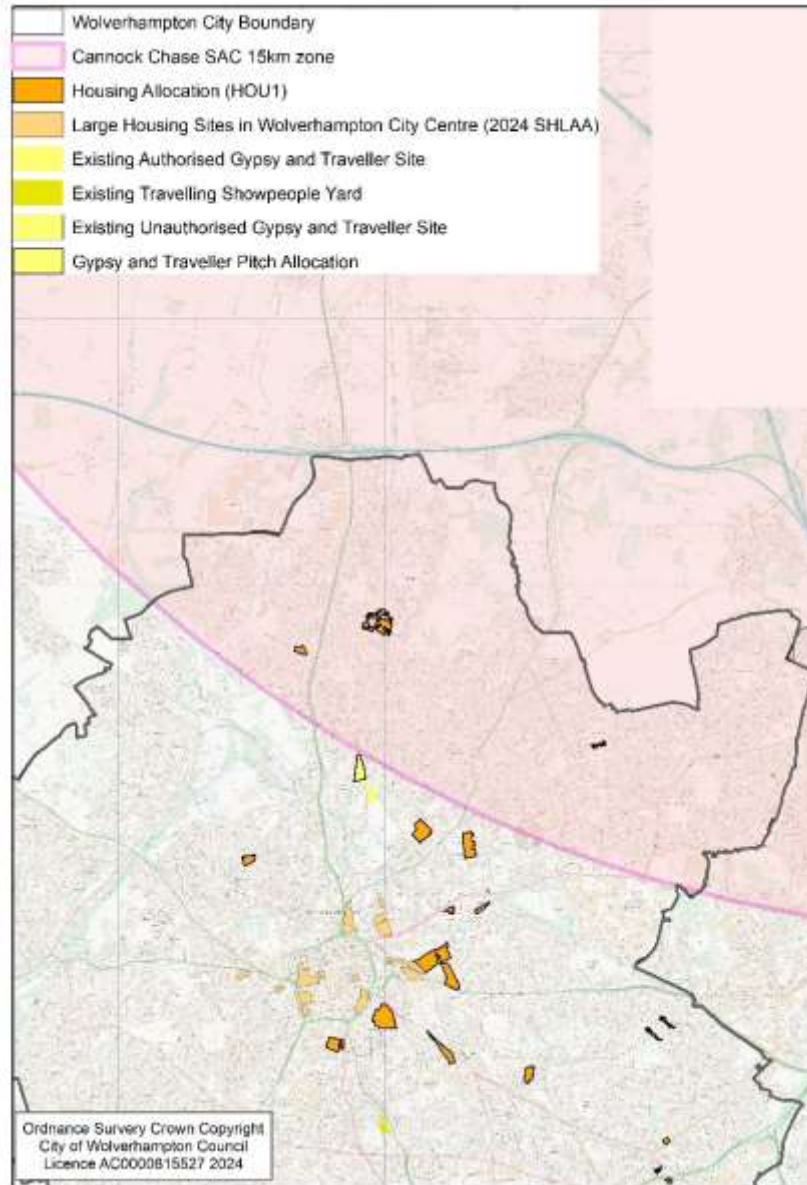


<b>Education Provision</b>	<p>As the Local Education Authority for Wolverhampton, throughout the preparation of the Black Country Plan and the Wolverhampton Local Plan, the Council has worked with neighbouring authorities, including Staffordshire County Council, and the Black Country Authorities, to ensure sufficient health infrastructure is in place to accommodate additional housing. At this advanced stage of the Plan preparation process the LEA and neighbouring authorities have not indicated that they have any major concerns arising from the proposed Wolverhampton Local Plan housing growth. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>	<p>Black Country Authorities; Staffordshire County Council</p>	
<b>Health Care Provision</b>	<p>Throughout the preparation of the Black Country Plan and the Wolverhampton Local Plan, the Council has worked with the now Black Country Integrated Care Board (ICB) to ensure sufficient health infrastructure is in place to accommodate additional housing. The BCAs were engaged with the former Clinical Commissioning Groups (CCGs) in the preparation of the Black Country Plan and this joint working has continued between City of Wolverhampton Council and the Black Country ICB. At this advanced stage of the Plan preparation the ICB has indicated no major concerns from the proposed Wolverhampton Local Plan housing growth. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>	<p>Black Country Integrated Care Board (ICB).</p>	
<b>Utilities (excluding water – see above)</b>	<p>The Black Country Authorities engaged with the utility companies as part of the work on the Black Country Plan. No issues were raised at the time regarding proposed site allocations in Wolverhampton. A Utilities Capacity Study was completed in 2019 and no issues arose from this regarding proposed site allocations in Wolverhampton. The relevant utility providers were consulted on the Issues and Preferred Options WLP consultation. National Gas Transmission and National Grid Electricity Transmission responded and neither provider expressed any concerns regarding capacity or infrastructure issues in relation to the proposed allocations or policies. The Council regularly responds to</p>	<p>National Grid Electricity  National Gas</p>	

	<p>requests from National Grid Electricity Distribution for information regarding planned developments in Wolverhampton, to enable their network planning process. This engagement will continue as work on the WLP progresses. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>		
<p><b>Potential impacts of local plan development on European Sites</b></p>	<p><b>Recreational Impacts on Cannock Chase SAC</b></p> <p>Cannock Chase SAC, located to the north of Wolverhampton, is one of the best areas in the UK for European dry heath land and is the most extensive area of dry heath in the Midlands. The Council is part of the Cannock Chase SAC Partnership, which works together to prevent damage to the wildlife value of the SAC. Other members of the Partnership include Natural England, Staffordshire County Council, Walsall Council, Cannock Chase District Council, Lichfield District Council, East Staffordshire Borough Council, South Staffordshire District Council, the Forestry Commission and the Area of Outstanding Natural Beauty (AONB) Partnership. A key role of the Partnership is to ensure no adverse effect on the integrity of the SAC arises from new housing development through recreational pressures.</p> <p>A Visitor Survey and Planning Evidence Base Review (PEBR) completed by the Partnership during 2019-21 demonstrated that any development within 15 km of Cannock Chase SAC that could increase visitor use of Cannock Chase may have a significant impact on the integrity of the SAC. The PEBR recommended a package of Detailed Implementation Plans (DIPs), which are considered necessary to mitigate the cumulative impact of maximum potential housing development within the 15 km zone up to 2040. These measures include habitat management and creation; access management and visitor infrastructure; publicity, education and awareness raising; provision of additional recreational space within development sites</p>	<p>Natural England, Cannock Chase SAC Partnership authorities (Staffordshire County Council, South Staffordshire DC, Cannock Chase DC, Stafford DC, Lichfield DC, East Staffs BC, Walsall MBC, Wolverhampton CC)</p>	<p>Cannock Chase SAC Partnership Memorandum of Understanding (2022) <a href="#">Cannock Chase SAC Contributions System   City Of Wolverhampton Council</a></p>

where they can be accommodated; and measures to encourage sustainable travel. An updated Cannock Chase SAC Partnership Memorandum of Understanding (MOU) reflecting this new evidence was completed and implemented in 2022.

Parts of northern Wolverhampton, as shown on Figure 10 of the WLP Regulation 19 (reproduced below), fall within 15 km of Cannock Chase SAC. Any development within this area over the Plan period that results in new homes or creates visitor accommodation, such as a hotel or caravan site, may lead to adverse effects on the SAC through increased visitor activities. Therefore, the Council will continue to seek contributions towards the total cost of the Cannock Chase SAC DIPs (or alternative mitigation strategies which may be agreed in future) in proportion to the amount of housing development anticipated to take place within the 15 km zone.



	<p>Policy ENV2 of the WLP, supported by guidance, will ensure that decisions made on planning applications in Wolverhampton will not have adverse effects on Cannock Chase SAC. If there are any potential adverse impacts, the development must be refused unless there are appropriate mitigation measures in place. Any proposals that comply with the current guidance are likely to result in a conclusion of no adverse impact on the integrity of Cannock Chase SAC.</p> <p><b>Air Quality Impacts via Increased Traffic from Developments on European Sites</b></p> <p>The potential adverse impacts of air pollution on European Sites have been identified as an issue in England for a number of years. Recent Local Plan Regulation 19 consultations in the region (Cannock Chase and South Staffordshire) have previously been unable to rule out adverse effects in relation to air quality from vehicles on relevant European Sites through their Habitat Regulations Assessment. This was due to a lack of transport and air quality modelling evidence to confirm whether air pollution arising from Local Plan developments was likely to cause an adverse effect on site integrity (AEOSI), due to exceedance of critical levels and / or critical loads at the European Sites from air pollution.</p> <p>Therefore, in order to progress Local Plans, in 2022 a regional Air Quality Partnership was established to put in place the necessary evidence base to address this issue for European Sites relevant to the partner authorities. Following scoping, this list of sites was reduced to five SACs and one SSSI with Ramsar designation. The evidence base, including detailed traffic and air quality modelling, was completed during 2023/24. The conclusion of this work was that there were air pollution exceedance areas at Cannock Chase SAC, Cannock Extension Canal</p>	<p>Natural England, Air Quality Partnership authorities (South Staffordshire DC, Cannock Chase DC, Stafford DC, Lichfield DC, East Staffs BC, Walsall MBC, Dudley MBC, Sandwell MBC Wolverhampton CC)</p>	<p>Appendix 9 - Draft Statement of Common Ground in Relation to Air Quality Impacts on European Sites (Nov 2024)</p>
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	<p>SAC, Fens Pool SAC and Oakhanger Moss SSSI, however all of these sites could be screened out in terms of AEOSI.</p> <p>As of November 2024 a SoCG was being agreed between the Partnership bodies (including Natural England), which will demonstrate that this issue has been satisfactorily addressed. A draft of the SoCG, as of 22 November 2024, is attached as Appendix 9 to this report. Minor changes may be made to this SoCG and formal sign off is yet to be secured from all parties – it is anticipated that this will be achieved before submission of the WLP in early 2025.</p>		
<b>Natural and Built Environment</b>	<p>Natural England, Environment Agency and Historic England have engaged with the Black Country Authorities in preparing the draft Black Country Plan, and with Wolverhampton Council during 2024 through preparation of the Wolverhampton Local Plan. The Council will continue to work with these organisations as work on the Plan progresses and to ensure that policies and proposals in the Plan will mitigate against the impacts on the local environment, air quality, climate change, biodiversity and improve and enhance the city's historic environment. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>	<p>Natural England, Environment Agency Historic England</p>	
<b>Blue and Green infrastructure</b>	<p>The Council has engaged with the Canal &amp; Rivers Trust, Sport England, Natural England, the Environment Agency, the Local Nature Partnership, the Birmingham and Black Country Wildlife Trust, the WMCA Local Nature Recovery Network Partnership and the Woodland Trust as part of the considerable work undertaken to date on the Black Country Plan and the Wolverhampton Local Plan. This included work on a joint study - Play Pitch and Outdoor Sports Strategy - with Sport England in 2022. The Council has continued to work with these organisations to develop detailed policies and proposals in the WLP that incorporate their views. Please see Wolverhampton Infrastructure Delivery Plan for further information.</p>	<p>Environment Agency, Natural England, Birmingham and Black Country Local Nature Partnership, Canals &amp; Rivers Trust, Sport England and others</p>	

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**5. Outcomes from Duty to Cooperate engagement**

- 5.1 The Council has undertaken extensive engagement including a number of duty to cooperate discussions throughout the preparation of the Wolverhampton Local Plan. This work has resulted in updates to the evidence base and changes to policies and proposals in the published Plan. The key meetings associated with this engagement are detailed in Appendix 2.
- 5.2 Planning Practice Guidance (PPG) states that: “The statement of common ground is the means by which strategic policy-making authorities can demonstrate that a plan is based on effective cooperation and that they have sought to produce a strategy based on agreements with other authorities.”(para 029) A number of Statements of Common Ground (SoCG) and one Memorandum of Understanding (MoU) have either been agreed or are being progressed, as set out in Table 5.1 below , including bilateral statements where required.
- 5.3 These cover the key strategic duty to cooperate issues arising through preparation of the WLP, in accordance with the PPG, and have been prepared at a geography relevant to the specific issue.
- 5.4 Following consultation on the Regulation 19 WLP - which will provide the up-to-date position on the final WLP from each DtC partner - these draft SoCG will be amended, where necessary, and finalised for submission stage. It is likely that the process of securing approvals for signature to all SoCG will extend beyond submission stage. This is because the timescale will be limited by the actions of DtC partners, which are outside the control of City of Wolverhampton Council. Notwithstanding this, the Council considers that the DtC relating to the preparation of the WLP will be complied with upon submission.

**Table 5.1: Statements of Common Ground and Memorandum of Understanding**

<b>Organisation</b>	<b>Strategic Issues to be addressed</b>	<b>Status</b>
West Midlands Resource Technical Advisory Body	Matters of agreement between the Waste Planning Authority members of WMRTAB in terms of how waste will be planned for in the West Midlands	Statement of Common Ground Agreed September 2022 (Appendix 8)
Shropshire Council and Black Country Authorities	Housing and Employment Land contribution	Statement of Common Ground Agreed July 2021 / Addendum October 2024 as part of



		Examination (weblinks at Appendix 5)
South Staffordshire District Council	South Staffordshire Functional Economic Market Area Authorities SoCG  South Staffordshire & Wolverhampton Council(s) SoCG	Agreed October 2024 (Appendix 7)  Agreed July 2024 (Appendix 6)  To be updated before submission in light of SSDC response to WLP Reg 19 consultation
Black Country Local Authorities and South Staffordshire District Council FEMA	Employment land contribution	In progress
Greater Birmingham and Black Country Housing Market Area	Apportionment of any housing contributions between the GBBCHMA authorities and agreement to refresh the Housing Growth Study	In progress
Cannock Chase SAC Partnership	Relating to The Impact of Residential Development on the Cannock Chase Special Area of Conservation	Memorandum of Understanding agreed October 2022 <a href="#">Cannock Chase SAC Contributions System   City Of Wolverhampton Council</a>
Wolverhampton, Dudley, Sandwell, Walsall, South Staffordshire, Cannock Chase, Lichfield, East Staffordshire and Stafford Councils and Natural England	Air Quality Impacts (via Traffic) on European Sites	In progress (draft attached as Appendix 9)

## 6.0 Next Steps

- 6.1 This document is the second iteration of the WLP DtC Statement. The first statement was produced for the Regulation 18 Plan in February 2024 and built on the statement that was previously produced to accompany the Regulation 18 Draft Black Country Plan in 2021.

- 6.2 The statement provides the updated position on all Duty to Cooperate correspondence and working as of November 2024.
- 6.3 The statement will be updated before submission. The Council will make every effort to continue to liaise with key stakeholders and prescribed bodies with a view to reaching a consensus on how to deal with the strategic matters and where necessary enter into Statements of Common Ground.

## Appendix 1 - Duty to Cooperate Engagement 2017 – 2022- BCP related

Meeting type	Public body / organisation	Meeting dates	Topics discussed
Duty to Cooperate discussions with individual LPAs	South Staffordshire Council  (meetings from September 2019 onwards)	13/7/21	Presentation to South Staffordshire Councillors on the Black Country Plan as presented to BCA Cabinets.
		9/6/21, 12/5/21, 2/2/21, 13/11/20, 6/11/20, 25/6/20, 4/6/20, 12/5/20, 24/4/20, 20/3/20, 24/9/19	Local Plan timetables and issues arising from Black Country Plan evidence gathering.
		13/2/20	Presentation to South Staffordshire Councillors on the Black Country Plan evidence base and associated housing and employment land shortfall.
		9/3/21, 22/1/21, 13/11/20, 22/10/20, 24/9/20, 30/7/20, 19/6/20, 21/5/20, 2/4/20.	ABCA representations to Shropshire Local Plan and Black Country Plan evidence.
	(meetings from April 2020 onwards)		
	Birmingham City Council (from November 2020 onwards)	20/5/21, 25/11/20, 4/11/20	Local Plan programme and issues arising from Black Country Plan evidence gathering.
	Telford & Wrekin Borough Council (from November 2020 onwards)	26/3/21, 6/1/21, 14/12/20, 19/11/20.	Local Plan programme and issues arising from Black Country Plan evidence gathering.
	Wyre Forest Borough Council (from October 2019 onwards)	5/12/19, 3/10/19	Local Plan timetables and ABCA representations to Wyre Forest Local Plan.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
	Stafford Borough Council (from January 2020 onwards)	26/3/21	West Midlands Interchange apportionment work
		23/12/20, 14/10/20, 9/7/20, 30/6/20, 20/5/20, 24/3/20,	Stafford Local Plan and key issues emerging from Black Country Plan evidence.
	Cannock Chase Borough Council (May 2020 onwards)	22/4/21, 16/2/21, 15/12/20, 13/10/20, 22/5/20	Cannock Chase Local Plan and key issues emerging from Black Country Plan evidence.
	Lichfield Borough Council (from June 2020 onwards)	19/1/21	Lichfield Local Plan Regulation 19 Plan.
		14/7/20, 4/6/20.	Lichfield Local Plan and key issues emerging from Black Country Plan evidence.
Regional stakeholder meetings	West Midlands Combined Authority Housing and Land Delivery Board	3/3/21	Strategic outline business case for an Affordable Housing Delivery Vehicle, Zero Carbon Homes Charter and Routemap, Advanced Manufacturing in Construction Routemap.
		13/1/21	Affordable Housing Delivery Vehicle, Zero carbon Homes Charter and Routemap.
		2/11/20	Local Plans: Progress, Zero Carbon Homes Programme, Advanced Manufacturing in Construction
		7/9/20	CV19 Recovery – Town Centre Living and Regeneration, Advanced

Meeting type	Public body / organisation	Meeting dates	Topics discussed	
			Manufacturing in Construction Routemap.	
		27/4/20	Affordable Homes delivery vehicle, Zero Carbon Homes	
		15/1/20	Affordable housing policy, Inclusive Growth Corridors – Delivery and Investment Plans.	
		30/9/19	Regional Design Charter and Modern Methods of Construction	
		21/2/19	Regional Design Charter and Town Centres Programme	
		20/12/18	Growth Corridors and Strategic Development Opportunities	
		6/9/18, 25/10/18	Town Centres Programmes	
		21/2/18, 16/7/18	WMCA Spatial Investment and Delivery Plan	
		Black Country Local Enterprise Partnership	12/2/20	Presentation to LEP Place Board on Black Country Plan emerging evidence and key issues.
			1/7/19	Presentation to LEP Board on Key issues and opportunities, the emerging Vision and evidence update.
June 2019	Presentation to LEP Place Board on Key issues and opportunities, the emerging Vision and evidence update.			

Meeting type	Public body / organisation	Meeting dates	Topics discussed
		17/12/18	<p>Presentation to LEP Board</p> <p>on Black Country Plan scope, key issues and next steps.</p>
	<p>Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Officer Group.</p>	<p>Quarterly meetings</p>	<p>Regular updates on progress of the Black Country Plan</p> <p>and key issues emerging from evidence with a focus on housing and employment land shortfalls. This work</p> <p>has informed the HMA position statement updates and discussions over the potential for SoCGs and future joint working. Meetings have also discussed recommendations from the West Midlands Strategic Employment Sites Study and Regional Aggregates Assessment.</p>
	<p>West Midlands Resource Technical Advisory Board (RTAB)</p>	<p>11<sup>th</sup> May 2018</p> <p>10th September 2019</p> <p>5th March 2020</p> <p>8th December 2020</p> <p>10th June 2021</p> <p>9<sup>th</sup> December 2021</p> <p>16<sup>th</sup> June 2022</p> <p>6<sup>th</sup> December 2022</p>	<p>WMRTAB have been informed that the 4 Black Country Authorities are producing the Black Country Plan (BCP), which is anticipated for adoption during 2024, with draft plan consultation during Aug/Sept 2021. Also made aware of the substantial additional housing land required and will need to</p>

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>allocate sites including green belt land.</p> <p>WMRTAB have been kept updated on the evidence base produced by Wood, which has informed the Waste chapter policies of the Black Country Plan Draft Plan stage.</p> <p>WMRTAB chair and WPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Waste issues) on 14 January 2020 and 9 June 2021.</p>
	<p>West Midlands Aggregates Working Party (WMAWP)</p>	<p>13th July 2018 9th July 2019 8th October 2019 23rd April 2020 16th April 2021</p>	<p>WMAWP informed and updated over time by the 4 Black Country Authorities as to the emerging Black Country Plan (BCP) – including as to housing and employment growth, the likely need to develop some green belt land, draft plan consultation in Aug/Sept 2021, and anticipated adoption in 2024.</p>

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>WMAWP has been kept updated on the evidence base produced by Wood consultants (including a detailed presentation by Wood at the 8 October 2019 meeting) – the Dec 2019/Jan 2020 Minerals Study</p> <p>informing the Minerals chapter policies in the BCP Draft Plan.</p> <p>WMAWP chair and MPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Minerals issues) on 14 January 2020 and 9 June 2021.</p>
Regional Stakeholder Meeting	West Midlands Combined Authority Strategic Transport Officers Group (STOG)	Monthly 2017-2021	STOG has received updates on the BCP's progress at intervals over the last 4 years. The group has oversight of the West Midlands LTP and will ensure that there is alignment between the policies it contains and the transport elements of the BCP through the



Meeting type	Public body / organisation	Meeting dates	Topics discussed
			involvement of the WMCA transport Support Group.
Regional Stakeholder Meeting	West Midlands Combined Authority Transport Support Group (TSG) (formerly Connected to Growth Group)	Quarterly 2017-2020, Monthly 2020-21	Local Plan progress is a standing item on the agenda for this meeting. TSG has been kept up to date on the evidence being prepared as part of the Parking Study and Transport Modelling Study. TfWM officers are part of the groups overseeing the commissions for both pieces of evidence.
Other meetings with prescribed bodies / key stakeholders	Cannock Chase SAC Partnership - Joint Strategic Board and Officer Working Group	Various 2017-21	Implementation of the current MOU.  Update of the evidence base during 2018-21 (including visitor survey and projected housing completions arising from Draft BCP).  Potential revision of the Partnership MOU to reflect updated evidence base.
	Environment Agency	Various 2018-2021	Various meetings that have focused around the development of the Level 1 and 2 SFRA and Water Cycle Study work.

	WMCA	2018-21.	Various discussions to ensure alignment of the Black Country Plan with WMCA strategic priorities.
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Meeting type	Public body / organisation	Meeting dates	Topics discussed
	Natural England	Various 2019-2021	Discussed overall approach to policies and use of Natural Capital. The development of NRN was also discussed and agreed to include NE reps as work progresses to gain endorsement
	Staffordshire County Council School Organisation and South Staffordshire Council Planning Teams.	12/6/19, Various dates in 2021	Potential cross-boundary implications of future housing development within the Black Country and South  Staffordshire on school place provision and planning.
To discuss health needs in the Black Country & agree BCP policies on health, including developer contributions.	Dudley, Sandwell & West Birmingham, Walsall + Wolverhampton Clinical Commissioning Groups (now Black Country Integrated Care Board or ICB); Royal Wolverhampton Hospital Trust; Dudley, Sandwell, Walsall & Wolverhampton LPAs & Public Health Departments; NHS Improvement (some); West Midlands Fire Service (to 10/6/19); Transport for West Midlands (16/7/21), 20/9/19); Active Black Country (from 29/1/21).	2/10/23, 12/5/22, 20/4/22, 23/10/20, 24/6/20, 7/1/20, 20/9/19.	Progress on Black Country Plan, draft Health & Wellbeing Chapter, draft policies including health infrastructure policy on developer contributions (including methodology at some meetings), potential demand for health infrastructure from new housing allocations in BCP, evidence base/ SPD to support policies. Plus BCP accessibility standards for new healthcare facilities (24/6/20 only), draft Sustainability Assessment & Viability Assessment. Post end of BCP joint working, the meeting of 2/10/23 discussed continued liaison between BCAs and the Black Country ICB over policy, in particular on health infrastructure.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
		16/7/19	More detailed discussion on NHS's SHAPE model, TRACC accessibility model used by TfWM/ BCAs & how they can be used collaboratively in planning health infrastructure
		10/6/2019	BCP progress; SHAPE planning tool used by NHS to inform their health infrastructure planning, including accessibility modelling (comparison with work discussed at previous meeting); funding mechanisms for health infrastructure including DtC
		14/5/19	How BCP housing targets relate to CCG/ NHS Estates Strategies & TfWM/ BCA assessment of accessibility to support location of services.
		9/4/2019	Background housing needs of BCP. Draft policies on hot food takeaways & other uses giving rise to health concerns, on infrastructure needs & funding

## Appendix 2 – Wolverhampton Local Plan Duty to Co-operate Engagement from November 2022

Meeting Type	Public Body/Organisation	Meeting Dates (not comprehensive)	Topics Discussed
DtC Discussion with individual LPAs	Telford & Wrekin	16/11/22 05/04/23 15/05/23 07/11/23 28/05/24 16/09/24	General Updates on Plan progress, evidence base to be commissioned /updated, agreement on strategic matters
DtC Discussion with individual LPAs	South Staffordshire	October 2022 – Jan 2023 26/07/23 25/09/23	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Lichfield DC	08/11/23	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Shropshire Council	09/11/23	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Sandwell MBC	03/06/24	Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common ground, progress on both the SLP and CWCLP
DtC Discussion with individual LPAs	Dudley MBC	18/06/24 06/09/24 04/11/24	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Stafford BC	07/12/22	CWC response to Stafford Borough Local Plan consultation. General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Staffordshire CC	01/03/24	Wolverhampton Local Plan Issues and Preferred Options approach to strategic infrastructure – education and transportation.

<b>Meeting Type</b>	<b>Public Body/Organisation</b>	<b>Meeting Dates (not comprehensive)</b>	<b>Topics Discussed</b>
Black Country Planning Leads	Black Country LAs	Every 4-6 weeks	Progress on Plan preparation, cross boundary matters, DtC, joint evidence base work and apportionment of housing and employment contributions.
Regional Stakeholders	GBBCHMA Development Needs Group	Every 4-6 weeks	Updates on progress of LAs Local Plans, SoCG, HMA Position Statement, commissioning of evidence work for employment and housing matters, and Regional Aggregates Assessment. Engagement with WMCA and TfWM
Regional Officer Working Group	West Midlands Aggregates Working Party (WMAWP)	Twice yearly 23rd June 2022 24th November 2022 27th April 2023 13th November 2023 20th May 2024	WMAWP have been kept updated on the evidence base produced by WSP, which has informed the WLP waste policies.
Regional Officer Working Group	West Midlands Resource Technical Advisory Board (RTAB)	Twice yearly 16th June 2022 6th December 2022 21st June 2023 6th December 2023 12 June 2024	WMRTAB have been kept updated on the evidence base produced by Wood/WSP, which has informed the Waste chapter policies of the WLP
Officer Working Group / Joint Strategic Board (Councillor membership)	Cannock Chase SAC Partnership (Stafford BC; Staffordshire CC; East Staffs BC; Lichfield DC; Cannock Chase BC; South Staffordshire BC; Wolverhampton CC; Walsall MBC; Natural England; Cannock Chase AONB)	Officer Group: Every two months JSB: Twice yearly / as required	To manage the activities of the Cannock Chase SAC Partnership, including the collection and spend of developer contributions, on-going monitoring of impacts on the SAC, and any local plan and planning application issues arising.  During the period 2022-24, this group also managed the delivery of traffic and air quality modelling work to resolve the issue of potential air quality impacts on European sites from emerging Local

Meeting Type	Public Body/Organisation	Meeting Dates (not comprehensive)	Topics Discussed
	Partnership; National Trust; Forestry England; Staffordshire Wildlife Trust)		Plan proposals, prior to establishment of a separate Working Group – see below.
Officer Working Group	Regional Air Quality Partnership (South Staffordshire DC, Cannock Chase DC, Stafford DC, Lichfield DC, East Staffs BC, Walsall MBC, Dudley MBC, Sandwell MBC Wolverhampton CC, Natural England)	11 September 2024 25 September 2024 14 October 2024 14 November 2024 (final meeting)	Managed the conclusion of traffic and air quality modelling work and pulled together evidence and a Statement of Common Ground (currently in draft form) to resolve the issue of potential air quality impacts on European sites work in relation to Local Plan reviews in the area.

### Appendix 3: DtC Activities with Waste Planning Authorities

Throughout the plan preparation process the Council has contacted other waste planning authorities in England that met the following thresholds in terms of waste movements either exported to them by Wolverhampton or exported from them to Wolverhampton:

- **For each waste category, more than 20% of a waste arising in one WPA is managed in the specific WPA for at least 3 of the last 5 years:** This threshold allows for the normal workings of the market, reflecting the tendency for contracts to change rapidly and for ability of the market and existing facilities to react to changes in smaller-scale movements.
- **For each waste category, more than 40% of waste arising in one WPA is managed in the specific WPA during the last year:** This higher threshold enables a more active response to significant changes that might result from the closure of some facilities or opening of new facilities.

The authorities contacted as part of WLP consultations, and any response from them, is set out in the table below:

Waste Planning Authority	Consultation Stage	Response Received (if any)
Staffordshire County Council	Regulation 18	<p>With regards to Recycled aggregate, in maintaining the supply of construction aggregates, existing sites that treat construction, demolition and excavation wastes should be safeguarded along with land that might be required to expand these facilities. Policy should support the development of new or extended facilities in line with an updated waste capacity projection.</p> <p>An updated waste needs assessment should be carried out for the Plan area identifying the needs for Wolverhampton including an assessment of its dependence on facilities outside the Plan area. The waste capacity requirements for the Plan area should be assessed based on the projections shown on Table 9 of the Draft Black Country Plan 2018-2039 (consultation 2021). Based on the review of waste capacity needs, permitted sites should be safeguarded particularly where those sites are capable of expansion to meet the increased capacity needs over the Plan period.</p>
	Regulation 19	To be completed
Walsall Metropolitan Borough Council	Regulation 18	No response regarding waste issues.
	Regulation 19	To be completed



## Appendix 4 - Letters from ABCA – July 2018, August 2020 and April 2022

### ABCA Duty to Co-operate Letter - July 2018



Our Ref: HP/CW  
Date: 13 July 2018

Dear Colleagues

#### Black Country Core Strategy Review Duty to Co-operate: Strategic Housing Issues

As you will be aware the Black Country Authorities have commenced a review of our joint Core Strategy. As a key part of this review we completed our Issues and Options consultation in September 2017. This included a call for sites. We are currently in the process of reviewing the responses to consultation and are progressing various other work in connection with the review. This includes a number of key pieces of evidence including the second stage of our EDNA, and finalising an Urban Capacity Report.

We are keen to continue to work with neighbouring Authorities, including yours, on strategic matters – you may recall our most recent Duty to Co Operate meeting in February 2018 when we took the opportunity to update neighbouring LAs and to ask how you would like to continue to work with us on key strategic planning matters.

The purpose of this letter is to raise the issue of housing need across the Black Country – and how these can be met. You may be aware that we have allocated a significant number of sites for both housing and employment development through current local plan documents. We intend to update this work as part of the current review where this may be necessary.

Our most recent housing evidence sets out our housing need (up to 2036) – and whilst we acknowledge this might change as a result of updated government policy (which is anticipated to slightly increase our current OAN) we know that we cannot accommodate all our identified needs within the urban area of the Black Country. This view is supported by our current work reviewing the urban capacity of the Black Country (see latest urban capacity report - May 2018 <http://blackcountrycorestrategy.dudley.gov.uk/t2/>) and the recently published Birmingham and Black Country HMA study. Even by increasing densities and looking to other sources of urban land supply, we still cannot accommodate all our housing and employment needs within the urban area.

Current estimates are that we may have a shortfall in the region of 22,000 dwellings and 300 ha of employment land. However our review is focussing on continuing a brownfield first approach, building on the success of the current strategy, and we will continue to make every endeavour to accommodate as much of our need as

possible in our urban areas before considering other locations in the Black Country or beyond.

At this stage we would be grateful if you were able to provide an update regarding your strategic plan making, specifically your local plan review status. In addition, considering the situation faced by the Black Country, as set out above, and building upon the recently published Strategic Growth Study for the Greater Birmingham and Black Country HMA, we are asking for your Authority to consider whether it would be able and willing to accommodate any identified housing and employment development needs arising from the Black Country? This request covers all types of housing need as identified in evidence.

Such a scenario may arise where your existing or emerging plan is seeking to deliver levels of housing or employment land in excess of local needs. We are also keen to understand, in the context of plan reviews, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting some of the needs of the Black Country - with an initial focus on non-green belt locations in accordance with the existing and proposed national planning policy framework.

We ask that you consider this request and **respond in writing to [blackcountrycorestrategy@dudley.gov.uk](mailto:blackcountrycorestrategy@dudley.gov.uk) within 2 weeks of the date of this letter please.** We appreciate that this letter may raise difficult issues that need your consideration, however we would be grateful for an early response.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Sarah Norman  
Chief Executive  
Dudley Metropolitan Borough Council



Helen Paterson  
Chief Executive  
Walsall Metropolitan Borough Council



Jan Britton  
Chief Executive  
Sandwell Metropolitan Borough Council



Mark Taylor  
Strategic Director  
Wolverhampton City Council

## ABCA Duty to Co-operate Letter – August 2020

**ABCA**

Association of Black Country Authorities  
Dudley, Sandwell, Walsall and Wolverhampton

Our Ref: HP/CW  
Date: 4 August 2020

Dear Colleagues

### **Black Country Plan Review**

#### **Duty to Co-operate: Strategic Housing and Employment land Issues**

As you will be aware, the Black Country Authorities are currently in the process of reviewing the Black Country Core Strategy, which is now called the Black Country Plan. As a key part of this review we completed our Issues and Options consultation in September 2017, which included a call for sites. In light of the impacts of Covid-19 we have now published a revised timetable for the Black Country Plan review (<https://blackcountryplan.dudley.gov.uk/t2/p1/>).

In line with the new timetable, we are now finalising evidence and preparing a Draft Plan for consultation in summer 2021. We aim to produce a Publication Plan in summer 2022 and adopt the Plan in early 2024. In order to ensure the adopted Plan covers a period of at least 15 years we will be extending the Plan period to 2039.

We are keen to continue to work with neighbouring authorities, including yours, on strategic matters. You may recall that we contacted you in July 2018 asking your authority to consider whether it would be able and willing to accommodate any identified housing or employment land needs arising from the Black Country. We were pleased to receive a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We also held a Duty to Co-operate meeting in January 2020 when we took the opportunity to update neighbouring authorities on key strategic planning matters.

The purpose of this letter is to provide a further update on the strategic issues of housing and employment land needs arising in the Black Country over our Plan period, and how these can be met, and to ask your authority to respond to specific questions on these issues. These are the most pressing strategic issues which we need to address to enable us to fully develop our Draft Plan, in line with the new timetable.

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### **Strategic Housing Issues**

Our most recent housing evidence, summarised in the Black Country Urban Capacity Review (UCR) 2019 (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>), sets out our estimated housing need up to 2038. Whilst we acknowledge that this figure may change following the anticipated Government review of the Standard Methodology and will need to be extended by a year to cover the new Plan period, we are certain that we will not be able to accommodate all of our identified housing needs within the urban area of the Black Country.

This view is supported by our urban housing supply estimates, which are detailed in the 2019 UCR. The UCR continues to focus on a brownfield first approach, building on the success of the current strategy, and making every endeavour to accommodate as much of our development needs as possible in our urban areas before considering other locations in the Black Country or beyond. However, even by increasing densities and looking to other sources of urban land supply, it is clear that we cannot accommodate all our housing needs within the urban area. Current estimates are that we have a shortfall in the region of 27,000 homes up to 2038. We are in the process of updating the UCR to reflect the most up-to-date information and hope to publish this update by the end of the year. However, it is very unlikely that this update will result in a significant increase in urban housing supply over the Plan period.

### **Strategic Employment Land Issues**

Turning to employment land, the Black Country economy has been performing well and is considered strong. Our future employment land requirement ranges between 592 ha (baseline growth) and 870 ha (aspirational growth based on West Midlands Combined Authority SEP). Our existing urban employment land supply (including recent completions) provides approximately 300 ha of land, leaving a shortfall of between 292 ha and 570 ha, depending on the growth scenarios applied. As is the case with our approach to housing land, we are considering all opportunities to bring forward additional employment land within the urban area including a review of opportunities within our existing employment areas through the Black Country Employment Area Review (BEAR). While this work will yield some additional capacity, it will not make a significant impact upon addressing our unmet need.

### **Potential contributions from Non-Green Belt Areas**

The Black Country clearly has development needs which cannot be met within the non-green belt areas of the Black Country. In this event, national policy (reference NPPF para 137) requires that, if there are non-green belt areas in neighbouring authorities which can be brought forward to meet Black Country development needs, these should be clearly identified first, before considering release of land from the green belt. To date, no existing adopted Local Plans are making such a contribution.

