



Telford and Wrekin Local Plan Review

Examination in Public

Matter 1 –Legal and Procedural Compliance

Boningale Developments Ltd

January 2026

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For and on behalf of Marrons			

1. Introduction

- 1.1. This response to Matter 1, Issue 2 of the Inspectors' MIQs in respect of the Telford & Wrekin LP Review (TWLPR) Examination in Public has been prepared by Marrons on behalf of Boningale Developments Limited.
- 1.2. This hearing statement should be read alongside previous representation to the Regulation 19 Consultation submitted by Marrons on behalf of Boningale Developments and should be considered in the context of support for a plan led system.
- 1.3. Acting on behalf of our clients, Marrons will attend the Matter 5 Hearing Session and make further oral submission on behalf of our client. This statement outlines Boningale's comments in respect of Matter 1, Issue 2, with responses to the Inspectors' MIQs (Matter 1) are set out below.
- 1.4. In order to assist the Inspectors', the contents of this submission and the submissions made in respect of other matters, demonstrate that the submission version of the Plan is not, in our assessment, capable of being found sound, without a lengthy pause in the examination, significant additional evidence and the identification of additional sites in sustainable locations to accommodate housing growth over the Plan period.
- 1.5. These submissions reflect the position outlined in recent correspondence between Housing Minister Matthew Pennycook and the Chief Executive of the Planning Inspectorate. In the Minister letter of July 2024 he noted that in relation to the continued use of 'pragmatism' in the Examination of Plans and the recognition that any fundamental issues or areas of additional work that require a pause of more than six-months in the Examination process, should indicate that a Plan is incapable of being found sound. In his letter of 9 October 2025 Minister Pennycook expressed support for pragmatic decisions to support the adoption of local plans, however noted that it is important that poor-quality plans are not adopted, and overlay long examinations avoided. In his letter of 27 November 2025, the Minister noted that whilst it is the Government's intention to not save the Duty to Cooperate when regulations for new-style plans come into force, LPAs should continue to collaborate across their boundaries, including on unmet needs from neighbouring areas, and plans should still be examined in line with policies in the NPPF on 'maintaining effective co-operation.'

2. Matter 1 – Compliance with statutory procedures and legal matters

Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended?

Q1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?

- 2.1. No. While the Council has submitted a large volume of material showing that engagement activity has taken place, this does not amount to robust evidence that the Duty to Co-operate has been met in substance. The legal test is not whether meetings were held or correspondence exchanged, but whether cooperation has resulted in effective and deliverable outcomes on strategic cross-boundary matters. On that test, the evidence is weak.
- 2.2. Throughout the Duty to Co-operate Statement the language used is consistently conditional. Strategic matters are described as being "subject to formal agreement", "in principle agreed", or to be confirmed through future Statements of Common Ground. This indicates that key issues remain unresolved at the point of submission. At this stage, strategic matters should already be resolved, not deferred. The reliance on future agreement demonstrates that the Plan is being submitted before the duty has been properly discharged.
- 2.3. The most serious shortcoming relates to unmet housing need from the Black Country. Although the Council proposes a minimal contribution, there is no finalised and binding agreement which secures how that contribution will be apportioned, delivered, phased or monitored. There is no evidence that a final Statement of Common Ground is in place which makes this obligation operational. This is not a minor evidential gap; it is a failure to resolve one of the principal strategic matters that the Plan itself identifies. An unresolved cross-boundary housing obligation is a matter of legal compliance, not plan soundness.
- 2.4. The evidence therefore demonstrates cooperation in process, but not cooperation in outcome. That distinction is critical. Without finalised agreements that make the Plan's

strategic commitments real, enforceable and deliverable, the Duty to Co-operate has not been robustly met.

Q2. Has the Council carried out effective engagement with neighbouring authorities and prescribed bodies on all relevant strategic matters, particularly housing and employment?

- 2.5. The Council has engaged extensively in procedural terms. SC01 records numerous meetings, workshops and consultations with neighbouring authorities and prescribed bodies. However, effective engagement is not measured by volume of contact but by whether that engagement has resulted in clear, agreed and deliverable planning solutions.
- 2.6. In relation to housing, engagement has not been effective in outcome terms. The Council acknowledges that it intends to accommodate unmet housing need from the Black Country, yet there is no finalised agreement that defines the scale of contribution, its apportionment between authorities, the sites that will deliver it, the timing of delivery, or the consequences of under-delivery. Without these elements, the housing component of cooperation remains incomplete and legally insecure. The Plan effectively asks the Inspector to accept that these matters will be resolved later, which is contrary to national policy and established examination practice.
- 2.7. Engagement has also been narrowly framed. Unmet housing need is treated as a numbers issue rather than a spatial, environmental and social one. There is no evidence of meaningful joint working on the sustainability implications of displacement, including increased travel distances, carbon emissions, impacts on access to employment, or the social consequences of separating households from existing family and community networks. Effective cooperation should address these spatial and social dimensions, not simply agree a number.
- 2.8. There is also a lack of clarity in relation to the wider housing market area, particularly Birmingham. The Duty Statement suggests that housing contributions have been “apportioned to the four Black Country authorities only”, but it does not demonstrate that Birmingham’s unmet need has been conclusively addressed or that a formal agreement is in place. Given Birmingham’s scale of unmet housing need, this represents a significant gap in strategic cooperation.

