

	<p>Local Plan Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
---	--	--

Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2023 - 2041**

Please return to South Staffordshire Council BY 12 noon Friday 31 May 2024

This form has two parts –
 Part A – Personal Details: need only be completed once.
 Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Ian"/>	<input type="text" value="Paul"/>
Last Name	<input type="text" value="Deverell"/>	<input type="text" value="Hill"/>
Job Title (where relevant)	<input type="text" value="Senior Planning Manager"/>	<input type="text" value="Senior Planning Director"/>
Organisation (where relevant)	<input type="text" value="IM Land"/>	<input type="text" value="RPS"/>
Address Line 1	<input type="text"/>	<input type="text" value="1 Newhall Street"/>
Line 2	<input type="text"/>	<input type="text" value="Birmingham"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="B3 3NH"/>
Telephone Number	<input type="text"/>	<input type="text" value="0121 622 8520"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="Paul.hill@rps.tetrattech.com"/>



Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Sustainability Appraisal (SA)

In accordance with national policy and other legal regulations, the Council has published a revised SA alongside the second Reg 19 Plan. It is titled *Sustainability Appraisal of the South Staffordshire Local Plan Review 2023-2041 Regulation 19 SA Report* (and comes in three volumes). This final iteration of the SA contains details covering the appraisal of further residential growth and spatial growth options, in addition to those options considered at the first Reg 19 Plan stage and in earlier consultations.

RPS has reviewed this latest SA and has a number of soundness concerns.

Residential growth options

SA, Appendix E.1 provides details of the assessment of Residential Growth Options. This includes the original six options, plus two additional options only devised since the first Reg 19 stage. Paragraph E.1.1.2 says that the evaluation of additional options has been carried out in a consistent manner drawing on the assessment of options from previous SA stages. All eight options are described in Table 5.1 of the main SA report (vol. 2). Options A to F were appraised in the first Reg 19 Plan in 2022, whilst Options G and H are new options that have been devised in light of the NPPF was revised in December 2023, which had relaxed the approach to review of Green Belt boundaries as part of the plan-making process.

The Council has selected Option G as it's preferred residential growth option. This option has been taken forward under Policy DS4 and the minimum requirement for 4,726 dwellings (4,086 local need, plus 640 dwellings towards the unmet need



from the wider BBCHMA). The Council's reason for this selection is summarised at paragraph 5.3.9 of the main SA report, which says:

*" **Comment from Council:** The Council's chosen residential growth option is Option G which will see a minimum requirement of a minimum of 4726 dwellings delivered between 2023-2041. This option was tested after the November 2022 Regulation 19 consultation and was the output of the capacity of the suitable housing sites, determined through the Council's Housing Site Assessment Topic Paper, that conformed with the preferred spatial strategy (spatial option I)".*

Our first concern is that the selection of Option G is based on discounting Options A and H on the ground that delivering a suitable housing mix would be challenging under these options (SA report, para 5.3.8 / E.3.3.4). Such an approach is spurious because more homes would be deliverable under Options B (7,030 dwellings) and Option C (9,130 dwellings) which the SA concludes are the 'best performing options' (SA report, para 5.3.9). This is entirely appropriate because compared to the numbers expected under preferred Option G the higher growth under options B and C would increase the likelihood of achieving a greater housing mix overall. The selection of Option G would clearly undermine this objective, and so its preference is confusing and illogical.

The second concern is that Option G also includes reference to consideration of locational specific factors, which highlights the Council's preference for Tier 1 settlements which are located within walking distance (2km) of a train station (SA, Appendix E, Box E.1) at this stage in the appraisal. No other residential growth option includes such a specific location-based criteria, instead they simply focus on overall scale options (for local and wider HMA needs). It is important the appraisal of reasonable alternatives is carried out on a consistent basis prior to identifying the preferred option, as is required under section 12 of the SEA Regulations¹. This would suggest the preference for Option G (4,726 dwellings) has been skewed in order to fit with the preferred strategy, rather than being an appraisal carried out in a 'policy off' context, contrary to the regulations. Given the lack of consistency evident here, RPS would question whether the SA, and the preference for Option G, has in fact been carried out in a fair and transparent process.

In light of these concerns, an appropriate selection based on a logical consideration of the findings would be to prefer a mix of Option B and C, and not Option G.

Spatial Options

SA, Appendix F provides details of the assessment of Spatial Options. This includes the original seven options, plus two additional options only devised since the first Reg 19 stage. The spatial options are described in the main SA report (paragraph 5.4.1).

The Council has selected Option I as it's preferred spatial option. This option has been taken forward under Policy DS5 and is based on the (revised) limited contribution towards GBBCHMA needs and limited Green Belt development in Tier 1 settlements. The Council's reason for this selection is summarised at paragraph 5.4.21 of the main SA report, which says:

*"**Comment from Council:** The Council has chosen Spatial Option I that distributes growth in a way that meets the district's own needs only and provide a limited contribution towards the unmet needs of the GBBCHMA, through*

¹ The Environmental Assessment of Plans and Programmes 2004



sustainable non-Green Belt development and limited Green Belt development in Tier 1 settlements well-served by public transport. This option was tested after the November 2022 Regulation 19 consultation and reflected confirmation in the NPPF that there is no requirement for Green Belt boundaries to be reviewed or changed when Local Plans are being prepared. In addition, the Strategic Growth Study (2018) that the Council's previous spatial option to deliver a 4000-home contribution to the HMA was based on, is now considered out of date. The decision to proceed with Option I reflected this change of circumstances and the balanced approach taken to still releasing some Green Belt, but focused on the districts most sustainable settlements."

Our soundness concern with this approach is that the SA favours 'Option H' as best performing against the SA objectives overall (SA, Appendix F, F11.14.5). Nonetheless, the SA discounts Option H because it does not include any contribution towards unmet need from BBCHMA. On this basis, Option I is favoured instead because it does include a contribution and so performs better under SAO 7 (Housing).

RPS would agree that option H should be discounted for the reasons given by the Council. However, all the other discounted options include higher housing contributions towards the wider unmet need from the BBCHMA than proposed under Option I (SHSTP 2024, section 4.14 The Spatial Housing Options A – I). It follows, all the other spatial options should be favoured ahead of the 'lower contribution' under Option I on this criteria as these would perform better against SA Objective 7 (Housing). This would, on a logical basis, result in Option I being discounted, and not selected. The selection of Option I is confusing and brings into question the clarity and transparency of the SA process.

Taken together, SA lacks clear logic (regarding choice of Spatial Option I) and is not consistent or transparent in the assessment of residential growth options (in particular, the preference for Residential Growth Option G). The SA is flawed and so not soundly-based.

RPS takes the view that a mix of Residential Growth Options B and C and a mix of spatial options (excluding Option I) is the appropriate basis on which to establish the overall scale of growth and distribution strategy the second Reg 19 Plan.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Revisit SA in light of the soundness concerns set out in this submission, then reconsult prior to submission of the second Reg 19 Plan for examination.

(Continue on a separate sheet /expand box if necessary)



Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client's interests and contribute towards the oral discussions and issues raised at the examination

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX