

Wolverhampton **Local Plan**

Duty to Cooperate Topic Paper – response to Inspectors Questions

Examination in
Public

July 2025



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1. Introduction

- 1.1 In June 2025, at the initial stages of the Wolverhampton Local Plan (WLP) Examination in Public, the appointed Inspectors provided initial questions to Wolverhampton City Council (WCC).
- 1.2 Para 11 of the letter is in relation to the Duty to Cooperate (DtC) – legal compliance. It states ‘The Council’s duty to cooperate statement (CD15 and its appendices) helpfully includes a number of SoCG, but not all of these appear to have been signed’. The letter goes on to ask a series of questions which flow from this statement. This paper provides a response to those questions.

2. The Inspectors Questions

- 2.1 The following sections of the paper responds to each of the questions in turn.

Question i - Can the Council confirm what the status of unsigned SoCG are and is there an intention to sign them? For instance, CD15b states it is an officer agreed SoCG on housing shortfall within the Greater Birmingham Black Country Housing Market Area (HMA) as of November 2024, but there are no signatures. Clarity on whether the unsigned SoCG are formally agreed positions would be most helpful.

- 2.2 The eight Statements of Common Ground (SoCG) relevant to the WLP are listed in Table 5.1 of Section 5 of the Duty to Cooperate paper [Submission Document (SD) CD15]. The SoCG at the time of submission are also appended to that paper (Appendices 6-13).
- 2.3 At the time of the submission of the Local Plan, all of these SoCG were signed by all parties listed in them with the exception of:
 - Document CD15b – Greater Birmingham and Black Country Housing Market Area SoCG. This was an officer agreed version but has subsequently been signed by all of the local authorities listed with the exception of Telford & Wrekin Council. This signed version is attached as Appendix 1 to this paper.

The position of Telford & Wrekin Council towards the SoCG is set out in correspondence dated 10 April 2025 from the Council to Dudley Council. This letter confirms the willingness of the Council to sign the SoCG. This letter is attached as Appendix 2 to this paper.

The Shropshire position was accurate at the time of the preparation of CD15b but has subsequently moved on as set out in correspondence from Shropshire Council dated 28th April 2025 in Examination Document reference EXAM1.

- SD CD15c - Black Country Functional Economic Market Area (FEMA) and locations with an economic relationship with the Black Country FEMA SoCG. This was an officer agreed version but has subsequently been signed by all of the local authorities listed with the exception of Shropshire Council.

This signed version is attached as Appendix 3 to this paper. The SoCG reflected the position of the Shropshire Council at that time and is consistent with the SoCG between Shropshire Council and the Black Country Local Authorities attached as Appendix 4.

Question ii - Can the Council confirm where the minutes and/or notes of the duty to cooperate meetings, referenced within the tables in CD15, are located within the evidence base?

- 2.4 The minutes and notes of the Duty to Cooperate meetings are summarised in Appendix 2 of the Duty to Cooperate Statement (CD15), but have not been published to date as part of the evidence base.
- 2.5 Table 1 below builds upon SD CD15 Appendix 2 by providing further detail on the DtC meetings that were held from late 2022 (cessation of work on the Black Country Plan and commencement of the WLP) until submission of the WLP in March 2025. The table covers the topics that were discussed during the meetings and the implications on the preparation of the WLP. The table also cross references to other documents such as relevant SoCG. The notes and minutes from these meetings as referred to in Table 1 are attached to this paper as Appendix 5 of this Paper.

Table 1 – Duty to Cooperate Meetings and Outcomes October 2022 – Submission of Wolverhampton Local Plan March 2025