2.9. In relation to employment, the Duty Statement again records engagement but does not clearly show how cooperation has shaped spatial choices or land provision. There is little evidence that engagement has resulted in alternative strategies being tested or in any meaningful change to the Plan's approach. This reinforces the impression that cooperation has been consultative rather than genuinely collaborative.

2.10. The same weakness is apparent in relation to Gypsy and Traveller provision. Shropshire Council has raised concerns about reliance on windfalls and lack of certainty. The Council's response relies on confidence rather than on agreed, deliverable solutions. Where a neighbouring authority raises substantive concerns and those concerns remain unresolved, effective engagement has not been achieved.

Q3. Are there any remaining areas of dispute, and are they resolvable in terms of soundness?

2.11. Yes. There are several fundamental areas of dispute which are not resolvable through soundness modifications alone because they go to legal compliance.

2.12. The most significant unresolved issue is the accommodation of unmet housing need from the Black Country. The absence of a completed and binding Statement of Common Ground means that the scale of contribution, its distribution between authorities, its delivery mechanism and its monitoring framework are all uncertain. This is not a matter that can be corrected by a Main Modification. The Duty to Co-operate must be satisfied before submission, and failure to do so renders the Plan legally non-compliant.

2.13. A second unresolved issue concerns the wider housing market area, including Birmingham. Without clear evidence of concluded agreement or explicit confirmation that Birmingham's unmet need has been fully addressed elsewhere, cooperation remains incomplete.

2.14. A third unresolved issue relates to Gypsy and Traveller provision. The objections raised by Shropshire regarding uncertainty of supply and reliance on windfalls remain substantively unanswered. This again demonstrates that cooperation has not resulted in an effective strategic solution.

2.15. Finally, there is a structural weakness in that cooperation has not demonstrably influenced the Plan's strategy. The spatial approach, site selection and sustainability appraisal appear to have been fixed before cooperation took place. The Duty to Co-operate is intended to shape plans, not merely accompany them. Where engagement does not result in strategic change, the duty has not been meaningfully fulfilled.

2.16. Taken together, these issues show that key strategic matters remain unresolved, that crucial agreements are still conditional or incomplete, and that cooperation has not produced effective and deliverable outcomes. They therefore amount to a failure of the Duty to Co-operate which cannot be remedied through soundness modifications. The Plan, in its current form, is legally non-compliant and should not proceed unless and until those strategic cross-boundary matters are properly resolved and formally secured.

Issue 2: Does the Sustainability Appraisal (SA) adequately assess the environmental, social and economic effects of the Plan in accordance with the legal and national policy requirements?

Q4. Have the likely environmental, social and economic effects of the Plan's policies and proposals been adequately assessed in the SA?

2.17. No. The Integrated Impact Assessment does not adequately assess the likely environmental, social and economic effects of the Plan because it is structurally constrained by a pre-determined spatial strategy and is therefore incapable of testing whether different approaches would lead to better outcomes. The IIA is not used as a tool to inform decision-making but as a mechanism to justify decisions that have already been taken, simply put the outcome has been predetermined.

2.18. Figure 3.1 of the IIA demonstrates that sites are screened against the "preferred Local Plan spatial strategy" before any appraisal takes place. This sequencing is critical, because it means that the assessment is only applied to sites that already conform to the Council's preferred strategy. The IIA therefore cannot evaluate the environmental, social or economic consequences of alternative spatial strategies, because those alternatives are excluded before appraisal begins. This fundamentally undermines the ability of the assessment to identify the most sustainable option

2.19. This position is reinforced by the IIA's own statement that "the choices at Regulation 19 stage mainly relate to how the preferred strategy would be delivered." This is an explicit admission that strategic choices have already been closed. The assessment is therefore limited to implementation detail rather than being used to test different growth options, spatial distributions or development scales. As a result, the IIA does not properly assess the environmental impacts associated with land take, carbon emissions and transport, nor does it properly assess the social impacts on community cohesion, access to services and support networks, or the economic impacts associated with labour mobility and accessibility to employment.

2.20. The IIA also limits its own effectiveness by deferring key environmental issues to later stages, stating that site-specific mitigation will be dealt with through specific site assessment at application stage. This approach prevents the IIA from testing whether mitigation is realistically achievable at the strategic level. Environmental harm is therefore assumed to be manageable, rather than critically examined. This is particularly problematic given the admission in Appendix F that approximately 400 hectares of greenfield agricultural land would be affected, including at least 300 hectares of best and most versatile land, and that the only realistic way to avoid such impacts would be to plan for a lower level of housing growth or choose different locations for strategic development. The IIA therefore acknowledges that harm is fundamentally linked to quantum and location, yet refuses to assess alternatives on those two decisive issues

2.21. For these reasons, the environmental, social and economic effects of the Plan have not been adequately assessed.

Q5. Has the SA properly assessed the likely significant effects of all reasonable alternatives?