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Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing and / or employment land in excess of local needs on non-green belt land and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.

### **Green Belt Areas**

The Black Country authorities have undertaken a Green Belt and Landscape Sensitivity Assessment, which has shown that the Black Country Green Belt makes a principal contribution towards Green Belt purposes and its capacity to undertake large-scale development is limited.

Whilst we have still to finalise our site assessment, viability and delivery work, we envisage that market deliverability will limit the capacity of the Black Country Green Belt up to 2039. This assumption is based on the case of the Birmingham Plan, where the Peter Brett Associates (PBA) Delivery Study<sup>1</sup> concluded that market deliverability placed significant constraints on the amount of housing which could be delivered in the Birmingham Green Belt up to 2031. These constraints reduced the actual capacity of the urban extension identified in the Plan consultation from 10,000 to 5,000 homes, over the 15 year period of the Plan<sup>2</sup>. This assumption was based on a strong housing market recovery scenario in one of the strongest housing markets areas in the West Midlands.

As the majority of the Black Country Green Belt is located primarily in Walsall and, to a lesser extent, in Dudley, these are the two main housing market areas for potential delivery of housing in the Green Belt, with only small amounts of housing potential in Wolverhampton and Sandwell. Therefore, based on a scenario that there was sufficient unconstrained capacity identified in the Black Country Green Belt, a Delivery Study based on similar principles to that completed for Birmingham, may reasonably conclude that the housing market areas in Dudley and Walsall could only be expected to deliver up to a maximum of 5,000 homes in each of the two boroughs (providing a maximum total of 10,000 homes) over the 15-year Plan period. We hope to publish further delivery evidence to refine this figure by the end of the year. On the basis of this approach, the Black Country is facing a 'gap' of some 17,000 homes that cannot be accommodated within the Black Country.

Turning to employment, the call for sites stage identified few additional sites for consideration on land within the Black Country Green Belt. We are considering

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<sup>1</sup> [https://www.birmingham.gov.uk/downloads/file/1750/pg3\\_housing\\_delivery\\_on\\_green\\_belt\\_options\\_2013pdf](https://www.birmingham.gov.uk/downloads/file/1750/pg3_housing_delivery_on_green_belt_options_2013pdf)

<sup>2</sup>

these proposals but it is not anticipated that this will provide significant additional capacity.

Taking into account the likely housing and employment land capacity of the Black Country Green Belt, even if the maximum contributions from neighbouring authorities set out in the Duty to Cooperate table above are brought forward, there remains a significant level of unmet need in the order of at least 4,500 - 6,500 homes and up to 292 ha-570ha of employment land.

**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing or employment land in excess of local development needs on land currently designated as green belt and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### **Duty to Cooperate progress**

As set out above, we were pleased to receive a number of positive responses to our Duty to Cooperate letter of July 2018 and a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. Potential contributions to housing and employment land from neighbouring authorities indicated through our engagement under the Duty to Cooperate to date are summarised in the table below.

Local Plan and timescale	Plan stage	Potential housing contribution	Potential employment land contribution (ha)
South Staffordshire	Issues and Options (November 2018) & Spatial Housing Strategy and Infrastructure Delivery consultation (October 2019)	Up to 4,000* (majority Green Belt release)	Contributions to be sought from District's employment land surplus, including West Midlands Interchange (majority Green Belt release)**
Lichfield	Preferred Options (November 2019)	Up to 4,500* (part may be outside the Green Belt)	0
Cannock	Issues and Options (May 2019)	Up to 500-2,500* (all Green Belt release)	0
Shropshire	Publication (Summer 2020)	1,500 (may be outside the Green Belt)	0
<b>Total</b>		<b>Up to 10,500-12,500</b>	<b>TBD**</b>



\* - potential contribution to needs arising across the Birmingham and Black Country Housing Market Area and not at this stage wholly apportioned to the Black Country.  
\*\* dependent on the outcome of ongoing work to determine the extent of surplus South Staffordshire Green Belt employment land release that can reasonably be attributed to the Black Country's employment land needs

This suggests that the combined housing and employment land capacity of non-green belt areas and green belt in neighbouring authorities is unlikely to be sufficient to address Black Country housing and employment land shortfalls up to 2039.

#### **Statement of Common Ground**

**Looking ahead to the Duty to Cooperate work needed to support the emerging Black Country Plan, we would like to invite your authority to take part in developing a single Statement of Common Ground (SoCG) covering strategic issues for the Black Country Plan up to 2039, with the initial focus on housing and employment land issues.**

We are keen to involve as many relevant authorities as possible in developing the strategic housing and employment land related parts of the SoCG, including Greater Birmingham and Black Country Housing Market Area authorities and other neighbouring authorities with an existing or potential housing market or functional economic relationship to the Black Country. The SoCG will evolve as the BCP review progresses, and it is intended to agree and publish an up-to-date SoCG for each key stage of the review process.

We hope that the SoCG will ultimately be supported by a separate agreement on strategic housing issues between relevant authorities, setting out how and where the combined Black Country and Birmingham housing shortfalls will be met over the Black Country Plan and Birmingham Plan review periods, which can be relied upon at our Examinations in Public and form the basis for partnership working in the years following the adoption of our Plans.

#### **Timetable for Responses**

**We ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within two months of the date of this letter. If you wish to discuss the contents of this letter before responding, by phone or at a meeting, please get in touch.** We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a significant housing shortfall in 2018 and the wider work already undertaken across the Greater Birmingham Housing Market Area, we would be grateful if you could adhere to these timescales. **If you anticipate a delay in being able to provide a response, it would be helpful if you could let us know as soon as possible.**

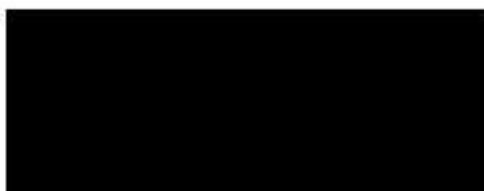


We will be inviting your authority to attend a meeting in October 2020 to discuss the responses we have received to this letter and to agree a way forward, with the view to developing a Statement of Common Ground to accompany the Draft Black Country Plan by spring 2021.

Given the need to adhere to the current Black Country Plan timetable, if we do not receive a response from your authority on these issues by September 2020 we will assume that your authority is not considering making a contribution towards Black Country housing or employment land needs and does not wish to take part in developing our Statement of Common Ground, and this will be noted in our Duty to Cooperate records.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council



Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council



Councillor Maria Crompton  
Deputy Leader  
Sandwell Metropolitan Borough  
Council



Councillor Ian Brookfield  
Leader  
City of Wolverhampton Council





## ABCA Duty to Co-operate Letter – April 2022



Our Ref: HP/CW  
Date: 26 April 2022

Dear Colleagues,

**Black Country Plan Review**  
**Duty to Cooperate: Strategic Housing and Employment land issues**

The Black Country Authorities (BCAs) are progressing the Black Country Plan (BCP) which will replace the Black Country Core Strategy as the overarching strategic planning and regeneration strategy for the area.

You may recall that we contacted neighbouring authorities including yours, in July 2018 and again in August 2020, to request assistance in accommodating identified housing and / or employment land needs arising from the Black Country. We received a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We have also held Duty to Cooperate meetings in January 2020, June 2021 and August 2021 – the latter alongside the commencement of the BCP Regulation 18 consultation.

We were also fully supportive of South Staffordshire Council's convening of a meeting of all local authorities in the Greater Birmingham, Solihull and Black Country Housing Market Area (the HMA) and other neighbouring authorities with a functional relationship with the HMA in December 2021. The BCA suggested a series of actions in advance of that meeting, building on our Duty to Cooperate engagement to date, and which are directly relevant to our strategy of working with you to ensure that the Black Country evidenced growth needs can be met in full.

The purpose of this letter is to update you on progress with the BCP and to outline next steps. We also set out our strategy for ongoing engagement through the Duty to Cooperate with a focus on strategic housing and employment land issues. This includes a set of proposals which we are seeking your response to by way of a series of specific requests.

### **Recent progress**

1. The Regulation 18 BCP consultation took place between August and October 2021. We received around 20,800 responses and all of the representations can be viewed online via the link - <https://blackcountryplan.dudley.gov.uk/bcp/> . The bulk of feedback centred around the potential use of green belt land for development and we are currently reviewing all of the responses to inform the preparation of the Regulation 19 BCP programmed for consultation in the Autumn of this year.
2. We received responses from a number of neighbouring authorities – Bromsgrove, Cannock Chase, Lichfield, Redditch, Solihull, South Staffordshire, Stafford, Staffordshire and Worcestershire. These representations raised a variety of issues at a strategic level, recognising the broad scale of the shortfall and the need for ongoing and better aligned engagement going forward, in order to ensure a consistent and fair approach be taken to address longer term needs once the final shortfalls are confirmed.
3. The next sections of this letter summarise the current scale of the housing and employment land shortfalls and how we intend to address them.

### **Strategic Housing Issues**

4. The Regulation 18 BCP identifies a housing shortfall of 28,234 homes over the period 2020-39 (16,346 by 2031 and 11,888 2031-39). This shortfall is based on the most up to date local housing need (including the 35% uplift for Wolverhampton), the most recent housing monitoring information and land supply on sites allocated in the draft BCP including land currently designated as green belt. The Regulation 18 BCP proposes that this shortfall is addressed via the Duty to Cooperate through 'exporting' to sustainable locations in neighbouring areas.
5. As part of the preparation of the Regulation 19 BCP, we are undertaking further evidence gathering in relation to urban land supply. This will involve an update of the existing Urban Capacity Study including a detailed assessment of the implications of the ongoing restructuring of some retail and commercial sectors which may 'free up' space in town and city centres. However, the scale of any additional capacity is likely to be limited and is not anticipated to make significant headway into the shortfall outlined above.
6. As set out above, through the Duty to Cooperate, we are pleased that some Local Plans have responded positively to our request initially raised in 2018 for assistance in addressing our future growth needs. Potential contributions through our Duty to Cooperate engagement to date are outlined in the table below.

**Table 1 – Duty to Cooperate contributions (in order of Local Plan progress)**

<b>Local Plan</b>	<b>Status</b>	<b>Potential contribution to meeting Black Country housing needs</b>	<b>Comments</b>
Solihull	Submission (May 2021)  Examination underway	2,000 (minority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country, 2,000 HMA contribution noted by Local Plan Inspector February 2022. However, Solihull has a stronger functional relationship with Birmingham than with the Black Country.
Shropshire	Submission (September 2021)  Examination underway	1,500 (all)	Contribution towards the Black Country only, confirmed in Statement of Common Ground (August 2021)
Lichfield	Publication (July 2021)  Submission due April 2022	2,000 (all)	Contribution forms majority of 2,665 contribution to meet the needs of the HMA as a whole.
Cannock Chase	Preferred Options (March 2021)	Up to 500 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, Cannock Chase has a stronger functional relationship with the Black Country than with Birmingham.
South Staffordshire	Preferred Options (November 2021)	Up to 4,000 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, South Staffordshire has a stronger functional relationship with the Black Country than with Birmingham.
<b>Total</b>		<b>3,500-10,000</b>	

7. These Plans are providing for a minimum of 3,500 homes to specifically meet Black Country needs and up to some 10,000 homes to meet the needs of the HMA as a whole, a proportion of which will be available to the Black Country.
8. Of these HMA contributions, given the physical proximity and functional relationship between the Black Country and South Staffordshire, it is anticipated that the majority of the 4,000 contribution being tested through the South Staffordshire Local Plan could be available to meet Black Country needs. Conversely, given its relationship to Birmingham, we anticipate that the majority of the 2,000 home contribution from Solihull is unlikely to be available to meet needs arising in the Black Country. Under these scenarios, the contributions from the authorities listed in Table 1 could realistically provide up to some 8,000 homes towards meeting needs arising in the Black Country.
9. In addition, the highest growth scenarios set out in the earlier iterations of the Lichfield and Cannock Local Plans could also provide some 5,550 homes in excess of local needs (in comparison with the 3,165 currently offered). This additional capacity (3,000 homes in total over and above current contributions to the Black Country) has been highlighted by the BCAs and will be tested through the forthcoming Local Plan examinations.
10. Further contributions are being sought from Stafford (of up to 2,000 homes) and as yet undetermined contributions from Bromsgrove and Telford & Wrekin, both at the early stages of their Local Plan reviews. In the case of Telford and Wrekin, the higher growth option set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country is well placed to provide a source of 'need' for this housing. The BCAs see this as being a minimum level of contribution given the historic role of Telford as a New Town to help address issues of overcrowding and living conditions in the West Midlands conurbation, and very high rates of housing completions over and above local needs in recent years. In total, this additional capacity from Stafford and Telford & Wrekin could provide some 5,700 homes towards meeting needs arising in the Black Country.
11. Taking into account this potential extra capacity of up to some 8,700 homes from Stafford, Telford & Wrekin, Lichfield and Cannock, added to current potential contributions (around 8,000 homes), could provide up to some 16,700 homes to meet needs arising in the Black Country.

12. Going forward, it is critical that those contributions currently expressed as meeting needs arising across the HMA as a whole are apportioned to individual Local Plans areas through Statements of Common Ground to provide the BCAs with certainty over the scale of contributions that is available to meet our shortfall. **However, even in the event of a contribution being secured at the higher end of the range of scenarios outlined above, a significant 'gap' of some 11,500 homes would remain for the Black Country up to 2039 (with a proportion of this gap arising before 2031). It is therefore critical that additional sources of land must be identified through the Duty to Cooperate if the Black Country is able to show how its identified growth needs can be accommodated.**

Request 1 - We request that any contributions that your authority is making to meet the needs of the HMA as a whole includes an apportionment to solely address needs arising in the Black Country.

Request 2 – We request that you provide confirmation that you have either explored all opportunities to accommodate unmet housing needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward.

### **Strategic Employment Land Issues**

13. As is the case with housing needs, the Black Country is unable to meet its identified employment land requirements in full. The Black Country Plan employment land shortfall to 2039 is 210ha as set out in the Regulation 18 Black Country Plan – this figure the difference between the need of 565ha and an anticipated supply of 355ha. This is consistent with the employment land requirement set out in Policy EMP1 of the draft Black Country Plan and section 4 of the 2021 Black Country EDNA. Para 2.22 of the 2021 EDNA recommends that the split of employment land provided for by the Plan comprise around 30% of B8 activity and 70% for E(g)(ii)(iii)/B2 use class. This means that the total B8 requirement is 170-176ha and for E(g)(ii)(iii)/B2 a requirement of 396-410ha. We are reviewing these requirements in the light of updated economic projections which include a more up to date understanding of the CV-19 recession recovery trajectory. This work may result in a refinement of the requirements but it is highly likely that our shortfall will remain.
14. In accommodating this shortfall, in the first instance we will look to those authorities within the areas of strong economic transactions with the Black Country (South Staffordshire and Birmingham) and areas of moderate economic transactions with the Black Country as identified in the 2017 EDNA (Cannock Chase, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest). In addition, the Shropshire Economic Development Needs Assessment (December 2020) highlights strong labour market linkages between Shropshire and the Black Country.

15. At this stage, we would not identify a specific functional geography for addressing the E(g)(ii)(iii)/B2 shortfall as distinct from the B8 element of the shortfall, but recognise the consented West Midlands Interchange site is reserved exclusively for B8 activity. With this in mind, we refer you to the West Midlands Interchange Apportionment Study produced by Stantec to support the Black Country Plan and published earlier this year (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> ). This suggests that a minimum of some 67ha of land at West Midlands Interchange could be apportioned to meet needs arising in the Black Country, with the potential for a larger contribution if other areas within the market area are able to meet their B8 needs in full. This would suggest that the quantitative B8 shortfall could be largely satisfied by this site should the programmed South Staffordshire EDNA update confirm a surplus of employment land against local needs. **This could reduce the Black Country employment land shortfall to 138ha. Any additional surplus of employment land arising from the South Staffordshire EDNA update would reduce the shortfall further.**
16. In terms of other potential contributions, the Shropshire Regulation 19 Local Plan is making a contribution of 30ha of employment land towards needs arising in the Black Country, **reducing the shortfall to some 108ha**. We are engaging with other emerging Local Plans through the Duty to Cooperate including Bromsgrove, Lichfield, Cannock, Telford & Wrekin, Solihull and Stafford, but no contributions have been put forward by those authorities and the BCAs will continue to press this matter through Local Plan examinations, particularly those authorities within the areas of strong economic transactions with the Black Country as listed above. We will also be seeking the participation of authorities listed in paragraph 14, and any others able to contribute to BCA employment shortfalls, in a Statement of Common Ground (SoCG) addressing this issue to inform the Black Country's Regulation 19 plan and will use the responses to this letter to inform the draft SoCG. **As is the case with housing, additional sources of land supply must be identified if the Black Country is able to meet its growth needs in full.**

Request 3 - We request that you provide confirmation that you have either explored all opportunities to accommodate unmet employment land needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward, and that you will be willing to enter into a Statement of Common Ground with the Black Country under the scope set out in paragraph 16 of this letter.

17. We draw your attention to the West Midlands Strategic Employment Sites Study (WMSESS) (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> ) published in 2021. The Report was produced by Avison Young and Arcadis consultants and commissioned by three of the West Midlands Local Enterprise Partnerships (the Black Country, Greater Birmingham and Solihull and Coventry Warwickshire) and Staffordshire County Council. The Study updates the 2015 West Midlands Strategic Employment Sites Study which identified a demand for strategic employment sites in the West Midlands, but a lack of suitable sites.

18. The Study advises that based on evidence of past trends in relation to take-up, and assuming that no additional strategic employment sites are brought forward to replace those that remain, the supply of allocated and committed employment land would appear to represent a maximum of 7.41 years supply. As it was in 2015, this represents a limited supply of available, allocated and/or committed sites across the Study Area that meet the definition of 'strategic employment sites', and there is an urgent market demand for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. The Study identifies five areas where strategic employment sites should be identified and this includes the Black Country and southern Staffordshire.
19. The Study makes a number of recommendations for further work. This is because the shortfall in the availability and future supply of strategic employment sites cannot be robustly quantified without an assessment of market dynamics and projected sector growth patterns through an econometric demand forecast, which would add materially to the findings of this Study and would inform the strategy for delivering a sufficient supply of strategic employment land. The Study has already been given weight in the Local Plan process – most recently through the examination of the North Warwickshire Local Plan and the resulting Policy LP6 – Additional Employment Land.
20. There is clearly a potential relationship between the need to address the Black Country employment land shortfall and the need to bring forward additional strategic employment sites as set out in the WMSESS. Through the HMA Group and liaison with those bodies who were party to the 2021 Study, a draft brief has been prepared to address the recommendations for the 2021 Study and strongly recommend that this work is progressed in partnership with the local planning authorities across the 2021 Study geography, and other areas which share a functional relationship with the Black Country, for example Shropshire.

