



Kerry Trueman  
Programme Officer Solutions Limited  
Pendragon House  
1 Bertram Drive  
Meols  
Wirral  
CH47 0LG

**Jones Lang LaSalle Ltd**  
Landmark 1 Oxford Street Manchester M1 4PB  
+44 (0)161 828 6440

jll.co.uk

Our ref      A0497

16 December 2022

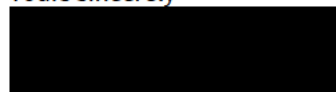
Dear Ms Trueman

**Hearing Statement for the Shropshire Council Local Plan Examination  
Matter 2 – Duty to Cooperate Additional Session  
Statement on Behalf of the Stanmore Consortium Ref: A0497**

The enclosed Hearing Statement in relation to the Duty to Cooperate additional session, is submitted on behalf of The Stanmore Consortium (Apley Estate and Stanmore Properties). This statement should be read in conjunction with previous Hearing Statements and representations made on behalf of The Stanmore Consortium at the Regulation 18 and 19 Stages.

If you have any questions regarding the enclosed documents, please do not hesitate to contact me.

Yours sincerely



**Mike Hopkins**  
**Director**

Direct line    0161 238 7411  
Mobile        07792 014578  
mike.hopkins@jll.com

# *Hearing Statement for the Shropshire Council Local Plan Examination*

## Matter 1 – Duty to Cooperate - Additional Hearing Session

**ID 10**

### **SHROPSHIRE LOCAL PLAN EXAMINATION**

<b>Representor Unique Part A Ref:</b>	<b>A0497 The Stanmore Consortium</b>
<b>Matter</b>	<b>1</b>
<b>Relevant Question No.s</b>	<b>1-10</b>

**Stage 1 Hearing Statement**

## Contents

1. Introduction .....	1
2. Matter 1 – Duty to Cooperate Additional Hearing Session.....	2

# 1. Introduction

---

- 1.1. This Hearing Statement is submitted on behalf of The Stanmore Consortium “TSC” (Apley Estate and Stanmore Properties) and should be read in conjunction with their previous Duty to Cooperate Hearing Statement and the previous representations made on their behalf of TSC at the Regulation 18 and 19 Stages.
- 1.2. As background in 2017 Shropshire Council approached TSC with a view to delivering proposals for a Garden Community for the future housing and employment needs of Bridgnorth on land owned by TSC.
- 1.3. In November 2018 the Shropshire Local Plan Review: Consultation on Preferred Sites was published with a masterplan mixed use garden settlement at Stanmore, initiated by the Council, as a Preferred Site. This followed extensive discussion between the Council and TSC, public consultation and provision of detailed information requested by the Council.
- 1.4. In April 2020 the Council changed its position on the Stanmore Garden Community proposal to an alternative proposal on land west of Bridgnorth, not previously promoted nor consulted upon. This alternative proposal was included in the Regulation 18 and 19 Stages of the Local Plan.
- 1.5. TSC appeared at the Stage 1 EIP Hearings in July 2022 including at the hearing in relation to Duty to Cooperate.
- 1.6. TSC have continued to promote Stanmore Garden Community as the best option for Bridgnorth and Shropshire.
- 1.7. This Hearing Statement focusses on those specific questions in relation to the Duty to Cooperate which are directly relevant to TSC’s position.

## 2. Matter 1 – Duty to Cooperate Additional Hearing Session

---

### General

#### Question 1

It has emerged that the Association of Black Country Authorities (ABCA): Dudley, Sandwell, Walsall and Wolverhampton have decided to cease work immediately on the Joint Black Country Local Plan and instead each develop their own Local Plan to a timescale to be agreed by each authority (GC19). What implications, if any, does this have for the examination in relation to the duty to cooperate in the preparation of the Local Plan and the submitted statements of common ground (SoCG) with ABCA?