2.22. No. The IIA does not properly assess reasonable alternatives because it uses discretionary and assertion-based reasoning to exclude them rather than subjecting them to objective sustainability appraisal. While the report states that not every conceivable option must be appraised, it immediately asserts that other alternatives have been "deemed unreasonable" without explaining why this is the case through transparent sustainability or viability evidence. Alternatives are therefore removed by predetermination, not by assessment.

- 2.23. This problem is compounded by the frequent use of language that describes options as “procedural” or as forming a “menu” that is “not mutually exclusive”, and therefore unnecessary to appraise. This reasoning is flawed. Procedural choices and policy menus can have significant sustainability consequences. Different approaches to affordable housing delivery, climate change regulation, biodiversity, renewable energy or urban design standards will produce different environmental, social and economic outcomes. By refusing to appraise these options, the IIA avoids engaging with their real-world impacts.
- 2.24. The handling of climate change policy illustrates the problem most acutely. The IIA states that the Council considered whether there were reasonable alternatives to its climate policies and concluded that there were none. This is not credible. Climate policy is inherently capable of variation in ambition, regulatory strength, spatial targeting, delivery mechanisms and viability impacts. To state that no reasonable alternatives exist is to close down the alternatives process altogether.
- 2.25. Similarly, the IIA acknowledges that consultees questioned why growth is focused to the north of Telford rather than to the south, but then dismisses a southern growth strategy solely on the basis that there is an insufficient supply of sites. No sustainability appraisal is carried out to compare environmental capacity, accessibility, infrastructure provision, landscape impact or social effects. A major strategic alternative is therefore excluded without being tested.
- 2.26. This approach is fundamentally contrary to the purpose of sustainability appraisal, which is to test alternatives before decisions are finalised, not to justify them afterwards.

Q6. Have all potential site allocations been assessed on a comparable basis?

- 2.27. No. Sites are not assessed on a comparable basis because the IIA applies a strategic filter before appraisal begins. Sites that do not conform to the preferred spatial strategy are excluded before any sustainability assessment is carried out. This creates a circular process in which only sites that already match the preferred spatial strategy are ever tested.

- 2.28. Furthermore, the site assessment framework focuses heavily on existing environmental constraints and proximity to current facilities, while failing to consider the potential for sites to deliver new strategic infrastructure such as schools, health facilities, local centres or transport improvements. It also fails to consider the social and environmental benefits of locating development closer to the source of unmet housing need, including reduced travel demand and stronger community integration. This narrow approach prevents an objective comparison of sites and inherently favours the existing settlement pattern over alternative, potentially more sustainable options.

Q7. Is it clear how the SA has influenced the Plan and the choice of development strategy?

- 2.29. Yes, but only because it is clear that the SA has not influenced the strategy in any meaningful way. The IIA openly states that Regulation 19 choices relate primarily to how the preferred strategy will be delivered. This confirms that the sustainability appraisal is not shaping strategic decision-making, but is instead being used to support and rationalise a strategy that has already been selected.
- 2.30. This is further reinforced by the admission in Appendix F that only changes to growth levels or growth locations could realistically avoid major environmental harm. Yet those two strategic variables are explicitly excluded from further consideration. The IIA therefore demonstrates that the most important sustainability questions have been removed from the scope of the appraisal.
- 2.31. Rather than supporting the development strategy, the IIA exposes its predetermination.

Q8. Is the methodology in the SA sound and consistent with relevant guidance and the PPG?

- 2.32. No. The methodology is not sound and is inconsistent with the Planning Practice Guidance, which requires sustainability appraisal to inform plan-making, test reasonable alternatives, compare options using consistent criteria and explain why a preferred option is chosen.
- 2.33. Instead, the IIA embeds the preferred strategy before appraisal begins, removes alternatives through assertion rather than assessment, relies heavily on professional judgement while acknowledging limitations in data, defers mitigation to later project stages,

and applies uniform high-level assumptions that suppress meaningful differences between options. The IIA itself acknowledges reliance on professional opinion, data limitations and the difficulty of prediction, yet uses this uncertain foundation to justify definitive strategic conclusions.

2.34. The IIA also fails to address unmet housing need as a distinct issue. Although the Council has agreed to take unmet need, the IIA does not carry out a separate spatial or site-selection exercise for it, nor does it consider proximity to the originating authorities, additional transport emissions, or the social consequences of displacement. Unmet need is treated as identical to general housing demand, despite its unique environmental and social implications.

2.35. Overall, the IIA does not function as an Integrated Impact Assessment in any meaningful sense. It does not inform planning; it follows planning decisions already taken. It does not test reasonable alternatives; it excludes them. It does not compare strategies; it assumes one strategy is correct. As such, it is incapable of demonstrating that the Local Plan is justified, legally compliant or sound.



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