Prescribed body	Method of engagement	Topics Discussed	Impact on plan preparation
Telford & Wrekin See Appendix 5a	Meetings: 03/4/23 15/5/23 16/9/24 28/5/24	Updates on Plan progress, evidence base to be commissioned /updated, agreement on strategic matters and housing land contribution from T&W to BCLAs. Discussion on progressing GBBCHMA SoCG to apportion the housing contributions and agreement to the methodology. Agreed it was unlikely a further bilateral SoCG was required between the two LAs.	Potential apportionment of 703 homes to Wolverhampton. Subject to formal agreement via GBBHMA SoCG as of November 2024 (Appendix 1). See Appendix 2 for letter from T&W received post Submission of the WLP. Alongside the Appendix 1 SoCG there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Telford & Wrekin and Black Country Councils See Appendix 5b	Meetings: 07/11/23 15/4/25	Initial meeting held with Telford & Wrekin and BCLAs on local plan position post BCP and T&W housing and employment land contribution. Update on relevant matters discussed in meeting on 15/4/25 post WLP submission.	Discussion on progressing GBBCHMA SoCG to apportion the housing contributions and agreement to the methodology following progression of relevant Local Plans.
South Staffordshire, BCLAs and Birmingham See Appendix 5c	Meeting 31/10/22	Meeting post BCP to discuss Gypsy and Traveller need, apportionment of housing contributions, update on Local Plan making timetable and signing statements of common ground.	Discussion on progressing GBBCHMA SoCG to apportion the housing contributions and agreement to the methodology Gypsy and Traveller need discussed across all authorities. Updated evidence to indicate if there is an unmet need.
Black Country South Staffordshire Cannock Stafford - Employment FEMA See Appendix 5d	Meeting 2/11/22	Meeting to discuss the South Staffordshire FEMA SoCG	Discussion to confirm the approach to employment land need and supply across the South Staffordshire FEMA area and the content of the associated SoCG.

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South Staffordshire Not appended	Meetings: October 2022 – Jan 2023 26/07/23 25/09/23	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned	FEMA SoCG signed see Appendix 3 to continue dialogue and secure further contributions Consultation response to emerging local plans and highlighted concerns/queries as required, alongside any policy issues if identified. An agreement on the proportion of the employment land supply from the West Midlands Interchange (WMI) in South Staffordshire District Council to be apportioned to Wolverhampton and the remaining local authorities within the South Staffordshire FEMA, along with further contributions from South Staffordshire (Appendix 3). As agreed in GBBCHMA SoCG (Appendix 1) South Staffordshire are providing a contribution to the HMA of 640 homes. Potential apportionment of 234 homes to Wolverhampton as at November 2024. Potential contribution towards the Black Country FEMA shortfall of Employment Land of 67ha from West Midlands Interchange and a further of 45.2 ha on other sites. Cross boundary or strategic matters are covered by the GBBCHMA SoCG (Appendix 1), the Black Country FEMA SoCG (Appendix 3) or by the existing bilateral SoCG see Appendix 6 of CD 15). Alongside the GBBCHMA there is an

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			agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Lichfield DC See Appendix 5e	Meeting: 08/11/23	Meeting held with Lichfield and BCLAs to discuss position post BCP and to seek clarification on housing and employment contributions	Lichfield advised of their Plan withdrawal impact on the BCLA Local Plans as the contribution to BCAs will be lost due to restarting of Local Plan work. FEMA SoCG signed see Appendix 3. Lichfield also signed the GBBCHMA SoCG (Appendix 1) Alongside the GBBCHMA SoCG there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Shropshire Council See Appendix 5f	Meetings: 09/11/23 10/10/24	Meetings arranged between Black Country and Shropshire to discuss clarification on housing and employment contributions, SOCG and progress of Shropshire Examination in Public (EiP).	Potential contribution to shortfall of 593 homes to Wolverhampton through apportionment. Potential contribution towards Black Country shortfall of Employment Land of 30 ha. Subsequently, a letter from Shropshire Council to the Council was received in April 2025 explaining that the council intend to withdraw the Shropshire Local Plan from examination following Submission of WLP. Cross boundary or strategic matters covered by the GBBCHMA SoCG (Appendix 1), the Black Country FEMA SoCG (Appendix 3), or by the existing bilateral SoCG (Appendix 4) Alongside the GBBCHMA SoCG there is an agreement to continue to work across the HMA to develop a shared