- 2.1. Section 33A of the Planning and Compulsory Purchase Act 2004 requires that a local planning authority must cooperate between local planning authorities, County Councils and prescribed bodies or persons in the preparation of development plan documents, so far as they relate to a strategic matter. Importantly S33A para 2 states that “the duty imposed requires the person
- a) *To engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection 3 are undertaken; and*
  - b) *To have regard to activities of a person within subsection (9) so far as they are relevant to the activities within subsection (3)”*

Direction is also provided in the NPPF, under the heading “Maintaining Effective Cooperation, at paragraph 26 it states:

*“effective and ongoing joint working between strategic policy - making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular joint working should help to deliver development needs particular plan area could be met elsewhere.*

- 2.2. Paragraph 27 of the NPPF, requires that there should be an effective demonstration of on-going works, with a common ground documenting the cross boundary matters being addressed. The NPPF also makes it clear that local planning authorities are bound by the statutory *Duty To Cooperate*.
- 2.3. The Council confirmed in its letter dated 26 October 2022<sup>1</sup> that the Association of Black County Authorities (ABCA), comprising of Dudley, Sandwell, Walsall and Wolverhampton Councils had ceased work immediately on the Joint Black Country Plan (BCP). The justification for their decision is that ABCA has failed to agree on how the Plan would progress. On this basis each council will now develop its own Local Plan to a timescale to be agreed by each authority.

---

<sup>1</sup> [gc19-black-country-local-plan-update-oct-2022.pdf \(shropshire.gov.uk\)](#)

- 2.4. The strategic approach of the four individual Black Country Councils, following their decision not to progress the Joint BCP, is unclear. Given the Regulation 19 representations of both Walsall and Dudley Councils (Document Ref A0673) raise objections to the strategic approach of the Shropshire Local Plan on the basis that it does not positively nor effectively respond to cross boundary strategic matters, there is no certainty that they will follow the approach set out in the SoCG. Without evidence of active and on-going cooperation between the Council with the individual Black County Authorities there must be serious doubts on the robustness of the SoCG of ABCA and whether it reflects the views of the individual Authorities.
- 2.5. The Regulations are clear that there is a need to cooperate on an ongoing basis. It is clearly no longer possible to engage with the BCP authorities on a combined basis, however, the Council should have continued to engage with the constituent authorities. This is a legal requirement and failure to comply results in the emerging Plan being contrary to requirements of Section 33A and Paragraphs 26 & 27 of the NPPF.
- 2.6. On the basis of the above, the Stanmore Consortium reserves the right to review and comment further on the Council's Hearing Statement and any further engagement which has, or will, have taken place with the individual adjoining authorities.

## Question 2

### Are the SoCG with neighbouring authorities and stakeholders still relevant and up to date?

- 2.7. It is considered that the previous Duty to Cooperate discussions undertaken with ABCA, any Statements of Common Ground or memoranda are no longer relevant or up to date.
- 2.8. A joint statement was issued by the Leaders of Dudley, Sandwell, Walsall, City of Wolverhampton Councils on 19<sup>th</sup> October 2022<sup>2</sup> set out that:
- "The four Local Planning authorities in the Black Country have been working together on a joint plan for the area to 2039. It is with regret that we are unable to reach agreement on the approach to planning for future development needs within the framework of the Black Country Plan.*
- "Local Plans for the four Black Country Councils will now provide the framework for the long-term planning of the Black Country. The Black Country Plan 2039 work programme will end and we will now transition to a process focused on Local Plans. The issues of housing and employment land need will now be addressed through individual Local Plans for each of the authorities. The Councils will co-operate with each other and with other key bodies as they prepare their Local Plans."*
- 2.9. The cessation of work on the BCP renders any Statements of Common Ground or other discussions with ABCA or any other party representing the interests of the BCP out of date and no longer relevant. The aim of the BCP was to meet the housing, employment, infrastructure and environmental needs of the combined area. The BCP was to be prepared on a joint basis in order that the four constituent authorities would benefit from a degree of balancing between the four authorities, with some authorities providing housing land supply to meet the needs

---

<sup>2</sup> [Black Country Local Plan Statement 19<sup>th</sup> October 2022](#)

which may have disproportionately arisen from one or more of the other authorities. Similarly, the employment land, infrastructure and environmental mitigation may have been planned for on a cumulative basis, rather on an authority by authority basis. As a result, any SoCGs agreed with neighbouring authorities and any Duty to Cooperate discussions would have been on the basis of any residual unmet demand which could not be met from within the Black Country. While the four authorities may continue to cooperate together in some form, any such future cooperation will clearly be on a less formal basis and would certainly fall below ABCA's previous status as a plan-making authority .