Request 4 - We request that you indicate whether your authority is willing to participate in the further work to address the recommendations of the WMSESS.

#### **Next steps**

21. As set out above, there is a significant level of unmet need for housing and employment land to address evidenced Black Country growth requirements which cannot be met within the Black Country administrative area. There are three elements to our strategy to address the shortfall through the Duty to Cooperate and these are summarised below.

22. In the short term we will be continuing to engage with individual Local Plans to ensure 2018 Growth Study recommendations are maximised and to confirm current contributions to help address the Black Country shortfall, particularly in relation to those housing contributions which have been expressed at HMA level and not yet distinguishing a specific Black Country apportionment. For those Local Plans which are less progressed, we will engage in a positive and robust manner to ensure that the unmet needs of the Black Country are fully recognised and all opportunities to assist in meeting our needs are comprehensively explored. This will include opportunities identified in the 2018 Growth Study.
23. **But these current workstreams may not address our needs in full, and we strongly recommend to you that there is a compelling need to address this matter in a comprehensive and inclusive manner across a wide but functional geography.** We are also mindful of the forthcoming Birmingham Local Plan review and the potential for this to further increase the shortfall arising from the West Midlands conurbation. We outlined our suggestions on a potential programme of work as part of the 15<sup>th</sup> December South Staffordshire Duty to Cooperate meeting. This was shared with you in advance and we attach it to this letter. The key elements of this work programme are:
- To review the extent of the HMA in order to understand if this is the most appropriate geography by which housing needs and mechanisms to accommodate any shortfalls can be considered;
  - To confirm the scale of the housing shortfall across the whole of the HMA over a period of at least 15 years to inform the approach taken by current and emerging Local Plan reviews.
  - A review of whether the growth locations identified in the 2018 Growth Study work remain appropriate and whether new growth areas should be identified for testing through Local Plan preparation. This work may well result in the need for a new Growth Study but we would not want to pre-judge the work before confirming that is the case.
24. This work programme is currently subject to ongoing discussions largely through the HMA officer group, and we recognise that the existing governance arrangements are in need of review to ensure that we have in place mechanisms to manage and oversee the implementation of this work. The nature of these governance arrangements and the parties involved should be informed by the evidence but at this stage, a Statement of Common Ground across the HMA geography and including other authorities which have a functional relationship with it which sets out the nature of how we work together going forward is essential. We strongly encourage your authority to fully engage in this work.



Request 5 - We request that you indicate whether your authority is willing to participate in the further work outlined in the bullet points above, and that your authority would be willing to confirm this commitment through a Statement of Common Ground and review of governance arrangements to deliver these actions.

25. Turning to employment land, as with housing we will pursue a Statement of Common Ground with functionally related authorities to both secure current contributions and engage with less progressed Local Plans through the Duty to Cooperate to establish potential for further contributions. We have set out the compelling need for a follow-up study to address the recommendations of the 2021 West Midlands Strategic Employment Sites Study and have asked if your authority would be willing to participate in this work and assist with its resourcing.
26. Common to both the housing and employment land shortfalls is the final element of our strategy – for Local Plans to include an early review mechanism. This is important given the potential for there could continue to be a shortfall following the current round of Local Plan preparation. This shortfall should trigger the detailed evaluation of opportunities identified from the recommendations of the proposed work outlined above in relation to both housing and employment land through updated Local Plans. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. We consider that a failure to include an early review mechanism is a serious omission and must be addressed in order for the Plan to be sound.

Request 6 - We request that you indicate whether your authority is willing to consider the inclusion of a commitment to an early review mechanism in your emerging Local Plan to enable the consideration of additional growth opportunities outlined in the work listed above in a timely manner should this be necessary.

#### **Timetable for responses**

27. Moving forward, the BCAs are progressing the preparation of the Regulation 19 Plan having regard to the issues raised in the Regulation 18 consultation responses and evidence currently under preparation. This includes the Transport Study, updated urban capacity study and employment land update. The Transport Study in particular will provide us with a better understanding of the constraints and opportunities associated with the levels of and location of growth set out in the Regulation 18 Plan with potential implications for the development capacity of some sites.

28. To enable us to meet this timetable, and clear understanding of opportunities through the Duty to Cooperate is critical. **We therefore ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within six weeks of the date of this letter.** If you wish to discuss the contents of this letter before responding, please get in touch. We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a shortfall in 2018 and the wider work already being undertaken across the HMA, we would be grateful if you could adhere to these timescales. If you anticipate a delay is being able to provide a response, it would be helpful if you could let us know as soon as possible.

## **Appendix 5 – Statement of Common Ground between Shropshire Council and the Black Country Authorities (weblinks)**

### **Original July 2021**

[duty-to-cooperate-black-country-authorities-statement-of-common-ground-ev041.pdf](https://www.shropshire.gov.uk/media/20438/duty-to-cooperate-black-country-authorities-statement-of-common-ground-ev041.pdf)

<https://www.shropshire.gov.uk/media/20438/duty-to-cooperate-black-country-authorities-statement-of-common-ground-ev041.pdf>

### **Addendum October 2024**

[Shropshire Council: Stage 2 MIQ's Response](https://www.shropshire.gov.uk/media/29142/socg17-statement-of-common-ground-with-association-of-black-country-authorities-abca-addendum-to-ev041.pdf)

[www.shropshire.gov.uk/media/29142/socg17-statement-of-common-ground-with-association-of-black-country-authorities-abca-addendum-to-ev041.pdf](https://www.shropshire.gov.uk/media/29142/socg17-statement-of-common-ground-with-association-of-black-country-authorities-abca-addendum-to-ev041.pdf)

**Appendix 6 – Statement of Common Ground with South  
Staffordshire Council (July 2024)**

Statement of Common Ground  
between City of Wolverhampton  
and South Staffordshire District  
Council

South Staffordshire Local Plan 2023-  
2041

Position at July 2024

# Statement of Common Ground (SoCG) between South Staffordshire District Council (SSDC) & City of Wolverhampton Council (CWC)

## Introduction

1. This Statement of Common Ground (SoCG) has been prepared by South Staffordshire District Council (SSDC) and City of Wolverhampton Council (CWC), hereafter referred to as “the parties” to inform the submission of the South Staffordshire Local Plan 2023-2041.
2. This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties regarding the South Staffordshire Local Plan 2023-2041 and any areas which remain subject to further discussion and therefore will be updated accordingly. This Statement of Common Ground covers the following matters:
  - Housing (including housing needs across the GBBCHMA);
  - Employment land;
  - Transport
  - Infrastructure;
  - Gypsy and traveller accommodation; and
  - Natural environment (Special Areas of Conservation).

## Geography covered by Statement of Common Ground

3. This SoCG covers the Local Planning Authority areas of South Staffordshire District and City of Wolverhampton.
4. Both authorities are also within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)<sup>1</sup> and are either within, or are closely functionally related to, the South Staffordshire FEMA<sup>2</sup> and Black Country FEMA<sup>3</sup>. There are wider strategic housing and employment shortfalls arising over these geographies that are subject to separate statements of common ground over these wider geographical areas dealing with these issues.

## Key Strategic Matters

5. The local authorities have had on-going dialogue on cross-boundary planning issues over the course of many years, discussing a broad range of planning issues including strategic matters. The key strategic matters included within this Statement of Common Ground are; housing provision; employment land; transport and wider infrastructure matters; gypsy and

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<sup>1</sup> The GBBCHMA is made up of 14 authorities including Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford upon Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

<sup>2</sup> South Staffordshire EDNA 2020-2040 defines the South Staffordshire FEMA as Wolverhampton City Council, Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, Cannock Chase District Council, Stafford Borough Council

<sup>3</sup> Black Country EDNA 2017 and 2021 update

traveller accommodation; and matters relating to the natural and historic environment including designated sites. These discussions have informed the development of adopted plans and other related documents.

6. The following issues are considered to be the key strategic matters with regards to on-going plan making, although there are other issues which may have cross boundary impacts. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

## Housing

7. SSDC and CWC have been active members of the GBBCHMA Technical Officers Group since it was established in 2017 and both authorities have contributed to discussions relating to the delivery of unmet housing need within in the HMA. Both authorities also previously participated in the GBBCHMA Strategic Growth Study (2018), which examined need and supply across the entire HMA up to 2031 and 2036, before proposing potential growth options for authorities to consider through their own plan-making process in order to seek to address any resulting unmet needs. The Black Country authorities<sup>4</sup> similarly declared an unmet need from their urban area as early as their Issues and Options consultation in 2017, later indicating through the Draft Black Country Plan consultation in 2021 that this shortfall stood at around 28,000 dwellings, despite Green Belt release being explored. Whilst SSDC has raised points through the Draft Black Country Plan consultation which it considers may reduce this shortfall, it is common ground that there is likely to be a very significant shortfall arising from the Black Country authorities and that this requires discussion under the Duty to Cooperate. Following the cessation of work on the Black Country Plan in autumn 2022, CWC are now preparing a Wolverhampton Local Plan (WLP). It is also common ground that there is likely to be a significant housing shortfall arising from the WLP alone.
8. CWC and SSDC have constructively engaged on an ongoing basis to address the housing shortfalls of the HMA, including the shortfalls of the Black Country authorities<sup>5</sup>. This led to SSDC proposing a 4,000 dwelling contribution to the unmet needs of the HMA, using the scale of locations set out in the GBBCHMA Strategic Growth Study. This was reflected in SSDC's November 2022 (Regulation 19) Publication Plan which proposed housing growth that included 4000 homes contribution towards the GBBCHMA shortfall but required significant Green Belt release in order to do so.
9. However, following a consultation on proposed changes to the NPPF published in December 2022, progress on the previous iteration of the plan was paused. This reflected amendment to national Green Belt policy which subsequently came into force through the December 2023 NPPF. This confirmed that "Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated", and that "Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process". SSDC is also aware that the delay caused by the pause to the South Staffordshire Local Plan means that the Strategic Growth Study (2018) is no longer considered up to date in planning terms and therefore a sound evidential basis for the previously proposed 4000 home contribution. SSDC no longer considers that all

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<sup>4</sup> City of Wolverhampton Council, Walsall Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Dudley Metropolitan Borough Council

of the previous proposed Green Belt sites are justified by exceptional circumstances and given this and SSDCs previous proposed plan period (to 2039) being inconsistent with national policy, SSDC no longer consider the 2022 (Regulation 19) version of the plan to be sound and suitable to progress to submission.

10. Given this change of circumstances, SSDC has revisited its strategic approach and tested further spatial strategy options considering the ways in which housing growth could be distributed across the district. SSDC is now proposing an alternative strategy that brings forward suitable safeguarded land and open countryside sites but limits Green Belt release to its Tier 1 settlements. These are the most sustainable settlements in the District with access to rail links, and limited Green Belt release at these settlements aligns with NPPF para 146(b) to give first consideration to land which is previously developed and/or is well served by public transport. Under SSDCs revised capacity led strategy based on the most suitable and sustainable sites, SSDC will allocate sufficient sites to meet its own needs, plus a small surplus (currently 640 dwellings when accounting for our own housing needs based upon the 2023 Standard Method calculation) that could be attributed to unmet needs of the GBBCHMA.
11. CWC and SSDC both recognise the importance of developing a common evidence base across the HMA as far as is feasible and practical in order to ensure that contributions to unmet needs are properly evidenced. As such, both authorities are party to the 2022 GBBCHMA Development Needs Group Statement of Common Ground, which seeks to provide a programme of work and governance structure to address the housing shortfalls arising from the HMA as a whole. However, the parties acknowledge that changes to national policy that gives local authorities greater control over when to release Green Belt will likely impact the scope of further HMA-wide evidence to consider housing shortfalls and its potential solutions. Given the scale and complexity of the housing shortfalls arising in the HMA, the Development Needs Group Statement of Common Ground is considered to be an appropriate vehicle by which to consider the issue holistically, including considering through a future update to the SoCG how contributions can be apportioned to meeting needs arising in individual areas where shortfalls arise.

## Employment

12. SSDC and CWC both sit within the South Staffordshire functional economic market area (FEMA). CWC is also within the Black Country FEMA and SSDC is identified as being outside of the Black Country FEMA but still having strong economic links to it despite this. There is therefore clearly a strong functional link between CWC and SSDC on employment matters.
13. The South Staffordshire Local Plan 2023-2041 proposes to deliver sufficient employment land on local and strategic employment sites to both meet its own needs and provide a surplus that could contribute towards cross-boundary shortfalls.
14. South Staffordshire's Economic Development Needs Assessment (EDNA) was prepared in 2022 and then updated in 2024. The update comprised details of the pipeline of employment land at 1 April 2023 and rolled forward evidence of labour demand covering the period 2023-2041. As part of its updated evidence base SSDC has identified gross residual needs of 62.4ha for the period 2023-2041 which includes an increased margin for churn and frictional vacancy that reflects the requirement to make sufficient provision for its own needs upon a combination of strategic and non-strategic sources of supply



commitments and allocations. The resulting contribution towards unmet need is an output of these updates to the evidence base.

15. The EDNA update (2024) suggests that strategic sites (excluding WMI) within SSDC's area can contribute a surplus of 27.6ha to the unmet needs of other local authorities. In addition to sites in the current pipeline, SSDC is proposing to allocate an additional strategic site at M6 Junction 13 that will add an additional 17.6ha to the pipeline of sites. This recognises that allocating additional land will increase the pipeline of sites to more closely reflect recent take up (which has had a sub-regional component 'built in' due to recent large-scale completions, predominantly at i54). It also recognises that the site provides the only significant opportunity to deliver a non-Green Belt site in the district, at a location identified as a potential broad location for strategic employment land in the West Midlands Strategic Employment Sites (2021). The result of this addition to the pipeline is that the surplus of employment land that is available to unmet needs of other authorities increases to 45.2ha.
16. Additionally, the SSDC Local Plan will allocate the consented large-scale strategic rail freight interchange called West Midlands Interchange (WMI) within SSDC's area. The South Staffordshire EDNA (2022) indicates that only 18.8ha of WMI is attributable to South Staffordshire's needs, indicating that the rest may be able to contribute to unmet needs in the wider WMI travel to work area. Supporting work commissioned to examine the apportionment of WMI<sup>6</sup> suggests it can provide additional surplus B8 employment land to a wider travel to work area including the Black Country authorities, equating to 67ha of B8 land to the four Black Country authorities making up the Black Country FEMA. The remaining land supply from WMI aside from the South Staffordshire, Black Country and Cannock apportionment has not to date been formally stated as necessary to meet needs by other local authorities in the WMI travel to work area including Birmingham. This may increase the apportionment of land from WMI which could potentially be apportioned towards the unmet needs of the Black Country FEMA, dependent on the stance of other authorities related to the site.
17. CWC have prepared an Economic Land Needs Assessment 2020-2041 with the other Black Country authorities examining employment land requirements across the Black Country FEMA. This identifies a shortfall of 153ha of employment land across the Black Country FEMA, and of this, CWC have a shortfall of 52ha. The Black Country EDNA recommends that in meeting this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate. CWC (and the three other Black Country authorities) have therefore been in duty to cooperate discussions with SSDC and other local authorities to identify whether SSDC could contribute towards its employment land shortfall.
18. The minimum proportion of employment land oversupply that can be attributed towards the Black Country (including CWC) and the role of other authorities within the South Staffordshire FEMA in contributing to unmet needs is to be addressed through a separately drafted statement of common ground covering the entire South Staffordshire FEMA geography. In addition, the Black Country Authorities are also leading the preparation of a Statement of Common Ground which will cover the Black Country FEMA and authorities with which the Black Country has an evidenced functional relationship. The geography of this Statement of Common Ground has significant overlap with that associated with the

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<sup>6</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

South Staffordshire FEMA. SSDC and CWC consider that these two statements of common ground are the appropriate mechanism by which to address these strategic employment needs. This separate statement of common ground is also considered a more appropriate mechanism by which to address SSDC and CWC's stances on needs relating to the evidence base on West Midlands Strategic Employment Sites.

### Cross boundary transport impacts

19. SSDC and CWC are committed to continue working together in partnership, alongside their respective highways authorities, with the aim of ensuring the necessary transport and highways improvements are implemented to support sustainable growth across both authorities. All parties have worked closely together to agree the scope, content and indicative mitigation measures relating to the strategic transport assessments undertaken on SSDC's proposed strategic housing and employment site allocations. As these sites progress towards the local authorities will keep each other fully informed of any changes to highways improvements and will continue to liaise on this matter where appropriate. The detail of cross-boundary transport issues is covered in a separate Transport Statement of Common Ground between CWC, SSDC, SSC and NH.

### Infrastructure

20. SSDC and CWC are committed to continue working together in partnership, with the aim of ensuring the necessary infrastructure improvements are delivered to support sustainable growth across both administrative areas. To date, both authorities have undertaken cross-boundary work with their respective education authorities, health providers (e.g. Integrated Care System) and Sport England to identify any necessary mitigation to deliver planned housing growth in their respective areas. Both parties have also worked together closely to establish the feasibility of the rail-based park and ride scheme at Brinsford and will continue to work together to facilitate the next stages of the project's delivery should this be taken forward. Both parties will keep each other fully informed of any changes to infrastructure matters and will continue to liaise on this matter where appropriate.