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			evidence base to inform future plan making and address the shortfall.
Sandwell MBC Appendix 5g	Meeting: 03/06/24	Meeting to discuss representations to the Reg18 consultation, any issues arising, statements of common ground, progress on both the Sandwell Local Plan and WLP	Cross boundary matters for local plan review discussed and policy approach discussed where consistency was still relevant following work on BCP. FEMA SoCG signed see Appendix 3. Agreement on the GBBCHMA SoCG (Appendix 1) to apportion the housing contributions and agreement to the methodology. Wider discussions as part of BC Panning Leads meetings see Appendix 5m. Alongside the GBBCHMA there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Dudley MBC Appendix 5h	Meetings: 18/06/24 06/09/24 04/11/24 23/01/25	Updates on Plan progress, representations to each other's local plans, evidence base to be commissioned/updated, agreement on strategic matters and bilateral matters. No cross-boundary matters raised but agreement to engage where necessary. Joint evidence base working agreed and wider HMA and FEMA work. Dudley to produce a bilateral SoCG for CWC consideration and agreement. In addition,	Key strategic matters with regards to plan making identified. Policy approach discussed where consistency was still relevant following work on BCP. Agreement to work on joint evidence base where required such as updated Centres Study. SoCG signed see Appendix 12 of CD15. FEMA SoCG signed see Appendix 3 Agreement on the GBBCHMA SoCG (Appendix 1) to apportion the housing Wider discussions as part of BC Planning leads meetings see Appendix 5m contributions

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		Dudley produced and circulated GBBCHMA SoCG to apportion the housing contributions and agreement to the methodology. Wolverhampton to produce equivalent SoCG relating to the FEMA.	and agreement to the methodology. Wider discussions as part of BC Panning leads meetings see Appendix 5m Alongside the GBBCHMA SoCG there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Walsall MBC Appendix 5i	Meeting: 13/02/25	General Updates on Plan progress, representations to each other's local plans, evidence base to be commissioned/updated, agreement on strategic matters and bilateral matters. No cross-boundary matters raised. Further joint evidence base working agreed and wider HMA and FEMA work. Wolverhampton to produce and circulate FEMA SoCG to confirm strategic approach to employment land.	Agreement to further relevant joint evidence base work where required such as an updated Centres Study. Discussion of representations received to the WLP consultation and how the Plan could be amended in response to these if WCC felt it was required. FEMA SoCG signed see Appendix 3. Agreement on the GBBCHMA SoCG (Appendix 1) to apportion the housing contributions and agreement to the methodology. Wider discussions as part of BC Planning Leads meetings see Appendix 5m Alongside the GBBCHMA SoCG there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall.
Stafford BC Appendix 5j	Meeting: 17/11/22	WCC response to Stafford Borough Local Plan consultation. General Updates on Plan progress, evidence base to be commissioned	Informed approach towards the GBBCHMA and the potential for the Stafford Local Plan to provide for housing and employment land to contribute towards needs arising in Wolverhampton and the Black Country.

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Staffordshire CC Not appended	Meeting: 01/03/24	Wolverhampton Local Plan Issues and Preferred Options approach to strategic infrastructure –transportation and education	Confirmation of the approach towards cross-boundary infrastructure and impact on education provision.
Worcestershire CC Transport for West Midlands (invited / copied into correspondence but did not attend / respond)	Email correspondence in December 2024 Meeting on 06/01/25 (no formal minutes)	Wolverhampton Local Plan Regulation 19 Consultation – transport issues	A meeting was held to discuss issues raised in the WLP Regulation 18 consultation response by Worcestershire CC regarding the Black Country Local Plan Transport Modelling approach and any potential impact on Worcestershire, in light of the WLP Regulation 19 consultation and updated evidence. The modelling approach and results were outlined and discussed. It was clarified that, at this stage, WCC were not assuming that Worcestershire would accommodate any housing shortfall from the WLP. Worcestershire CC asked for further detail on the level of scheme development for active travel and bus priority schemes, which was subsequently provided.
Black Country LAs Planning Leads Appendix 5k	Meetings: Every 4-6 weeks	Detailed meetings discussing progress on Plan preparation, cross boundary matters, DtC, joint evidence base work and apportionment of housing and employment land contributions. Understanding the local plan status – timetable for production/consultation	FEMA SoCG signed see Appendix 3 - to continue the dialogue and secure further contributions from other authorities undertaking plan reviews towards the Black Country's unmet employment land needs. Joint transport modelling work for the Black Country to understand the implications of