- 2.10. Furthermore, as set out in the above statement, the four authorities have not been able to agree how the BCP should be taken forward and have decided to part ways. The failure to agree a way forward suggests that the formal cooperation needed to undertake a joint local plan has deteriorated and therefore any assumption that one BCP authority may have accommodated unmet development land demand is no longer sound. This has implications on surrounding authorities as any SoCGs or other Duty to Cooperate discussions must now be considered to be based on far weaker evidence.
- 2.11. The BCP is no longer being progressed and as such any SoCG or other Duty to Cooperate discussions which reference the BCP or the advice, intentions or other statement from the ABCA group cannot be considered to remain relevant or in date.
- 2.12. The Regulations are clear that there is a need to cooperate on an ongoing basis. It is evidently no longer possible to engage with the BCP authorities on a combined basis, however, the Council should continue to engage with the constituent authorities. There is no evidence that this engagement has taken place; given it is a legal requirement failure to comply results in the emerging Plan being contrary to requirements of Section 33A and Paragraphs 26 & 27 of the NPPF.
- 2.13. It is anticipated that the Council will have opened discussions with some or all of the Black Country authorities on an individual basis, since the joint announcement on 19th October, two months before the deadline for the submission of Hearing Statements concerning this Matter. Our client reserves the right to review the Council's Hearing Statement and any supporting documents concerning this matter and to engage in discussions during the Hearings. The Council has updated the Examination Library to include correspondence as recently as October however no details of DtC discussions are included. It must be assumed therefore that the Council has either not undertaken these discussions or has chosen to withhold details until the publication of its hearing statement, limiting the opportunity for respondents, such as our client, to undertake a review of recent work undertaken by the Council and to include it in this statement.

## Overall Housing Provision

### Question 3

Having regard to the additional evidence that has been submitted by the Council (GC15 – GC15I), has the Council maximised the effectiveness of the Local Plan by engaging

**constructively, actively and on an ongoing basis with the prescribed bodies on housing matters during the preparation of the Local Plan?**

- 2.14. Examination Stage Documents GC15-GC15l set out in detail the work undertaken to date relating to the Council's ongoing legal Duty to Cooperate with neighbouring authorities.
- 2.15. Document GC15<sup>3</sup> summarises the work undertaken with all authorities with subsequent documents GCa<sup>4</sup> to GCl set out in greater detail the work undertaken with each authority.
- 2.16. The most recent engagement with ABCA listed in document GC15 is from 26<sup>th</sup> April 2022. This correspondence is included in document GC15a, the relevant appendix containing correspondence with ABCA. There does not appear to be evidence of any more recent correspondence with ABCA between 26<sup>th</sup> April. A letter dated 26<sup>th</sup> October 2022 (document GC19<sup>5</sup>) from the Council informed the Inspectors of the discontinuation of the BCP. There is no further evidence available of subsequent engagement with Dudley, Sandwell, Walsall or the City of Wolverhampton Councils.
- 2.17. While the above evidence indicates that the Council has engaged with ABCA and other neighbouring authorities, there is no evidence that the Council has continued to engage with ABCA or its constituent authorities at any point between April 2022 and December 2022. As such, based on the evidence available in December 2022, it cannot be demonstrated that the Council has continued to meet its legal Duty to Cooperate.
- 2.18. Given the most recent correspondence from ABCA related to a request that Shropshire accommodate 1,500 homes and 30Ha of employment land arising from the Black Country, it is evident that there was a clear need to continue to engage with ABCA.
- 2.19. It is considered highly unlikely that the above unmet need of both housing and employment land ceased to exist on the disbandment of the BCP and as such the Council should proactively be pursuing engagement with some or all of the constituent authorities.
- 2.20. The Council may have begun engagement with the various authorities however there is no publicly available evidence of such discussions. Should such evidence be issued as part of the Council's response to the Inspectors MIQs, our client reserves the right to comment on these further at the Hearing.