### Gypsy & Traveller Provision

21. SSDC has identified a 162 pitch need for Gypsy and Traveller households in South Staffordshire over the local plan period, including 92 pitches within the first 5 year period<sup>7</sup>. SSDC considers that latest evidence from Council's Gypsy and Traveller evidence base indicates that all suitable sites (including Green Belt options) which have capacity to reduce this shortfall have been maximised. It also indicates that all public land options in the District (including Green Belt options) have been explored for their potential to provide **new** public site options which could address specific families' needs and thereby reduce the shortfall. Despite these efforts, SSDC can only deliver 37 pitches within the plan period on sites which would address its unmet pitch needs. This leaves a very significant shortfall, even against the District's 5 year pitch need, which is a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the same housing market area.
22. SSDC has written to all adjacent and housing market area authorities on multiple occasions during the plan preparation regarding the potential shortfall in Gypsy and Traveller pitch needs within the District. Following on from the publication of SSDC's Gypsy and Traveller

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<sup>7</sup> South Staffordshire Council Gypsy and Traveller Accommodation Assessment - Final Report 2024

Accommodation Assessment (GTAA) in late 2021, SSDC wrote to all HMA and neighbouring authorities in January 2022 setting out the extent of the pitch shortfall, despite the Council's efforts to maximise all suitable and deliverable sites (including within the Green Belt) which would address the unmet need. This letter then requested authorities examine their ability to contribute to its unmet pitch needs, specifically in the form of extra supply on publicly run sites where pitches could be ensured for the families in need within SSDC. It then wrote again to these same authorities in August 2022, providing an update on extra efforts that SSDC had made to identify new public sites within the District upon Staffordshire County Council land. Despite these efforts, the letter communicated that a significant shortfall still remained and that SSDC required assistance in addressing its unmet pitch needs through new or expanded publicly run sites. In August 2023 work began on an update to SSDCs GTAA to assess need over the updated plan period to 2041, and neighbouring authorities were advised of this in a further letter in October 2023.

23. A March 2022 response from the Black Country local authorities indicated that no additional sites had been put forward to meet local need for new pitches through the Regulation 18 draft Black Country Plan consultation, previous call for sites or site identification work. However, no details were given in this letter about efforts made to examine the potential for expanded or new public site provision, nor was a follow-up response received to SSDC's subsequent August 2022 letter. CWCs response to SSDC letter of October 2023 dated 23 January 2024 confirmed CWCs position that it was premature to provide a City Council position on cross-boundary issues relating to gypsy and traveller pitch need and supply, as this would need to be informed by progress on the Wolverhampton Local Plan (programmed for consultation early 2024) which would consider gypsy and traveller pitch need and supply in Wolverhampton. This Issues and Preferred Options consultation subsequently confirmed that there is an unmet need for 19 gypsy and traveller pitches in Wolverhampton up to 2032, and that, following a review of publicly owned land and privately-owned housing sites in Wolverhampton, no potential suitable new gypsy and traveller pitch sites have been identified which could address this shortfall. The preferred growth option therefore included the export of 19 pitches through the Duty to Cooperate. SSDC will review CWC's approach when further details are published as part of CWC's Regulation 19 Plan.

## Natural Environment

24. SSDC and CWC are committed to continue working together as part of the Cannock Chase Special Area of Conservation (SAC) Partnership with the aim of ensuring that the integrity of the Cannock Chase SAC is protected and that appropriate mitigation measures are secured in order to ensure development does not have adverse effects on the integrity of the SAC.
25. Both CWC and SSDC acknowledge the need for both authorities to continue working collaboratively with Natural England in relation to visitor impacts from the residents of new development within 15 km of Cannock Chase SAC; and in relation to air quality impacts from new development and associated commuting on Cannock Chase SAC and the other protected sites relevant to the Cannock Chase SAC Partnership authorities. This includes consideration of cumulative and in-combination effects. Where practicable, SSDC and CWC will work with other authorities in the Cannock Chase SAC Partnership authorities to address wider impacts of development proposals on all SACs. This includes joint working on a sub-regional (Staffordshire and the Black Country) air quality study that will assess air quality impacts on protected sites as a result of estimated growth. The findings of this study will feed into individual authorities Habitat Regulations Assessment process.

26. SSDC and CWC are committed to continue working together in respect of matters relating to the natural environment where these are applicable to the authorities.

## Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between South Staffordshire District Council and City of Wolverhampton Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

### **South Staffordshire District Council**

**Name:** Kelly Harris

**Position:** Lead Planning Manager

**Signature:**

**Date:** 17<sup>th</sup> July 2024

### **City of Wolverhampton Council**

**Name:** Councillor Chris Burden

**Position:** Cabinet Member for City Development, Jobs and Skills

**Signature:**

**Date:** 10/10/2024

**Appendix 7 – Statement of Common Ground with South  
Staffordshire Functional Economic Market Area Authorities**

# **South Staffordshire Employment Land Requirement and Supply**

## **Statement of Common Ground**

### **Position at August 2024**

## 1. Purpose and list of Parties involved in this Statement of Common Ground

1.1 This statement of common ground has been prepared to facilitate and record cross-boundary engagement between local authorities in addressing the employment needs to be met within South Staffordshire and the contribution that could be made from employment development within SSDC to the needs of the Black Country and other neighbours. In this document the SSDC area is described as the South Staffordshire Functional Economic Market Area (FEMA). The statement records co-operation and progress to date in addressing this strategic issue, demonstrating that the participating authorities have engaged constructively, actively and on an ongoing basis under the Duty to Cooperate.

1.2 The parties to this statement of common ground comprise of the local planning authorities set out below, as shown on the following map.

**Figure 1: Authorities covered by this statement**



Local planning authorities within the South Staffordshire FEMA

- Cannock Chase District Council
- Dudley Metropolitan Borough Council
- South Staffordshire District Council
- Stafford Borough Council
- Walsall Metropolitan Borough Council
- City of Wolverhampton Council

Other related local planning authorities outside of the South Staffordshire FEMA

- Sandwell Metropolitan Borough Council



## 2. Strategic Geography

2.1 South Staffordshire's Economic Development Needs Assessment states that the district has a low workplace self-containment rate, with high levels of commuting to and from neighbouring authority areas. The neighbouring area of Birmingham and the Black Country has a much greater resident population and number of jobs than the district. The strongest commuter links however are with six local authorities: Cannock Chase District Council, Dudley Metropolitan Borough Council, South Staffordshire District Council, Stafford Borough Council, Walsall Metropolitan Borough Council and City of Wolverhampton Council. For the purpose of identifying the economic needs of the district alone, it is necessary to identify a freestanding FEMA around the district. The EDNA update (2024) reconfirmed the South Staffordshire FEMA comprising these six authorities as an appropriate geography for this issue.

2.2 In addition to these local authorities, Sandwell Metropolitan Borough Council has also been included within this statement of common ground, despite being outside of the FEMA geography. Sandwell has been included within this statement because of the complex linkages between the four Black Country authorities.

2.3 Published evidence, most recently the October 2023 Black Country EDNA update<sup>8</sup>, confirms that the Black Country authorities will be unable to meet their needs for employment land over the period to which this SoCG relates. This is in part because of the physical capacity of their own areas, but also because of the consequential effects of the shortage of land in Birmingham. The latter was identified in the Birmingham Development Plan that was adopted in 2017.

2.4 The Black Country Plan Regulation 18 draft published in 2021<sup>9</sup> indicated that the Black Country as a whole (including Sandwell) was required to export 210ha of employment land through the Duty to Cooperate in order to address its employment needs. This shortfall was based on the balance of employment land need and supply across the individual Black Country local authorities. Whilst the Black Country Plan is no longer being proceeded with, the evidence that supported it remains.

2.5 An update to the Black Country authorities' employment land needs evidence was most recently undertaken in October 2023 in the Black Country Economic Needs Assessment (BCENA) 2020-41, and was published from early 2023 to support the emerging (Regulation 18) Sandwell, Dudley and Wolverhampton Local Plans. This work reconfirmed that the four Black Country authorities (Wolverhampton, Walsall, Dudley and Sandwell) form a single functional economic market area (FEMA), albeit with complex and varying functional interactions between the four Council areas within it. The work also confirms that the FEMA authorities have functional links to South Staffordshire, Birmingham, Wyre Forest, Bromsgrove, Solihull, Tamworth, Lichfield and Cannock Chase. Given this extensive geography, the relationship between the individual Black Country FEMA authorities and the authorities within this wider area also varies. The Black Country ELNA identifies a shortfall of 153ha of employment land across the Black Country FEMA and recommends that in meeting

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<sup>8</sup> [black-country-employment-land-needs-assessment-edna-2023.pdf \(dudley.gov.uk\)](#)

<sup>9</sup> [Draft Black Country Plan 2039 \(Regulation 18\) Consultation | Black Country Plan \(dudley.gov.uk\)](#)

this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate.

2.6 It is recognised that FEMAs overlap. The 2023 update reconfirmed functional links to Shropshire from the Black Country FEMA authorities. Therefore, aside from Stafford Borough, there is strong overlap between the South Staffordshire FEMA and the authorities functionally related to the Black Country FEMA, with South Staffordshire and Cannock sitting in both groups. The Cannock Chase Economic Development Needs Assessment 2019 identifies the FEMA for Cannock Chase as Cannock Chase District, Stafford, Lichfield, Walsall and South Staffordshire District. The Stafford Borough Economic Development Needs Assessment 2020 identifies the FEMA predominantly aligns with the Borough's administrative boundary.

### 3. Strategic Matter - Meeting Employment Needs

3.1 All adopted or emerging development plans for authorities involved in this statement of common ground are set out below, including whether a shortfall is currently being declared from any of these areas.

Table 1: Authorities progress to date

Local authority	Plan progress	Most recent published evidence on surplus/shortfall
South Staffordshire District Council	Regulation 19 Publication Plan consultation April 2024	<p>The local plan proposes to allocate a total of 107.45ha of employment land, not including West Midlands Interchange which is under construction. This will meet the labour demand of South Staffordshire residents and provide a surplus of 45.2ha to contribute to the unmet needs of the Black Country authorities.</p> <p>18.8ha of the very large strategic employment site at West Midlands Interchange will contribute to South Staffordshire’s needs. 10ha will contribute to Cannock Chase Council. The remaining land supply from WMI will be considered with related authorities.</p>
Cannock Chase District Council	<p>Regulation 19 Pre-submission (February to March 2024)</p> <p><u>Regulation 18 Preferred Options</u> consultation completed (2021)</p>	<p>The Regulation 19 Pre-submission consultation proposed that 74ha of employment land will be provided in Cannock Chase District up to 2040 to meet the District’s requirements. The plan indicates that in order to meet these needs CCDC would require 10ha from WMI in addition to two strategic employment allocations which require release of land from the Green Belt within the Local Authority boundary.</p> <p>Policy SO4.2 of the Preferred Options consultation indicated no employment shortfall or surplus arising from Cannock, stating that the district will provide for up to 50 ha of land for employment uses during the plan period.</p>
Stafford Borough Council	Regulation 18 Preferred Options consultation (October to December 2022)	The preferred options consultation sought views on the development strategy, draft policies and proposed sites, including at least 80 hectares of new employment land and two new proposed allocations north of Stafford

	<u>Regulation 18 Issues and Options</u> consultation complete (2020)	<p>and at Ladfordfields Recognised Industrial Estate. No surplus or shortfall to be exported through the Duty to Cooperate is identified by this consultation.</p> <p>Stafford Borough Council does not require the 8ha share of West Midlands Interchange attributed to the borough through the 2021 Stantec Report<sup>10</sup></p> <p>The issues and options consultation sought views on a range of levels of employment growth and land supply options to meet this growth, identifying a need to allocate employment land to accommodate this need. No surplus or shortfall to be exported through the Duty to Cooperate was identified through this consultation.</p>
Dudley MBC	Draft Dudley Local Plan 2041 (October 2023)	The draft Local Plan identifies a need of 72ha (98ha including replacement of employment losses of land for employment development) with an anticipated supply of 25ha and a shortfall of 47ha (73ha if including replacement of employment land losses).
Sandwell MBC	Draft Sandwell Local Plan (November 2023)	The draft Local Plan identifies a need for a minimum of 185ha of employment land up to 2041 (212ha including replacement of losses). The Plan confirms that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough
Walsall MBC	The Walsall Borough Local Plan will be progressed under new legislation introduced through the Levelling Up and Regeneration Act 2023	<p>Black Country authorities EDNA update (2023) identifies that Walsall has a surplus of 64ha of employment land, but this includes allocations (47ha within green belt) contained within the 2021 Black Country Plan Preferred Options Report. This surplus would still leave the Black Country as a whole with a shortfall of between 153 and 231ha<sup>11</sup>.</p> <p>The 2023 EDNA has not been confirmed as supporting evidence for Walsall's local plan</p>

<sup>10</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

<sup>11</sup> The BCEDNA includes an additional employment land supply of 76.9ha in the form of windfall development. This is not 'allocated' to individual Local Plan areas but would reduce the overall Black Country Employment land shortfall to 153ha

City of Wolverhampton Council	Wolverhampton Local Plan Regulation 18 Issues and Preferred Options (February 2024)	Plan identifies a need for 105 ha of land for employment development up to 2041 (116ha including replacement of losses), with the supply at April 2022 at 64ha, indicating a shortfall of 52ha
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### Work to date on the Black Country employment land shortfall

3.2 The Black Country Plan began its preparation process in summer 2017, when an Issues and Options report was published to commence the plan review. This initial document, based upon the 2017 Black Country EDNA, identified a Black Country-wide gap between employment land needs and supply of up to 300ha. Since then, the employment land shortfall being stated by the Black Country authorities has altered in its exact amount, but remains significant. The Association of Black Country Authorities sent further correspondence to neighbouring and housing market area local authorities in August 2020 (Appendix 1), outlining a shortfall of at least 292ha of employment land from the Black Country, which might be altered slightly by the findings of the emerging Black Country Employment Area Review which was then under preparation.

3.3 Following completion of this evidence, the published evidence to inform the 2021 Draft Black Country Plan consultation indicated that the shortfall had fallen since 2017 but remained significant, amounting to 210ha of land which needed to be exported through the Duty to Cooperate process. The Draft Plan suggested this could be informed by an update to the Black Country's EDNA and could be distributed to authorities that have a strong existing or potential functional economic relationship with the Black Country, for example in terms of migration patterns, commuting links and / or connectivity through physical infrastructure such as rail and motorway.

3.4 Following this in April 2022 the Association of Black Country Authorities wrote to neighbouring and housing market area authorities (Appendix 2). This letter requested clarification that all opportunities to accommodate unmet employment needs had been explored in local plan work. Separately, it queried whether authorities would be willing to participate in an update to the 2021 West Midlands Strategic Employment Sites work. It also indicated that the Black Country's employment shortfall had fallen to around 108ha, taking account of West Midlands Interchange's contribution to the Black Country and the proposed contribution from Shropshire Regulation 19 Local Plan. The correspondence requested that local planning authorities enter into a Statement of Common Ground with the Black Country to regularise their positions on its employment shortfall.

3.5 In October 2022, the Black Country Councils confirmed that work on the Black Country Plan had ceased, and that the four Council's would be preparing individual Local Plans. Evidence to support these individual Local Plans has been updated through the Black Country EDNA 2022 and most recently through the Employment Land Needs Assessment 2020-2041 (October 2023) which indicated a shortfall across the Black Country FEMA of 153ha.

### Contributions to date from the South Staffordshire FEMA to the Black Country authorities shortfall

3.6 Following the Black Country shortfall being identified, the Black Country authorities corresponded with other neighbouring local authorities under the Duty to Cooperate to establish opportunities to address this gap between need and supply. This included work to understand the role of the West Midlands Interchange (WMI) strategic employment site in contributing to employment supply in the Black Country and the site's wider travel to work area. This work supported the conclusions of the examining authority which granted the development consent order for the scheme, indicating that WMI will have no significant labour impact in the wider market area<sup>12</sup>. It also provided evidence of the contribution WMI would make to the employment land supply of authorities throughout the wider market area<sup>13</sup>, suggesting that WMI would contribute 67ha to the four Black Country authorities' employment land shortfall<sup>14</sup>. More recent Duty to Cooperate correspondence from South Staffordshire to the Black Country authorities confirms that this contribution from WMI towards the shortfall remains robust (Appendix 3).

3.7 South Staffordshire has also historically had an oversupply of employment land which has contributed towards the unmet needs of the wider region. This has been reflected in historic local plans, such as the district's Site Allocations Document 2018, which allocated modest extensions to the district's strategic employment sites to address regional unmet needs from beyond the district. South Staffordshire's emerging Local Plan Review also identified a surplus of employment land supply against South Staffordshire's own needs, as set out in South Staffordshire's 2022 Regulation 19 Publication Plan consultation. South Staffordshire formally indicated to the Black Country through Duty to Cooperate correspondence that this 36.6ha oversupply could contribute to the unmet employment land needs arising from the Black Country FEMA, and this was subsequently set out in a previous Statement of Common Ground (SoCG) dated November 2022 which was signed by Cannock, Dudley, South Staffordshire and Wolverhampton. This SoCG supersedes the previous November 2022 SoCG.

3.8 Since South Staffordshire Council consulted on its 2022 Publication Plan, the Council paused plan preparation pending clarity on proposed changes to national planning policy. This pause meant that it was no longer possible to submit the 2022 plan for examination given elements of it were no longer supported by up to date evidence and the plan's end date (2039) would be inconsistent with national policy requiring Local Plans to cover 15 years post adoption. Given this, in September 2023 South Staffordshire Council published an updated Local Development Scheme setting out its intention to undertake a further Regulation 19 consultation in Spring 2024. This has facilitated a need to update a number of evidence-based documents, including an update to the South Staffordshire EDNA which means that the supply/demand balance for employment land in the district was revisited,

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<sup>12</sup> Employment Issues Response Paper – Labour Supply' (prepared on behalf of South Staffordshire Council and the Black Country Authorities) (Stantec, May 2020)

<sup>13</sup> Including the Black Country, Birmingham and wider Staffordshire market areas

<sup>14</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

with the position on surplus land to contribute towards wider unmet needs having now changed. This update position is set out in Section 4 below.

3.9 To date neither Cannock Chase District Council nor Stafford Borough Council have proposed surplus employment land contributions towards the Black Country's employment land shortfalls. The reasoning and context for these positions is set out in Section 4 below.

#### Contributions to date from areas outside of the South Staffordshire FEMA

3.10 The Black Country EDNA 2017 and 2021 update concluded that the four Black Country local authorities can be considered as a standalone FEMA. They also indicate that there are eight local authority areas outside of the Black Country's FEMA which have strong or moderate functional economic links with the Black Country. These authorities include six local authorities that are not currently within the South Staffordshire FEMA<sup>15</sup>. The Black Country EDNA 2021 also identifies Shropshire Council as having strong labour market linkages with the Black Country. Despite this context, to date only Shropshire Council has proposed a contribution to the Black Country's employment land shortfall, proposing a 30ha contribution in their emerging Local Plan. Currently there are no other contributions proposed from other local authorities related to the Black Country but outside the South Staffordshire FEMA, although this is a matter of ongoing Duty to Cooperate discussions between the Black Country authorities and those areas.

#### **4. Current position of signatory authorities on the emerging Black Country FEMA shortfall as it relates to the South Staffordshire FEMA**

4.1 The purpose of this section is to set out the position of individual local authorities as to how they intend to address the emerging shortfalls within the South Staffordshire FEMA through their local plan reviews, including the work undertaken by each local authority to date. The wording provided for each authority represents the views of the authority concerned.