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		understanding any shortfalls in housing, employment and Gypsy and Traveller provision, and work done to date.	proposed development on the local transport network, to each other's plan preparation and that of neighbouring authorities and to inform interventions/infrastructure required to mitigate against any impacts. Housing - agree an approach to apportioning any contributions to the BC. Establishes what potential contributions are to Wolverhampton. Agreement on the GBBCHMA SoCG (Appendix 1) to apportion the housing contributions and agreement to the methodology. Alongside the GBBCHMA SoCG there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall. Minerals and Waste: Wolverhampton, along with Dudley, Sandwell and Walsall Councils, worked collaboratively on joint Minerals and Waste Studies, which formed the evidence base for the waste and minerals policies in the BCP. Meetings identified the need for updated waste and minerals evidence to support individual Local Plans and new plan periods, including accounting for more up to date baseline information. Enabled joint

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			commissioning of evidence base (utilising a common methodology and approach by the appointed consultants). Meetings informed the approach to the updated waste and minerals evidence base for the Plan and enabled discussions on common policy approaches within the emerging individual Black Country Authority Local Plans (for cross boundary consistency) based on the updated evidence base.
GBBCHMA Development Needs Group Appendix 5I	Meetings: 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 West Midlands Combined Authority and Transport for West Midlands. Agreeing a SoCG across GBBCHMA and key related authorities to set out future work programme for assessing strategic growth options to address emerging shortfalls, assessing future options. Dudley produced the draft GBBCHMA SoCG to apportion the housing contributions and agreement to the	SoCG signed agreeing apportionment of contributions to the HMA and to review the 2018 Growth Study. This helped to inform where the Council's shortfall can be accommodated across the HMA (See Appendix 1 Cannock Chase DC contribution of 500 homes to GBB HMA, with a potential apportionment of 63 homes to Wolverhampton, as at November 2024). Alongside the GBBCHMA there is an agreement to continue to work across the HMA to develop a shared evidence base to inform future plan making and address the shortfall. Agreed to commission works on Strategic Employment Sites Study.

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		methodology as of November 2024. Officer agreed SoCG in place by January 2025. Then awaiting signatures of all parties to be finalised by mid-March 2025.	
West Midlands Aggregate Working Party (WMAWP) See Appendix 5m	24/11/22 27/04/23 13/11/23 20/05/24 03/12/24	WMAWP kept informed of the BCP including housing and employment land allocations and consultations. Following cessation of the BCP, kept informed of the emerging Wolverhampton Local Plan progress and consultations. WMAWP have been kept updated on the evidence base produced by WSP, which has informed the WLP waste policies. Regional/strategic mineral matters discussed. Approaches to Duty to Cooperate discussed.	Attendance of meetings enabled the Council to provide updates on its plan preparation (including evidence base updates) and be kept up to date on other Local Plans. Enabled the Council to engage on strategic minerals matters under the Duty to Cooperate. Served to identify the need for an updated Local Aggregates Assessment (LAA) for the West Midlands Metropolitan Authorities and progress reported to the WMAWP. WCC contributed to the production of this draft LAA. Informed policy approach e.g., recognising role of the LAA and the contribution secondary and recycled aggregates could make to regional production.
West Midlands Resource Technical Advisory Board (RTAB) Appendix 5n	06/12/22 21/06/23 06/12/23 12/06/24 04/12/24	WMRTAB kept informed of the Black Country Plan including housing and employment land allocations and consultations. Following cessation of Plan, informed of the emerging Wolverhampton Local Plan progress and consultations.	Attendance of meetings enabled the Council to provide updates on its plan preparation (including evidence base updates) and be kept up to date on other Local Plans. Enabled the Council to agree and implement its approach to strategic waste matters under the Duty to Cooperate (see Table 2.1 and Table 3 of the Duty to Cooperate Statement CD15) i.e.,

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		WMRTAB have been kept updated on the evidence base produced by Wood/WSP, which has informed the Waste chapter policies of the WLP. Regional/strategic waste matters discussed. Approaches to Duty to Cooperate discussed.	utilising the recommended WMRTAB approach to strategic waste movements (as set out in the WMRTAB Statement of Common Ground). Forum for discussing strategic waste matters e.g. landfill capacity. Informed policy approach e.g. references to cross boundary waste movements and key cross boundary matters.
Cannock Chase Special Area of Conservation 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 Partnership; National Trust; Forestry England; Staffordshire Wildlife Trust) The Cannock Chase SAC Partnership Memorandum of Understanding is available at: <u>SAC Partnership Memorandum of Understanding Final 24</u>	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 Plan proposals, prior to establishment of a separate Working Group – see below.	To understand the way in which the Plan should address issues arising from potential recreational impacts of development on the Cannock Chase SAC.