---

<sup>3</sup> [GC15](#)

<sup>4</sup> [GC15a](#)

<sup>5</sup> [GC19](#)



## Question 4

**What has been the outcome of co-operation and how has this addressed the issue of overall housing provision?**

- 2.21. Following the decision of Dudley Council to withdraw from the joint BCP and the councils' decision to develop their own individual plans, it is essential that further dialogue is undertaken with each of the councils. Stanmore Consortium reserve the right to review the Council's Hearing Statement and any supporting documents concerning this matter and to engage in discussions during the Hearings.

### Jobs growth and employment land provision

## Question 5

**Having regard to the additional evidence that has been submitted by the Council (GC15 – GC15I), has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on employment related matters during the preparation of the Local Plan?**

- 2.22. See response to Question 3 above
- 2.23. Examination Stage Documents GC15-GC15I set out in detail the work undertaken to date relating to Shropshire Council's ongoing legal Duty to Cooperate with neighbouring authorities.
- 2.24. Document GC15<sup>6</sup> summarises the work undertaken with all authorities with subsequent documents GCa<sup>7</sup> to GCI set out in greater detail the work undertaken with each authority.
- 2.25. The most recent engagement with ABCA listed in document GC15 is from 26<sup>th</sup> April 2022. This correspondence is included in document GC15a, the relevant appendix containing correspondence with ABCA. There does not appear to be evidence of any more recent correspondence with ABCA between 26<sup>th</sup> April. A letter dated 26<sup>th</sup> October 2022 (document GC19<sup>8</sup>) from the Council informed the Inspectors of the discontinuation of the BCP. There is no further evidence available of subsequent engagement with Dudley, Sandwell, Walsall or the City of Wolverhampton Councils.
- 2.26. While the above evidence indicates that the Council has engaged with ABCA and other neighbouring authorities, there is no evidence that the Council has continued to engage with ABCA or its constituent authorities at any point between April 2022 and December 2022. As such, based on the evidence available in December 2022, it cannot be demonstrated that the Council has continued to meet its legal Duty to Cooperate.

---

<sup>6</sup> [GC15](#)

<sup>7</sup> [GC15a](#)

<sup>8</sup> [GC19](#)

- 2.27. Given the most recent correspondence from ABCA related to a request that Shropshire accommodate 1,500 homes and 30Ha of employment land arising from the Black Country, it is clear that there was a clear need to continue to engage with ABCA.
- 2.28. It is considered highly unlikely that the above unmet need of both housing and employment land ceased to exist on the disbandment of the BCP and as such the Council should proactively be pursuing engagement with some or all of the constituent authorities.
- 2.29. The Council may have begun engagement with the various authorities however there is no publicly available evidence of such discussions. Should such evidence be issued as part of the Council's response to the Inspectors MIQs, our client reserves the right to comment on these further at the Hearing.

## Questions 6

**What has been the outcome of co-operation and how has this addressed the issue of jobs growth and employment land provision?**

- 2.30. Following the decision of Dudley Council to withdraw from the joint BCP and the councils' decision to develop their own individual plans, it is essential that further dialogue is undertaken with each of the councils. Stanmore Consortium reserve the right to review the Council's Hearing Statement and any supporting documents concerning this matter and to engage in discussions during the Hearings.
- 2.31.

## Minerals & Waste

### Question 7

**What discussions have taken place with neighbouring authorities and the Aggregates Working Party regarding the use of the 3 year average sales for sand and gravel plus 20% and what level of agreement has been reached regarding use of this figure?**

- 2.32. The Stanmore Consortium has no specific comment to make on this issue.

### Question 8

**The Waste Technical Background report notes that the potential for further landfill capacity is very limited. Has there been any discussion with neighbouring authorities about potentially accommodating waste needing disposal after existing landfill capacity has been exhausted?**

- 2.33. The Stanmore Consortium has no specific comment to make on this issue.

### Question 9

Having regard to the additional evidence that has been submitted by the Council (GC15 – GC15I), has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of minerals and waste?