##### South Staffordshire District Council's position

4.2 South Staffordshire has been clear in Duty to Cooperate correspondence since 2018 that it will contribute surplus employment supply above its own needs to reduce the unmet needs of the Black Country authorities. The South Staffordshire EDNA 2018 identified a 19-38ha employment land oversupply against past completions and GVA growth predicted over the plan period. It indicated that this could contribute to part of the Black Country's employment shortfall (whilst acknowledging that Sandwell was not in South Staffordshire's FEMA) and that any oversupply to the Black Country should be secured through a Statement of Common Ground. Since this work was completed at the start of the district's plan review, South Staffordshire has revisited its EDNA in 2022, which identified a 36.6ha surplus of strategic employment land to meet cross boundary unmet needs.

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<sup>15</sup> Bromsgrove DC, Lichfield DC, Solihull MBC, Tamworth BC and Wyre Forest DC

4.3 Since the pause to the South Staffordshire Local Plan in January 2023, the Council considered it necessary to update its employment needs evidence to cover the district council's revised plan period to 2041. The update comprised details of the pipeline of employment land at 1 April 2023 and rolled forward evidence of labour demand covering the period 2023-2041. As part of its updated evidence base SSDC has identified gross residual needs of 62.4ha for the period 2023-2041 which includes an increased margin for churn and frictional vacancy that reflects the requirement to make sufficient provision for its own needs upon a combination of strategic and non-strategic sources of supply commitments and allocations. The resulting contribution towards unmet need is an output of these updates to the evidence base.

4.4 The EDNA update (2024) suggests that strategic sites (excluding WMI) within SSDC's area can contribute a surplus of 27.6ha to the unmet needs of other local authorities. In addition to sites in the current pipeline, SSDC is proposing to allocate an additional strategic site at M6 Junction 13 that performed well through the Council's site assessment process and will add an additional 17.6ha to the pipeline of sites. This recognises that allocating additional land will increase the pipeline of sites to more closely reflect recent take up (which has had a sub-regional component 'built in' due to recent large-scale completions, predominantly at i54). It also recognises that the site provides the only significant opportunity to deliver a non-Green Belt site in the district, at a location identified as a potential broad location for strategic employment land in the West Midlands Strategic Employment Sites Study (2021). The result of this addition to the pipeline is that the surplus of employment land that is available to unmet needs of the Black Country FEMA increases to 45.2ha (excluding WMI) to 2041.

4.5 In addition to this, South Staffordshire have also made clear that the West Midlands Interchange (WMI) Development Consent Order could contribute further to reduce unmet needs in the South Staffordshire FEMA. This was granted by the Planning Inspectorate in 2020, which creates around 200ha of B8 employment land within South Staffordshire's Green Belt. South Staffordshire has worked with the Black Country to identify the proportion of this land take that could be attributed to the Black Country's shortfall, firstly through the 2021 Stantec Report<sup>16</sup> and then through the district's 2020-2040 EDNA<sup>17</sup>. This work identified a **minimum** 67ha B8 contribution to the Black Country's unmet needs solely from WMI, which the Stantec Report indicates could increase if other local authorities within the WMI travel to work area do not require their 'share' of the site's considerable land supply. South Staffordshire understands that the Black Country is working with other local authorities within the WMI travel to work area to understand if more land from WMI could be counted towards Black Country FEMA shortfalls, hence why this figure is an absolute minimum at this stage.

4.6 Given this, South Staffordshire Council considers that there is a minimum of 112.2ha of surplus employment land within South Staffordshire which could contribute to addressing the Black Country's 153ha employment land shortfall. As set out in previous Duty to Cooperate correspondence the District Council does not consider there is further suitable

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<sup>16</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

<sup>17</sup> South Staffordshire Economic Development Needs Assessment 2020-2040



employment land to reduce this shortfall further within its administrative area, which reflects the findings of our Employment Site Assessment Topic Paper 2024.

4.7 Given this context South Staffordshire now expects that the Black Country authorities, either collectively or individually, must continue to approach the other seven local authority areas identified as having strong or moderate economic links with the Black Country in the 2017 and 2021 Black Country EDNAs. It must do this to identify how these authorities can now increase their land supply contribution to address the Black Country's employment shortfall. South Staffordshire District Council would be happy to participate in any Statement of Common Ground prepared by the Black Country authorities over this wider geography to address its shortfall more comprehensively.

4.8 South Staffordshire Council is one of the partner authorities for the West Midlands Strategic Employment Sites Study which is currently being prepared. The Council will consider the reports findings and respond to them through future local plan reviews.

#### Cannock Chase District Council's position

4.9 Evidence to support the Cannock Chase Local Plan review identifies that the Cannock Chase FEMA includes areas of South Staffordshire, Walsall, Lichfield and Stafford Borough.

4.10 Cannock Chase District Council wrote to the local authorities identified as being in its FEMA in December 2021 advising that it could not meet its employment land needs without removing sites from the Green Belt. The correspondence asked if the authority was able to assist in meeting some of Cannock Chase's employment land needs using land which is not in the Green Belt? The correspondence also asked in principle if the authority had any concerns regarding Cannock Chase District removing land from the Green Belt within its own administrative area to meet its local need for employment land.

4.11 South Staffordshire response in December 2021 advised potentially there may be capacity / sites in an emerging development plan which were not in the Green Belt and sought further discussions. South Staffordshire also sought further discussions regarding Cannock Chase removing land from the Green Belt within its own administrative area to meet the local need for employment land. They advised that they were updating their evidence and subject to its findings, there may be scope for some surplus employment land arising due to the West Midlands Interchange contributing towards the Cannock's supply.

4.12 The West Midlands Interchange lies within South Staffordshire district and the approach taken by South Staffordshire to the apportionment of land from this and their surplus employment land is set out within this statement.

4.13 The Black Country Authorities provided a joint response to the letter in December 2021 and advised they also had a shortfall in land supply to meet their own needs.

4.14 The Association of Black Country Authorities advised in December 2021 that the 2021 West Midlands SRFI Employment Issues Response Paper commissioned by the Black Country Authorities (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>) suggests that some

10ha of B8 land provided at the consented West Midlands Interchange could be apportioned to Cannock Chase. This would suggest that if the Local Plan is meeting its B8 needs in full, and the potential supply at WMI has not been accounted for in the land supply calculation, then there may be a surplus of land which could be available to contribute towards meeting needs arising in the Black Country in the context of the acknowledged shortfall. Furthermore, advised they had no concerns regarding the approach to remove land from the Green Belt within Cannock Chase's administrative area and no further discussions on this matter were considered necessary at this time.

4.15 Stafford Borough responded and advised that they had no land within their administrative boundary to assist in meeting some of the employment land need which was not in the Green Belt, that they had no concerns in principle regarding the removal of land from the Green Belt within Cannock Chase's administrative area, and considered no further discussions were necessary at the time subject to the sites being identified.

4.16 Cannock Chase District Council has stated in its 2024 Regulation 19 Pre-submission consultation that it will provide for up to 74ha of land for employment uses during the plan period. This is based on a robust assessment of the suitability, availability and achievability of employment site options within the district. The provision of 74ha figure is an upper limit on the supply of employment land and incorporates the 10ha of employment land apportioned at the West Midlands Interchange which could form part of Cannock Chase's employment land supply and further release of land within the Green Belt, within the District. Cannock Chase District Council does not currently consider that it has surplus in employment land provision available at this time to assist with the Black Country FEMA's employment land shortfalls which can be exported through the Duty to Cooperate.

4.17 Cannock Chase District Council is a partner authority for the update to the West Midlands Strategic Employment Sites Study and respond to findings of this study in future local plan reviews.

#### Stafford Borough Council's position

4.18 Stafford Borough Council's latest 2022 Regulation 18 Preferred Option consultation sets out the borough's current position on employment land provision. This indicates there is no surplus in employment land provision to be exported through the Duty to Cooperate to the Black Country. Stafford Borough Council does not require the 8ha share of West Midlands Interchange attributed to the borough in the work to apportion land from that site<sup>18</sup>.

#### The Black Country authorities' (Wolverhampton, Walsall, Dudley and Sandwell) position

4.19 The four Black Country authorities have established through successive studies and local plan consultations that there is a significant employment land shortfall arising from its administrative area. The demand requirement is based on a combination of past-trends and

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<sup>18</sup> West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

forecast growth in GVA with further adjustments to take account of forecasts 'losses'. As set out above, the total level of future employment land need across the Black Country is 533ha to 2041, with a forecast supply of 380ha, resulting in a shortfall of at least 153ha. It therefore remains imperative that local authorities with functional ties to the Black Country authorities examine whether they can reduce the Black Country FEMA shortfall through Local Plan Reviews.

4.20 The Black Country Councils acknowledge the contribution from South Staffordshire of 103.6ha of employment land (as set out in the 2022 Regulation 19 Plan), rising to 112.2ha (45.2ha from 'local' sites plus 67ha from WMI) based on the 2024 Regulation 19 Plan. Duty to Cooperate work between the Black Country authorities and other authorities in the WMI travel to work area including Birmingham City Council may increase this amount further, through identifying a greater share of West Midlands Interchange which is attributable to the Black Country FEMA. Given the sizeable nature of this contribution and the number of other local authorities with functional economic relationships with the Black Country, this is considered an appropriate contribution to the Black Country's employment land needs, although the Black Country authorities would expect South Staffordshire to consider the findings and recommendations of the West Midlands Strategic Employment Sites Study through future local plan reviews.

4.21 The Black Country FEMA authorities have also agreed the appropriateness of the 30ha contribution towards its unmet needs proposed in Shropshire's local plan which is currently under examination, subject to the inclusion of an early review mechanism should a shortfall remain in the light of the current round of Local Plans reviews and this position has been recorded in a separate Statement of Common Ground with Shropshire.

4.22 The Black Country authorities have made representations to the Cannock Chase and Stafford Borough emerging Local Plans to request that those Plans consider making a contribution towards addressing the Black Country employment land shortfall.

4.23 The total contributions to the Black Country's employment land shortfall proposed to date from South Staffordshire and Shropshire comprise 142ha, which almost closes out the Black Country's shortfall to 2041 of 153ha.

## 5. Summary of Current Position

5.1 Based on the above, the current extent of employment land shortfalls within South Staffordshire’s FEMA, including neighbouring authorities, and the extent to which they can be addressed, can be summarised as per the table below:

Local authority	Oversupply or undersupply vs local needs	Evidentiary basis for contribution
<i>South Staffordshire</i>	+112.2ha	Employment land supply identified as suitable, available and achievable in the 2024 Employment Site Assessment topic paper, alongside evidence of need vs supply in the district’s 2024 EDNA update and technical papers examining how to distribute the circa 200ha of employment land at WMI across the wider travel to work area.
<i>Cannock</i>	0ha	Employment land supply identified as suitable, available and achievable in the 2023 ELAA , Cannock Chase District EDNA Update 2024and technical paper examining how to distribute the circa 200ha of employment land at WMI across the wider travel to work area.
<i>Stafford</i>	0ha	Based on evidence available as at the 2020 Issues and Options consultation, including the Economic and Housing Development Needs Assessment 2019. It is also important to note that Stafford Borough is not identified as having strong or moderate functional economic relationship with the Black Country in the Black Country EDNA 2017 and 2021. It should be noted that the Stafford Borough FEMA predominantly aligns with the Borough’s administrative boundary
<i>Black Country authorities*</i>	-153ha**	Based on available evidence as at the 2023 Black Country Employment Development Needs Assessment (EDNA) and supporting 2022.

*\*Including Sandwell, who are not within the South Staffordshire FEMA*

*\*\*Arising from the Black Country FEMA as a whole, including Sandwell which is not part of the South Staffordshire FEMA*

### Summary of key issues relating to the South Staffordshire FEMA

- There remains a shortfall in the Black Country of around 153ha of employment land to 2041 arising cumulatively from the Black Country FEMA (Wolverhampton, Walsall, Dudley and Sandwell).
- The South Staffordshire FEMA and Black Country FEMA are different geographies, but include significant overlap, recognising the significant functional relationships between South Staffordshire and Cannock and most (but not all) of the Black Country FEMA authorities.
- Both South Staffordshire and Cannock are identified in the 2017 and 2022 update of the Black Country EDNA as areas outside of the Black Country FEMA which nonetheless have strong or moderate economic links with this geography.
- Stafford Borough is not identified as an area with strong or moderate economic links with the Black Country FEMA in the published Black Country EDNA, but this relationship will be reviewed through subsequent Local Plan work.
- Birmingham, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest have either strong or moderate economic links with the Black Country FEMA, but are also outside of the South Staffordshire FEMA.
- The relationship between the individual Black Country FEMA authorities, and with authorities within the wider geography varies.
- All South Staffordshire FEMA authorities are participating in a follow-up study to the West Midlands Strategic Employment Sites Study 2021.

### **Summary of key areas of agreement**

- The Black Country FEMA's shortfall, whilst not yet finalised through local plans, is nonetheless likely to be significant and requires cross-boundary working with local authorities within and outside of the Black Country FEMA in order to be addressed.
- Duty to Cooperate discussions with all other local authorities identified as having a strong or moderate economic relationship with the Black Country FEMA and other areas with which there is an evidenced functional relationship should continue to be progressed to identify further options to address the area's shortfall.
- The 2024 update to the West Midlands Strategic Employment Sites Study may inform future Duty to Cooperate discussions over the need for, scale of, location and phasing of additional strategic employment sites to meet the needs identified. The SESS will examine the need for large sites (around 25ha and above) that serve a greater than local need. Given the stage of plan making the authorities subject to this Statement are at, it is considered appropriate that the findings of the study will be considered through future Local Plan Reviews.
- The Black Country FEMA authorities consider South Staffordshire District Council's proposed contribution to unmet employment needs (112.2ha minimum) to be proportionate given its land constraints and the economic links the area has with the Black Country.
- West Midlands Interchange will provide 10ha towards Cannock District Council's supply in order to meet its needs.

### **Key areas where agreement is yet to be reached**

- There are currently differing views within the South Staffordshire FEMA as to whether Cannock and Stafford Borough are able to contribute to the Black Country's employment shortfall.
- The level of contribution that can reasonably be expected from authorities functionally linked to the Black Country but which are outside of the South Staffordshire FEMA is yet to be determined.

### Future work streams to address key issues and areas where an agreement is still being sought

5.2 There is considerable variety in the progress and status of local plans across the South Staffordshire FEMA and it is likely that the position on the unmet employment needs of the Black Country will change over time as plan-making within that area progresses. Notwithstanding this complexity, the signatories to this statement will seek to engage proactively and positively on employment land shortfalls, seeking to maximise agreement on the approach to distributing any shortfalls and using shared evidence bases wherever possible.

5.3 It is anticipated that the following key steps will be required to address the outstanding issues identified in this section:

- The Black Country authorities will continue to approach other authorities beyond South Staffordshire and Shropshire to request evidence of ability to assist with unmet employment needs (including areas functionally related to Black Country outside of South Staffordshire FEMA)
- The West Midlands Strategic Employment Sites Study update work will be progressed alongside other local authorities within the study area identified in that work

Duty to Cooperate discussions between Black Country authorities and Stafford/Cannock will continue to understand whether an agreed position can be reached on their contributions to Black Country employment shortfalls

## Signatories

### Cannock Chase District Council

Name: Dean Piper



Position: Head of Economic Development & Planning

Date: 23 August 2024

### Dudley Metropolitan Borough Council

Name: Cllr Patrick Harley

Position: Leader of Dudley Council

Signature:



Date: 25 October 2024

### Sandwell Metropolitan Borough Council

Name: Alan Lunt



Position: Executive Director of Place

Date: 9 October 2024

**South Staffordshire District Council**

Name: Kelly Harris



Position: Lead Planning Manager

Date: 04 November 2024

**Stafford Borough Council**

Name:



Position:

*Cab. Member ECONOMIC Dev & Planning*

Date: *10/10/24*

**Walsall Metropolitan Borough Council**

Name: Dave Brown

Position: Executive Director, Economy, Environment & Communities

Date: 24 October 2024



City of Wolverhampton Council

Name: Councillor Chris Burden

Position: Cabinet Member for City Development, Jobs and Skills

Date: 10/10/2024

Signature:



## **Appendix 8 – West Midlands Resource Technical Advisory Board (RTAB) Statement of Common Ground**

# West Midlands Resource Technical Advisory Body

## Statement of Common Ground

September 2022

### 1.0 Introduction - WMRTAB and the Duty to Co-operate

1.1 The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all the bodies involved in planning work together on strategic matters that are of larger than local significance. The bodies bound by this duty include local planning authorities, county councils, LEPs and the Environment Agency. Evidence of co-operation is required to demonstrate the soundness of Development Plan documents. Such evidence might include joint plans or policies, a memorandum of understanding, or jointly prepared informal strategies.

1.2 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group comprising waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations.

1.3 The role of WMRTAB was originally given formal status in the Government's Planning Policy Statement (PPS) 10. Briefly, this role was to advise the Regional Planning Body on technical strategic waste planning issues. Consistent with this role, WMRTAB has pro-actively commissioned technical work and made technical contributions to planning at the strategic level on behalf of constituent organisations.

1.4 The Government's current policy on waste planning<sup>19</sup>, which sits alongside the National Planning Policy Framework, replaced PPS10 and notes that:

*'Waste is a strategic issue which can be addressed effectively through close co-operation between waste planning authorities and other local planning authorities and public bodies to ensure a suitable and sustainable network of waste management facilities is in place.'*

1.5 It goes on to set out actions that constitute effective cooperation under the Duty to Cooperate:

- *'gathering, evaluating and ensuring consistency of data and information required to prepare Local Plans. This may include joint commissioning of studies or the joint preparation of an evidence base*
- *engaging actively in dialogue, particularly on those types of wastes or waste facilities that will impact most on neighbouring authorities*
- *active engagement, where necessary, with planning authorities wider than just those who are their more immediate neighbours, particularly if dealing with waste streams for which there is a need for few facilities*
- *jointly monitoring waste arisings and capacity.'*

1.6 The above matters are all addressed in WMRTAB's agreed Terms of Reference (see Appendix 1).

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<sup>19</sup> National Planning Policy for Waste, 2014

## **2.0 WMRTAB Objectives and Activities**

2.1 WMRTAB meets regularly (at least two times a year), providing an invaluable opportunity for stakeholders to inform and involve each other regarding progress on waste plans and developments relating to waste management in the West Midlands. As such it brings together a wide range of expertise in what is a very specialist area of planning. WMRTAB also monitors waste management and planning trends, focussing on wider than local patterns and setting the context for plan making and monitoring at the local level.