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<u>October 2022</u> <u>Redacted</u>. This sets out Terms of Reference for the Joint Strategic Board and Project Group, which state that they will “provide a forum for discussion of issues and coordination of activity in a private and confidential setting due to commercial sensitivity of the projects but make relevant reports available to the public where appropriate”. Therefore, meeting minutes are not publicly available. However, public reports and information about Partnership activities are available at: <u>About the SAC - Cannock Chase</u> . Details of the Cannock Chase SAC Contributions System applied by Wolverhampton City Council are also available at: <u>Cannock Chase SAC</u>			

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<u>Contributions System City Of Wolverhampton Council</u>			
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) Appendix 5 D to SD CD15a	11/09/24 25/09/24 14/10/24 14/11/24 (final meeting)	Managed the conclusion of traffic and air quality modelling work and pulled together evidence and an agreed Statement of Common Ground to resolve the issue of potential air quality impacts on European sites work in relation to Local Plan reviews in the area.	To understand the way in which the Plan should address issues arising from potential air quality impacts on protected sites. Further detail is provided in section 6 of the Spatial Strategy Topic Paper [ED WCC1]

Question iii - We recognise that there is an evolving situation regarding neighbouring authorities' Plans and the status of any offers to meet any of Wolverhampton's unmet needs (in relation to housing, employment and gypsy and traveller accommodation). In relation to our consideration as to whether the legal duty to cooperate has been met we are interested in the evidenced position up to the point of submission. Nevertheless, we would welcome clarification from the Council on any neighbouring authorities' updated or changed positions regarding unmet needs since submission of the Plan. A succinct note setting this out will assist us when considering the issue of unmet needs as part of the soundness of the Plan.

- 2.6 The Housing and Employment Topic Papers (ED WCC2 and ED WCC4] provide a current position on the status of neighbouring authorities in relation to unmet needs. In the case of housing this position is detailed in Table 1 of the Housing topic paper. For gypsy and traveller accommodation, the equivalent section in the Gypsy and Traveller Topic Paper (ED WCC3] is paras 6.26-6.27, and for employment land paras 4.1-4.3 of the Employment Topic Paper. In the case of the latter, this reflects the current Shropshire position, confirming that current 'live' contributions will provide 112.2ha, all from South Staffordshire including West Midlands Interchange.

Question iv - Paragraph 6.2 of CD15 states that the document provides the position on all duty to cooperate matters as of end of February 2025. We note that most of the SoCG set out in the appendices to CD15 (both within the document itself and submitted as separate appendices CD15a-CD15e) have 2024 dates. Can the Council please clarify whether any of these SoCG are proposed to be updated to take account of any additional cooperation made up to the point of the Plan's submission in March 2025?

- 2.7 With the exception of the signing of CD15b and CD15c, there is no intention to update the SoCG to reflect any change in position up to the date of the submission of the Plan. In any event, the most significant change relates to the status of the Shropshire Local Plan. The current position is set out in document EXAM1.
- 2.8 As Local Plans progress across the wider West Midlands, it is anticipated that a number of the SoCG will be required to be updated, particularly in relation to housing (CD15b (signed version Appendix 1 to this Paper)) and employment land (CD15c (signed version Appendix 3 to this paper)).

Question v - In declaring unmet needs, we note that neighbouring authorities have been formally approached by the Council to ask if they are able to assist. Can the Council please explain their approach in identifying which Councils were asked and confirm the responses they have received. For instance, were only Councils in the HMA approached?

- 2.9 The approach to determining which Councils were approached in relation to unmet needs has been evidence led, reflecting functional and physical relationships between Wolverhampton and neighbouring areas. The detailed approach for specific needs is set out in the Housing Topic Paper (para 5.2-5.4), Gypsy and Traveller Topic Paper (para 6.23-6.27) and Employment Topic Paper (para 4.1-4.2). Duty to Cooperate correspondence from the Council at Regulation 19 stage (previously unpublished) is attached as Appendix 6. The responses to this letter are already published as SD CD10/RO21, RO23, RO48, RO27, RO25A, RO30 and RO16). The equivalent Duty to Cooperate letter for Minerals and Waste matters to Staffordshire County Council and Walsall Council are attached as Appendix 7 and 8. The response to this letter from Staffordshire County Council is published as SD CD10 R003.