- 2.34. The Stanmore Consortium has no specific comment to make on this issue.

### Other Strategic Matters

#### Question 10

Having regard to the additional evidence that has been submitted by the Council (GC15 – GC15I), has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on all other strategic matters during the preparation of the Local Plan?

- 2.35. No. Given the previous Duty to Cooperate discussions undertaken with ABCA, any Statements of Common Ground or memoranda are no longer relevant or up to date. Therefore, there is no evidence presented of on-going constructive active engagement with the individual Black Country Authorities.
- 2.36. The cessation of work on the Joint Black Country Plan (BCP) renders any Statements of Common Ground or other discussions with the ABCA or any other party representing the interests of the BCP out of date and no longer relevant. The aim of the BCP was to meet the housing, employment, infrastructure and environmental needs of the combined area. The BCP was to be prepared on a joint basis in order that the four constituent authorities would benefit from a degree of balancing between the four authorities, with some authorities providing housing land supply to meet the needs which may have disproportionately arisen from one or more of the other authorities. Similarly, the employment land, infrastructure and environmental mitigation may have been planned for on a cumulative basis, rather than on an authority by authority basis. As a result, any SoCGs agreed with neighbouring authorities and any Duty to Cooperate discussions would have been on the basis of any residual unmet demand which could not be met from within the Black Country. While the four authorities may continue to cooperate together any such future cooperation will clearly be on a less formal basis.
- 2.37. Furthermore, the four authorities have not been able to agree how the BCP should be taken forward and have decided to part ways. This failure to agree a way forward suggests that the formal cooperation needed to undertake a joint local plan has deteriorated and therefore any assumption that one BCP authority may have accommodated unmet development land demand is no longer sound. This has implications on surrounding authorities as any SoCGs or other Duty to Cooperate discussions must now be considered to be based on far weaker evidence.
- 2.38. The BCP is no longer being progressed and as such any SoCG or other Duty to Cooperate discussions which reference the BCP or the advice, intentions or other statement from the ABCA group cannot be considered to remain relevant or in date.

- 2.39. The Regulations are clear that there is a need to cooperate on an ongoing basis. It is clearly no longer possible to engage with the BCP authorities on a combined basis, however, the Council should continue to engage with the constituent authorities. There is no evidence that this engagement has taken place; given it is a legal requirement failure to comply results in the emerging Plan being contrary to requirements of Section 33A and Paragraphs 26 & 27 of the NPPF.
- 2.40. It is anticipated that the Council will have opened discussions with some or all of the Black Country authorities on an individual basis since the joint announcement on 19th October, two months before the deadline for the submission of Hearing Statements concerning this Matter. Our client reserves the right to review the Council's Hearing Statement and any supporting documents concerning this matter and to engage in discussions during the Hearings.

Hearing Statement for the Shropshire Council Local Plan Examination  
Matter 1 – Duty to Cooperate Additional Hearing Session  
Statement on Behalf of the Stanmore Consortium

**JLL**

Landmark  
1 Oxford St, Manchester M1 4PB

Mike Hopkins  
Director

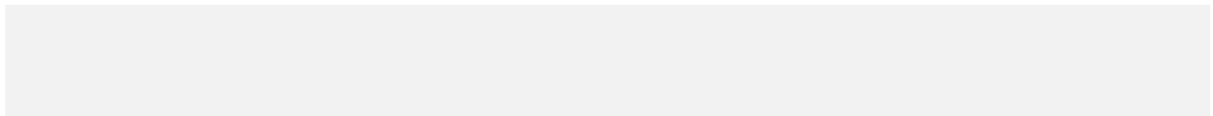
M: 07792014578  
D: 01612387411  
mike.hopkins@eu.jll.com

**JLL**

Landmark  
1 Oxford St, Manchester M1 4PB

Keith Jones  
Associate

M: 07548121597  
D: 01618286406  
KeithM.Jones@eu.jll.com



Hearing Statement for the Shropshire Council Local Plan Examination

Matter 1 – Duty to Cooperate - Additional Hearing Session

Statement on Behalf of the Stanmore Consortium