2.2 WMRTAB's latest terms of reference, adopted June 2021, includes the following:

*'The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.*

2.3 WPAs are invited to bring to WMRTAB at the appropriate stages in the plan-making process any significant cross-boundary issues, and to give notice of such matters and provide any relevant information in advance of the meeting. In its consideration of such issues, WMRTAB will explore to what extent the plan has analysed the available data to demonstrate that appropriate provision is being made for an amount of waste equivalent to that generated in its area, allowing for known imports and exports; and whether specific sites or areas are identified to make provision for waste management.

2.4 WMRTAB has also prepared a series of Joint Monitoring Statements for the wider West Midlands area, and it is intended to continue to prepare similar information on a regular basis.

2.5 The activity of WMRTAB currently occurs on an informal basis. It continues because of its perceived value amongst participant stakeholders. If it is to add full value in terms of the Duty to Co-operate, however, WMRTAB's role should be formally recognised by WPAs (and preferably others to whom the Duty to Co-operate applies).

2.6 In establishing the need for co-operation, members WMRTAB will follow the protocol prepared by the Chairs of regional Waste Technical Advisory Bodies including WMRTAB as included in Appendix 2.

## **3.0 Signatories**

3.1 This statement is agreed by the waste planning authorities listed in Appendix 1. A separate document is maintained on the WMRTAB area of the Local Government Association Knowledgehub website<sup>20</sup> showing details of signatories. The template for this document is included at Appendix 3. In signing this document, each signatory confirms that it endorses the role, and will support the work, of WMRTAB as set out above and in the attached terms of reference.

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<sup>20</sup> <https://khub.net/group/west-midlands-resource-technical-advisory-body>

## Appendix 1 - WMRTAB Terms of Reference

### West Midlands Resources Technical Advisory Body Terms of Reference

Updated June 2021 (Final)

#### 1.0 Introduction

- 1.1 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group consisting of: Waste Planning Authorities (WPAs), primarily from the former West Midlands Region; representatives from the waste management industry; and other interested parties. Member organisations are listed in Appendix 1.
- 1.2 Under the Planning and Compulsory Purchase Act 2008, WPAs are required to prepare Local Plans which set out how and where waste can be managed in their areas over a 15 year period.
- 1.3 National Planning for Waste states that: *“In preparing Local Plans, waste planning authorities should: ...work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;”*
- 1.4 Waste arising in one WPA area will frequently be managed in another. For example, in order to achieve economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. Planning to ensure that sufficient capacity is available to meet future requirements for the management of waste therefore constitutes a ‘strategic matter’ and falls under the ‘Duty to Cooperate’ (DtC). The DtC requires local planning authorities to engage ‘constructively, actively and on an ongoing basis’ when addressing strategic waste planning matters in their Waste Local Plans.
- 1.5 The need for cooperation between WPAs and other bodies on waste is reflected in National Planning Policy for Waste and the Waste Management Plan for England 2021 which states:  
*‘Strategic policy-making authorities should cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters, including policies contained in local waste plans. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Further consideration is to be given as to the optimal way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges.’*

## **2.0 Aims**

2.1 The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.

## **3.0 Specific areas of activity**

3.1 In order to meet the above aims, WMRTAB will:

- Bring together a wide range of expertise in what is a very specialist area of planning through a wide membership including waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations;
- Identify strategic issues affecting the sustainable management of waste e.g. waste hierarchy, proximity principle and self-sufficiency;
- Undertake and/or commission technical work where there are identified benefits from work being undertaken at larger than local scale;
- Prepare guidance and best practice to be followed by Member WPAs;
- Formally respond, as a body, to the technical evidence base and policy documents of member authorities and other strategic and national consultations<sup>21</sup>. Responses will be based on any guidance/best practice notes prepared by WMRTAB;
- Notwithstanding the above, provide comments on member WPA compliance with the Duty to Cooperate when its waste planning policy is published for representations;
- Raise awareness of waste management as an integral part of the circular economy/climate change agenda and contribute to the waste/resource management planning agenda on a national level and within the WMRTAB geographic area;
- Raise awareness of the role of WMRTAB generally e.g. by attendance at relevant meetings and events and also through the preparation of articles for relevant publications.
- Where invited, provide WMRTAB representation on groups and at workshops where strategic waste planning matters are discussed e.g. Local Enterprise Partnerships, West Midlands Combined Authority, National Waste TAB Chairs;

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<sup>21</sup> This will not fetter the ability of Member authorities to make their own representations as appropriate.

- Take part in online discussion/information sharing groups to help build skills and knowledge with the WMRTAB membership;
- Provide and/or commission training and support for Member organisations related to waste planning;

3.2 Member WPAs engaging each other (and other WPAs) on strategic waste management matters may have regard to WMRTAB Duty to Cooperate Guidance.

3.3 To assist with the effective running of the group WMRTAB shall:

- Publish evidence documents, guidance, meeting minutes, agendas etc online for member authorities to access and use at public examination as required;
- Prepare and monitor an annual business plan that identifies specific activities to take place with a 12 month period under the above categories;
- Meet twice a year;
- Contribute to the preparation of meeting agendas to ensure discussion of relevant strategic matters (Minutes will be prepared by a designated minute-taker on a rotating basis);
- Review and update (as necessary) these Terms of Reference on an annual basis.

3.4 Member WPAs will make a financial contribution to the organisation and running of the group. This will include the costs of employing an independent Chair.

#### **4.0 Member agreement**

4.1 All organisations listed in Appendix 1 agree to membership of the group on the basis of the terms set out in this document.

## **Appendix 1 WMRTAB Member Organisations**

N.B. This list is subject to change but was correct at 30 June 2021

### ***Waste Planning Authorities:***

- Birmingham City Council;
- Coventry City Council;
- Dudley Metropolitan Borough Council;
- Herefordshire Council;
- Sandwell Metropolitan Borough Council;
- Solihull Metropolitan Borough Council;
- Shropshire Council;
- Staffordshire County Council;
- Stoke on Trent City Council;
- Telford & Wrekin Council;
- Warwickshire County Council;
- Walsall Metropolitan Borough Council;
- Wolverhampton City Council; and,
- Worcestershire County Council

### ***Waste Management Industry:***

- Biffa and Veolia (nominated by the Environmental Services Association),
- MVV
- Robert Hopkins Ltd and NISP/ International Synergies

### ***Other Interested Parties:***

- Waste Disposal Authorities
- Adjoining Waste Planning Authorities
- Environment Agency
- Friends of the Earth on behalf of Sustainability West Midlands
- Representatives from other (R)TAB groups



## Appendix 2 - Duty to Cooperate on Waste – Practice Guide for Waste Planning Authorities in England

Living Draft Version 5.1 – 8 July 2021

### **Introduction**

1. The management of waste has no regard to administrative boundaries, with waste arising in one waste planning authority's area frequently being managed in another. Furthermore, in order to secure economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. This is recognised in the current<sup>22</sup> National Planning Policy for Waste that expects waste planning authorities to: *“plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;”*. For these reasons the management of waste is a cross boundary strategic matter, the planning for which requires co-operation between waste planning authorities.
2. Local Planning Authorities have a duty to cooperate on "strategic matters" relating to sustainable development or use of land that has or would have a **significant** impact on at least two planning areas.
3. Since the introduction of the Duty to Cooperate there has been a tendency for WPAs to consult other WPAs where cross-boundary movements of waste are recorded with little consideration of the significance prior to consultation taking place.
4. **This note is a guide to waste planning authorities (WPAs) in England on the basic process associated with engaging other WPAs with a view to ensuring compliance with the Duty to Cooperate (DtC).** It is intended that this note will help ensure a consistent approach to this matter across England whilst reducing the burden of consultation in relation to issues which are unlikely to be significant across multiple planning areas. Furthermore, the adoption of consistent 'accepted' practices may help with evidencing compliance of the process of preparing waste planning policy with DtC legislation during its independent examination.
5. This note covers DtC engagement between WPAs (including National Park Authorities) only.
6. The note does not constitute legal advice.

### **General**

7. Engagement between WPAs will take place where it is considered that a strategic level of movements is taking place on an ongoing basis. Engagement

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<sup>22</sup> The version of National Planning Policy for Waste referred to in this document was published on 16 October 2014: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

will be initiated as part of a WPA's plan making but may also occur when strategic capacity begins operation or is lost.

8. The purpose of engagement is for WPAs to satisfy themselves that it is appropriate to plan on the basis that a certain quantity of a certain type of waste arising in their area, which is deemed to be strategic, may continue to be managed in another WPA area over the plan period.
9. Engagement should ideally result in agreement on ongoing waste movements between WPAs and **this may be achieved by an exchange of letters rather than via a separate Statement of Common Ground** (SCG). The need for a SCG will be agreed between the parties involved but should take into account the National Planning Policy Framework<sup>23</sup> and Planning Practice Guidance.
10. It should be noted that where agreement cannot be achieved this does not necessarily mean that there will be a failure to comply with the Duty to Cooperate.

### **Guidelines for strategic waste movements**

11. What constitutes a 'Strategic' level of waste movement will vary between WPAs.
12. The levels set out below have been agreed in London, the south east and east of England as **a starting point** for considering whether dialogue is required. **The levels are a guide and not a rule i.e. they are not thresholds.** A WPA may still choose to engage another WPA where waste movements are below these levels although it is less likely that a formal Statement of Common Ground would be appropriate.
  - Non-hazardous waste<sup>24</sup> – 5,000 tonnes per annum
  - Inert waste<sup>25</sup> - 10,000t inert per annum
  - *It should be noted that these guideline levels relate to total quantum of movement to an area rather than to a single site. For example, if a WPA exports 6000 tonnes of inert waste to Site X and 6000 tonnes of inert waste to Site Y located in the same area then specific engagement should take place. However, for hazardous waste especially, smaller movements to single sites may occur and so movements may not be strategic.*
  - *The guideline levels relate to waste being exported from one WPA, or one joint waste planning area, to another.*
13. What constitutes a strategic level of **hazardous waste**<sup>26</sup> movement will vary greatly depending on:

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<sup>23</sup> NPPF Paragraph 27 states: "In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these."

<sup>24</sup> Non-hazardous waste is waste without hazardous properties but may decompose to release pollutants.

<sup>25</sup> Inert waste is waste that does not undergo any significant physical, chemical or biological change.

<sup>26</sup> Hazardous waste is waste that is dangerous or difficult to treat, keep, store or dispose of and if improperly handled carries a risk of adverse impact to humans, animals and the environment.

- How much hazardous waste is produced in a WPA area;
- What type of hazardous waste is produced e.g. the tonnage relating to strategic movements of cement bonded asbestos will be much higher than that relating to waste chemicals; and,
- The number of facilities capable of managing a certain type of hazardous waste

A guideline value of 100 tonnes for hazardous waste has been agreed in London, the south east and east of England but for some WPAs and for some types of hazardous waste a quantity much greater than 100 tonnes will be considered strategic (see paragraph 15 below for further considerations). In the North West a value of 500tpa has been used.

14. The guideline levels relate to waste being exported from one WPA, or one joint waste planning area, to another.
15. The West Midlands Resource Technical Advisory Board has proposed a protocol for identifying movements of waste which may be considered strategic. This is included on the WMRTAB knowledgehub website<sup>27</sup> and may be utilised by any WPA.

### **Data Sources**

16. The main sources of waste data are the Waste Data Interrogator (WDI), Hazardous Waste Data Interrogator (HWDI) and Incinerator Returns. These are publicly available on data.gov.uk. It should be noted that from 2019 the Incinerator Returns are included in the WDI but prior to this year the data is separate.
17. The Environment Agency advise that the HWDI represents reasonably accurate data for the hazardous waste stream. However, the HWDI does not include information on which sites receive the waste so, while the two datasets rarely show the same figures, it helpful to include hazardous waste data from the WDI where it is available to try and identify recipient sites.

### **Notification**

18. Initial engagement is usually to agree the data on movements of waste and identify any reasons why similar movements of waste cannot continue in future e.g. due to the closure of a site. It is the responsibility of the recipient authority to raise any such issues with the exporting authority and to request a statement of common ground if required. Ultimately if no response to such notification is received this may be assumed to mean agreement. An example letter is included at Appendix 1.
19. Following initial engagement, further discussion will be necessary between WPAs to identify whether there is an issue that requires strategic cooperation. There may also be other locally specific circumstances that are appropriate to trigger discussions under the DtC. Matters to consider are as follows:

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<sup>27</sup> <https://khub.net/group/west-midlands-resource-technical-advisory-body>

- *Is the ongoing waste movement wholly reliant on a single site for management?*
- *If the quantum of movement is below the guideline levels is it likely to increase in future? E.g. due to other sites closing.*
- *Are other WPAs (including the host WPA) relying on a particular site for the future management of waste arising in their areas and if so is there a risk that the capacity becomes over committed?*
- *Is the distance of the ongoing movement (i.e. from point of arisings to point of management) consistent with the proximity principle? If it isn't then it is likely that alternative management options need to be considered.*

20. When contacting the receiving WPA it would be useful to include trend data of the scale of imports for at least the last 3 years but ideally 5 years as this helps identify any anomalous years. *It is recognised that inclusion of trend data may be onerous and discussion with the Environment Agency on how such trend data can more easily be obtained from its databases will be sought.*

21. Where a WPA manages waste from another area and is updating its waste planning policy, it will notify the WPA of the exporting area. This will likely be notification at the initial stages under Regulation 18.

22. Regardless of whether movements exceed the guidelines, all WPAs should notify every other WPA when commencing work on waste planning – this will act as a ‘safety net’ and allows for changes in the guidelines for ‘strategic’ movements. This will likely be notification at the initial stages under Regulation 18. N.B. A database of generic Waste Planning Authority contacts is available via the regional waste technical groups and will be published on the National Waste TAB Chairs Knowledgehub website<sup>28</sup>.

23. While SCGs recognise the availability of capacity they cannot allocate specific capacity to meet specific WPA demands. In this sense the principle of ‘first come first served’ does not apply. It is incumbent on all WPAs to monitor, via authority monitoring reports, the availability of capacity to meet ongoing requirements. If it appears that a deficit in capacity is emerging due to over reliance on specific sites then it is incumbent on all affected WPAs to consider alternative arrangements and, ultimately, make updates to policy if required. All SCGs should include an agreement to monitor the provision of capacity and to be updated accordingly.

## Appendix 1: Example DtC Letter

Dear

### Duty to Co-operate: cross-boundary movements of waste

[The exporting WPA] is currently preparing its [name] Waste Local Plan. Further information can be found here.

The Duty to Cooperate requires planning authorities to seek agreement with other planning authorities where their plans may have an impact on their area. I am writing to you as part of the duty to co-operate, about strategic waste exports from [the exporting WPA] to your area.

What constitutes a 'strategic' level of waste movement will vary between waste planning authorities, however the guideline levels set out below have been agreed in London, south east and east of England as a starting point for considering whether dialogue is required. These levels are for the total quantum of movement to an area rather than to a single site.

- Non-hazardous waste – more than **5,000 tonnes** per annum
- Inert waste - more than **10,000t** inert per annum

What constitutes a strategic level of **hazardous waste** movement varies depending on:

- How much hazardous waste is produced in a WPA area;
- What type of hazardous waste is produced; and,
- The number of facilities capable of managing a certain type of hazardous waste

A guideline value of 100 tonnes for hazardous waste has been agreed in London, the south east and east of England.

I have asked five questions below to initiate duty to co-operate engagement on waste.

Q1: Do you agree with the following waste exports figures?

#### Exports of HIC and CDE waste

Site Name	Site Type	Type of Waste	2015	2016	2017	2018	2019

Source: Waste Data Interrogator and Incinerator Returns

#### Exports of hazardous waste

Type of waste	Management route	2015	2016	2017	2018	2019

*Source: Hazardous Waste Data Interrogator and Waste Data Interrogator*

Q2: Do you consider recent movements of waste from [the exporting WPA] to your area to be of 'strategic' importance?

Q3: Are you aware of any planning reasons why similar movements of waste cannot continue in the future (for example any planned closure of facilities)?

Q4: The NPPF requires planning authorities to prepare statements of common ground to document and address strategic cross-boundary matters. Do you consider a statement of common ground is necessary with [the exporting WPA] on cross-boundary movements of waste?

Q5: Are there any other matters you wish to raise at this stage?

I would be grateful for a response to the above questions by [date]. If you have any problems responding, please let me know.

-

**Appendix 3 – Template for Details of Signatories of the WMRTAB Statement of Common Ground**

***Birmingham City Council***

Name of Signatory

.....

Position

.....

Signature .....

Date.....

***Coventry City Council***

Name of Signatory: Sarah Elliott

Position: Head of Fleet and Waste Management

Signature:



Date: 06/12/2022

***Dudley Metropolitan Borough Council***

Name of Signatory: Helen Martin

Position: Director of Regeneration & Enterprise

Signature:



Date: 30<sup>th</sup> May 2024

**Herefordshire Council**

Name of Signatory: Tracey Coleman

Position: Interim Director of Planning & Regulatory Services

Signature:



Date: 27 September 2022

**Sandwell Metropolitan Borough Council**

Name of Signatory  
Tony McGovern

Position  
Director of Regeneration and Growth

Signature 

Date 06 January 2023

**Solihull Metropolitan Borough Council**

Name of Signatory  
.....

Position  
.....

Signature .....  
Date.....

**Shropshire Council**

Name of Signatory  
.....

Position



.....  
Signature .....

Date.....

**Staffordshire County Council**

Name of Signatory ..... Mark Parkinson.....

Position .....Head of Planning Policy and Enabling.....

Signature .. Parkinson, Mark (E,I&S)

Digitally signed by Parkinson, Mark (E,I&S)  
Date: 2023.03.02 09:30:38 Z

Date..... 1 March 2023.....

**Stoke on Trent City Council**

Name of Signatory  
Harmesh Jassal

Position  
Strategic Manager – Planning Services

Signature 

Date 23/02/23

**Telford & Wrekin Council**

Name of Signatory  
.....

Position  
.....

Signature .....

Date.....

**Warwickshire County Council**

Name of Signatory  
.....

Position  
.....

WARWICKSHIRE COUNTY COUNCIL

Signature .....  
Date.....

**Walsall Metropolitan Borough Council**

Name of Signatory Simon Neilson  
.....

Position Executive Director of Economy, Environment & Communities  
.....

Signature  .....

Date 3 January 2023  
.....

**Wolverhampton City Council**

Name of Signatory: Vijay Kaul  
.....

Position: Section Leader (Planning)  
.....

Signature ...V.Kaul.....  
Date.....01/02/2023.....

**Worcestershire County Council**

Name of Signatory ...Emily Barker.....

Position ...Head of Planning and Transport Planning.....

Signature  .....

Date...26<sup>th</sup> September 2022.....

**Appendix 9 – DRAFT Statement of Common Ground in Relation to Air Quality Impacts on European Sites**

Statement of Common Ground between  
Cannock Chase District Council,  
City of Wolverhampton Council,  
Dudley Metropolitan Borough Council,  
East Staffordshire Borough Council,  
Lichfield District Council,  
Sandwell Metropolitan Borough Council,  
Stafford Borough Council,  
South Staffordshire District Council,  
Walsall Metropolitan Borough Council and  
Natural England  
in relation to air quality

Enter Date

## Introduction

1. This Statement of Common Ground (SoCG) has been prepared by Cannock Chase District Council (CCDC), City of Wolverhampton Council (CWC), Dudley Metropolitan Borough Council (DMBC), East Staffordshire Borough Council (ESBC), Lichfield District Council (LDC), Sandwell Metropolitan Borough Council (SMBC), South Staffordshire District Council (SSDC), Stafford Borough Council (SBC), Walsall Council (WC) (the partner authorities) and Natural England (NE), hereafter referred to as “the parties” to support the partner authorities emerging Local Plans.
2. This SoCG relates solely to impacts regarding European designated wildlife sites<sup>29</sup> from deterioration in air quality<sup>30</sup> due to increased traffic from local plan development, which is a strategic matter affecting all the partner authorities. Other matters raised by NE in relation to individual authorities’ Local Plans will be considered through separate bilateral SoCGs between NE and the authority, where necessary.
3. The potential adverse impacts of air pollution on European Sites have been identified as an issue for a number of years. The partner authorities whose Local Plans are most advanced and have undertaken Regulation 19 consultation (CCDC and SSDC) have, to date, been unable to rule out adverse effects in relation to air quality from vehicles on relevant European Sites through their Habitat Regulations Assessment. This is due to a lack of transport and air quality modelling evidence to confirm whether air pollution arising from the local plans causes an adverse effect on site integrity (AEOSI), due to exceedance of critical levels and / or critical loads at the European Sites from air pollution. This has led NE to conclude that these Regulation 19 Local Plans are not sound or legally compliant as those European Sites in the area of search with features sensitive to air pollution, adverse effects on their integrity, alone or in-combination, cannot be ruled out due to a lack of evidence. This SoCG sets out the work that has been, and is continuing, to be undertaken to address this issue.

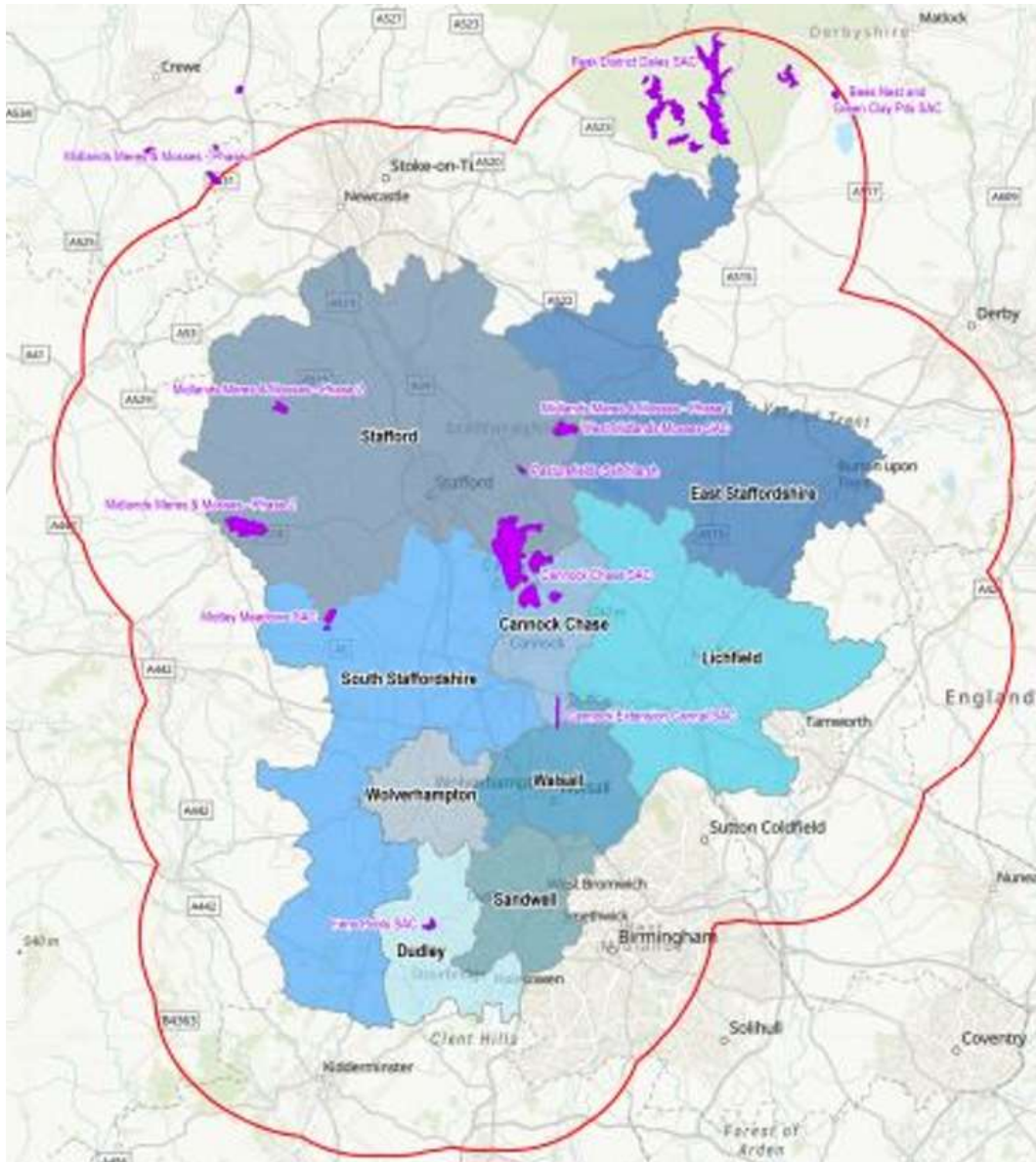
## Geography covered by the SoCG

4. This SoCG covers the geography of the nine partner authorities as shown on the map below; the red line indicates the air quality study area.

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<sup>29</sup> Specifically Special Areas of Conservation (SACs) and Ramsar sites underpinned by Site of Special Scientific Interest (SSSI) designation in England.

<sup>30</sup> Comprising nitrogen oxides (NOx), ammonia (NH<sub>3</sub>), total nitrogen deposition and acid deposition.



## Background

5. The interest features of a number of European Sites in and around the partner authorities' geography are recognised as being sensitive to increased air pollution.
6. Any new development could increase air pollution on European Sites directly or indirectly. The two main ways this can occur are:
  - By emissions arising directly from the development during its operational life (i.e. industrial units, livestock housing units, energy generation etc).
  - By indirectly resulting in a significant increase in the scale of vehicular movements on roads within 200m of a European site (this increase in

vehicular movement may occur both in the construction and operational phases of the development).

7. Since being made aware of the potential issue in 2019, the Cannock Chase SAC Partnership<sup>31</sup> has undertaken a number of actions to ascertain the impact of NOx emissions and their contribution to nutrient nitrogen deposition on the SAC designation to 2050.
8. In May 2020, the SAC Partnership proposed a strategic solution to the nitrogen issue; 'A road map to mitigation scheme'. Natural England was supportive of the measures the Partnership proposed, however could not provide an assurance that they would not object to any plans and projects for the 3 year 'grace' period needed to implement the 'road map' where increased nitrogen deposition resulted in an AEOSI of a European site.
9. The SAC Partnership agreed to commission evidence in the form of an air quality assessment to determine the likely scale of air pollution from vehicle movements on 6 European Sites over a 20-year period (2020 to 2040). Work was due to commence in early 2020 but this was delayed due to the Covid Pandemic. Data on NOx concentrations at appropriate locations was collected using diffusion tubes from October 2020 and ammonia monitoring commenced in 2021. Monitoring of both pollutants continues to-date.
10. NE reviewed the data collected (alongside modelling predictions on the Air Pollution Information System) and were content that the NOx concentrations shown at the air quality collection points were below the threshold for concern. However, monitored ammonia concentrations were higher than modelling predictions. In addition, modelling predictions indicated that all six sites were receiving nitrogen deposition inputs above their critical loads.
11. It was necessary to establish if NOx emissions would remain under threshold once the proposed allocations in competent authority plans are factored in alongside proposals with consent or allocation in adopted local plans based on the precautionary principle, and whether the local plans would worsen the impacts of ammonia and nitrogen deposition.

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<sup>31</sup> The SAC Partnership is a partnership between organisations who have legal responsibilities in relation to the Cannock Chase Special Area of Conservation (SAC). The purpose of the partnership is to ensure that the ecological integrity of the SAC is maintained and all legal obligations in relation to the SAC are met. The Partnership is funded by mitigation contributions collected by seven local authorities from new housing development within 15km of Cannock Chase. These contributions fund both the Partnership and a series of works which mitigate the increase in recreational activity arising from new development. The SAC Partnership includes all partner authorities subject to this SoCG with the exception of Dudley MBC and Sandwell MBC.

12. In October of 2022, Middlemarch Environmental was instructed by South Staffordshire District Council (SSDC), on behalf of the nine partner authorities, to prepare a brief<sup>32</sup> to provide a detailed step-by-step methodology of how the partners could establish a scientific and robust evidence base to determine the likely air pollution impacts (both alone and in-combination) via increased traffic generation on several European sites as a result of Local Plan proposals coming forward. The brief (Appendix A) identified the European sites relevant to the partner authorities plans as follows:
- Bees Nest and Green Clay Pits SAC
  - Cannock Chase SAC
  - Cannock Extension Canal SAC
  - Fens Pools SAC
  - Midlands Meres and Mosses Phase 1 Ramsar Site
  - Midlands Meres and Mosses Phase 2 Ramsar Site
  - Motte Meadows SAC
  - Pasturefields Salt Marsh SAC
  - Peak District Dales SAC
  - West Midlands Mosses SAC
13. The Middlemarch brief was able to scope out the following sites for various reasons but in most cases due to there being no 'A' or 'B' roads within 200m of the boundary of the European site:
- Aqualate Mere (Midlands Meres and Mosses Phase 2 Ramsar Site)
  - Bees Nest & Green Clay Pits SAC
  - Betley Mere (Midlands Meres and Mosses Phase 1 Ramsar<sup>33</sup> Site)
  - Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2 Ramsar Site)
  - Chartley Moss (West Midlands Mosses SAC)
  - Motte Meadows SAC
  - Peak District Dales SAC
  - Wynbunbury Moss (Midlands Meres and Mosses Phase 1 Ramsar Site)
14. This resulted in a recommendation for the following European Sites to be taken forward for detailed traffic and air quality modelling:
- Cannock Chase SAC
  - Cannock Extension Canal SAC

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<sup>32</sup> Creation of an Air Pollution Evidence Base Brief to Support Local Plan HRA Staffordshire, Wolverhampton, Walsall, Sandwell and Dudley (March 2023)

<sup>33</sup> Ramsar sites are treated in planning as having equivalent protection of SACs and SPAs and are therefore included in this study. The Ramsar designation is underpinned by Site of Special Scientific Interest designation in England.



- Cop Mere (Midlands Meres and Mosses Phase 2 Ramsar Site)
  - Fens Pool SAC
  - Oakhanger Moss Site of Special Scientific Interest (SSSI) (Midlands Meres and Mosses Phase 2 Ramsar Site)
  - Pasturefields Salt Marsh SAC
15. NE were consulted on the Middlemarch brief in a letter dated 14 April 2023 (See Appendix B) and confirmed that “*it has been prepared in full accordance with [Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations](#). We are therefore able to support the report’s methodology and its conclusions*”.
16. In August 2023 Sweco Ltd were appointed by SSDC (on behalf of the partner authorities) to undertake the traffic and air quality modelling in line with the Middlemarch brief. Following completion of the modelling, Sweco’s draft assessment (Appendix C(i) and Appendix C(ii)) concluded that there were air pollution exceedance areas at the following European Sites:
- Cannock Chase SAC
  - Cannock Extension Canal SAC
  - Fens Pool SAC
  - Oakhanger Moss SSSI (Midlands Meres and Mosses Phase 2 Ramsar Site)
17. A steering group meeting took place between the partner authorities, Sweco and NE on 11<sup>th</sup> September 2024 in order to discuss the assessment findings. At this meeting, the findings of the baseline report were agreed unanimously by the partner authorities and NE. At this meeting all four European Sites were discussed to understand likely impact(s) on the qualifying feature(s)<sup>34</sup> of the sites and potential mitigation, with a number of actions agreed along with a commitment to further meetings.
18. At a subsequent meeting held on 25<sup>th</sup> September 2024 it was agreed by NE that AEOSI could be ruled out on Fens Pool SAC. The site is designated for Great Crested Newts (GCN) which are not sensitive to air quality. Furthermore it has been confirmed by Dudley MBCs Countryside Services Team that the ponds that GCN use for breeding are located away from the exceedance areas. It was also agreed at the meeting of 25<sup>th</sup> September 2024 by NE that Oakhanger Moss could be screened out after further analysis by Sweco demonstrated that the air pollution exceedance at the site was predominantly caused by national traffic growth outside of the air quality project area due to

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<sup>34</sup> As defined by the relevant SAC/SSSI citation documents.

its proximity to the M6 motorway, and that air pollution directly resulting from the partner authorities was de minimis compared to national growth.

19. At a Steering Group meeting on 14<sup>th</sup> November 2024, Cannock Chase SAC and Cannock Extension Canal SAC were discussed in detail in relation to understanding whether adverse effects on site integrity were likely to occur or not.
20. In relation to Cannock Chase SAC, Natural England confirmed that they had reviewed maps that show the extent of the habitats on Cannock Chase SAC that are reasons for designation of the SAC within the areas of exceedance indicated by modelling; RAP01, RAP02 and RAP03.
21. For RAP01 most of the area is in site fabric, some of the area is heathland. The area that the exceedance falls within is immediately adjacent to the road, given the mosaic nature of heathland, the presence of trees near the road is expected. Natural England concluded that they would not want the trees removed close to the road, and so a conclusion of no adverse effects on site integrity can be made for RAP01.
22. For RAP02 the area of exceedance falls entirely within site fabric of the SAC, and therefore adverse effects on site integrity can be ruled out on that basis.
23. For RAP03 there is an incredibly small area of qualifying habitat in the exceedance area. NE advised that adverse effects to site integrity can be ruled out because the associated area of qualifying habitat within the area of exceedance is negligible.
24. Based on the information in paragraphs 20-23 inclusive, adverse effects to site integrity can be ruled out in relation to Cannock Chase SAC.
25. Regarding Cannock Extension Canal SAC, the document 'Ecology of the Floating Water Plantain' (Lansdown RV & Wade PM (2003), understood to be the authoritative document on floating water plantain in the UK, states that floating water plantain which is the qualifying feature of Cannock Extension Canal SAC is tolerant of a broad range of nutrient conditions. The plant is also the submerged phenotype along the Cannock Extension Canal SAC and so direct deposition of nutrients to the plant are not likely to occur; particularly in relation to ammonia and NOx.
26. Natural England commented that the 'Ecology of the Floating Water Plantain' (Lansdown RV & Wade PM (2003) document indicates that floating water plantain can take some time to show responses to effects from additional

nutrients, however it is likely that this would have been observed at the SAC given the prolonged presence of the A5 immediately adjacent to the Cannock Extension Canal SAC.

27. Based on the apparent high degree of tolerance of floating water plantain to a range of environmental conditions and nutrient levels, as well as its submerged nature at the Cannock Extension Canal SAC, it was agreed that a conclusion of 'no adverse effects on site integrity' could be drawn.

### Areas of Agreement

28. The following matters are agreed between all parties to this SoCG:

- Constructive and ongoing engagement has occurred between all parties and the Duty to Cooperate has been met.
- The final Middlemarch brief and the detailed methodology to scope out the European Sites from further assessment (set out in paragraph 13 of this SoCG).
- That the transport and air quality modelling undertaken by Sweco has been produced in line with the Middlemarch brief and represents a robust assessment for decision making.
- That the evidence demonstrates air pollution resulting in exceedance of critical loads and / or levels is present at the four European sites set out in paragraph 16 of this SoCG, however adverse effects on site integrity can now be ruled out for the following sites for the reasons set out in paragraphs 18-27 of this SoCG:
  - Fens Pool SAC
  - Oakhanger Moss SSSI (Midlands Meres and Mosses Phase 2 Ramsar Site)
  - Cannock Chase SAC
  - Cannock Extension Canal SAC
- That the Sweco study evidencing traffic growth and resultant air quality impacts will need to be kept under review and revisited when future planned growth across the partner authorities' geography becomes more certain.

29. Areas of disagreement:

- None

## Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between the parties. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

### **Natural England**

Name:

Position:

Signature:

Date:

### **Cannock Chase District Council**

Name:

Position:

Signature:

Date:

### **City of Wolverhampton Council**

Name:

Position:

Signature:

Date:

### **Dudley Metropolitan Borough Council**

Name:

Position:

Signature:

Date:

**East Staffordshire Borough Council**

Name:

Position:

Signature:

Date:

**Lichfield District Council**

Name:

Position:

Signature:

Date:

**Sandwell Metropolitan Borough Council**

Name:

Position:

Signature:

Date:

**South Staffordshire Council**

Name:

Position:

Signature:

Date:

## **Stafford Borough Council**

Name:

Position:

Signature:

Date:

## **Walsall Council**

Name:

Position:

Signature:

Date:

## **Appendices**

Appendix A: Middlemarch brief

Appendix B: Natural England letter to partner authorities dated 14<sup>th</sup> April 2023

Appendix C(i): Sweco Report: Traffic modelling

Appendix C(ii): Sweco Report: Air quality modelling

Appendix D: Steering Group meeting minutes 11/09/24, 25/09/24, 14/10/24 and 14/11/24

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