

	<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 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="Alastair"/>	<input type="text" value="Paul"/>
Last Name	<input type="text" value="Stewart"/>	<input type="text" value="Hill"/>
Job Title (where relevant)	<input type="text" value="Planning Manager"/>	<input type="text" value="Senior Planning Director"/>
Organisation (where relevant)	<input type="text" value="Persimmon Homes WM"/>	<input type="text" value="RPS"/>
Address Line 1	<input type="text"/>	<input type="text" value="4<sup>th</sup> floor, 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 6228520"/>
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

**3.6-3.7,
Table 2,
5.9-5.11**

Policy

Policies Map

4. Do you consider the Local Plan is :

(1) Legally compliant

Yes

No

(2) Sound

Yes

No

(3) Complies with the
Duty to co-operate

Yes

No

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.

Duty to Cooperate

The Duty

The duty to cooperate was introduced by the Localism Act 2011, and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage '*constructively, actively and on an ongoing basis*' to maximise the effectiveness of local plan (PPG ID: 61-029). It is therefore incumbent on the Council to demonstrate how it has complied with the legal Duty during the preparation of the Plan on strategic matters that cross more than one planning area, rather than simply state it has.

The Council's response to the Duty

The second Reg 19 Plan makes reference to the legal duty to cooperate and the need for statements of common ground to document the cross-boundary matters that need to be addressed and what progress has been made in dealing with them

(para 3.7). The Council accepts that addressing the unmet housing needs of the wider housing market area is a 'challenge' (Table 2). The Council also acknowledged that the scale of this problem is 'increasing' (para 5.10).

In response, the Council has sought to significantly reduce the contribution towards the unmet needs of its neighbouring areas (areas that, incidentally, provide many of South Staffordshire's residents with employment and access to higher order services). The contribution is being reduced from 4,000 to just 640 dwellings out of a total unmet need or shortfall of 106,654 dwellings from the Black Country and Birmingham covering the period up to 2039 (para 5.10). Whilst in strict terms, the Council is making a contribution, this equates to just 0.8% of the shortfall, or just 35.5 homes per annum over the plan period.

The Council will no doubt point to the Duty to Cooperate Topic Paper (2024) (DTC TP) and references therein on agreements and statements of common ground which seek to with this matter, in particular the *GBBCHMA Development Needs Group Statement of Common Ground August 2022* (DTC TP, Appendix B) as evidence that it is has met its legal duty¹ and that their actions are consistent with national policy on dealing with strategic matters that cross administrative boundaries.

However, RPS has reviewed the DTC TP and would draw the Inspector to the following on matters relating to unmet housing need:

- South Staffordshire District Council (SSDC) had accepted and planned to accommodate a proposed contribution of 4,000 dwellings and had consulted on this in their Publication (Pre-Submission) Plan in autumn 2022.
- However, in October 2023 SSDC wrote to all other authorities within the GBBCHMA setting out that South Staffordshire was revising its strategy and asked for their initial views on this revised approach. The DTC TP says that '*These letters and responses can be found in Appendix..*' (DTC TP, Appendix A, page 23).
- Neither the letters sent to it neighbours in the wider HMA in October 2023 nor any correspondence, if it exists, has been appended to the DTC TP.

¹ Under Section 110 of the Localism Act



- The evidence relied upon by the SSDC to demonstrate they have met the duty to cooperate is provided in the DTC TP (Appendix A). However, this largely relates to various officer working group meetings, email correspondence between parties, and local plan consultation responses.
- The evidence presented by SSDC points to a Statement of Common Ground dated August 2022 across GBBCHMA and key related authorities (Appendix B of the DTC TP). This SOCG refers to the 4,000 dwelling contribution from South Staffordshire. However, as highlighted above, SSDC has now effectively reneged on their previous commitment and so the value of this SOCG of evidence that SSDC has met the duty must be in question. In any event, the 2022 SOCG was only signed by 9 of out 17 signatories, and so cannot be taken to formally represent a pan-HMA agreed position with regards to the SSLP.
- Appendix C of the DTC TP provides a draft South Staffordshire Functional Economic Market Area Draft Statement of Common Ground Position at April 2024. This SOCG has no signatories.
- Appendix D of the DTC TP includes a number of draft Statements of Common Ground with individual adjoining and HMA local authorities, and which include commentary on strategic matters relating to the wider strategic housing and employment shortfalls. Notably, the DTC TP indicates that Wolverhampton, Dudley, Sandwell and Walsall Councils have responded to say that they are not currently in a position to agree officer drafts. None of these more recent draft SOCGs have been formally agreed at Member level within those authorities.

Based on this review, it is clear that limited progress has been made across the BBCHMA on how the shortfall in housing need emanating from Birmingham and Black Country will be addressed. Progress on formal sign off of the statements of common ground (dealing with both housing and employment) remain outstanding with no clear timetable for when these will be signed.

Furthermore, SSDC's shift away from their previously agreed position on the shortfall undermines the previous progress made to that point. The position of the Black Country authorities on SSDC's shift in strategy and the reduction in the scale of their contribution also remains unclear. The decision by SSDC to renege on previously agreed in the 2022 SOCG, resulting in a substantial reduction in the scale of contribution towards the unmet need from the BBCHMA (which SSDC



accept is increasing) at such a late stage in the plan review process does not represent 'constructive' engagement as required under the Duty.

On this basis, it cannot be said that engagement to date on addressing the unmet housing need matter has been effective and undermines the need for a positively prepared and justified strategy, contrary to national policy². The approach to addressing unmet housing need is not soundly-based and does not meet the duty to cooperate.

(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.

The issues set out above cannot be addressed through main modifications. If the Inspector agrees with this, the second Reg 19 Plan must be withdrawn and return to the Reg 18 stage.

(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:

² NPPF 2023 para 26 and 27



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