

Local Plan
Publication Stage
Representation Form

Ref:

(For
official
use only)

Name of the Local Plan to which this
representation relates:

South Staffordshire Council
Local Plan 2018 - 2039

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

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*

2. Agent's Details (if
applicable)

*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.

Title	Mr	
First Name	Stephen	
Last Name	Bull	
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		



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

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.

[Please see my Representation below.](#)

(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.



Please see my Representation below.

(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:

N/A



South Staffordshire Council

***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

Review of communication with residents by South Staffordshire Council

South Staffordshire Council's main medium of direct communication with its residents is the South Staffordshire Review magazine.

District Councillors decided in a virtual meeting with Parish Councillors that all of the relevant information relating to the Local Plan Review Public Consultation (Regulation 18) would be sent out to residents in this Review magazine by the 3rd December 2021, and that there would be no dedicated mailshot to residents concerning the Local Plan Review.

Residents across the Parish of Lower Penn did not receive the Council's Review magazine, issue 79 (Autumn 2021), which was allegedly delivered to all residents. In a random survey of 5% of properties within the Parish, residents when asked "...did you receive the Review issue 79, autumn 2021", 100% of the respondents replied 'No'. This clearly demonstrates that South Staffordshire Council has failed to engage with residents, who one presumes should be key stakeholders in the Local Plan. This clearly fails to meet the requirements of paragraph 16, indent c of the NPPF.

The Council's Chief Executive was informed of the above situation and duly failed to take responsibility for the failure to communicate directly with the residents of Lower Penn. The Council has subsequently failed to improve their communication with residents, they now only deem it necessary to deliver 8 copies of the current Review magazine to the Parish Council for distribution to the 400+ residences.

Please see below initial letter to the Chief Executive:

From: [REDACTED]

Sent: 12 December 2021 20:58

To: D.Heywood@sstaffs.gov.uk

Cc: D.Kinsey@sstaffs.gov.uk

Subject: Distribution of South Staffordshire Council's 'South Staffordshire Review' Magazine and Communication of Local Plan Review

Dear Mr Heywood,

I hope this email finds you safe and well given the strange circumstances we are all currently experiencing.

I would like to bring your attention to the fact that a large proportion of the residents of the Parish of Lower Penn have not received the latest copy of the 'South Staffordshire Review' magazine.

Why is this important?

It appears to be the District Council's preferred non-online media for keeping the residents of South Staffordshire informed and up to date with current activities within the district.

Having attended December's Lower Penn Parish Council meeting on the Thursday 2nd December 2021, I learnt that the District Councillors decided in a virtual meeting with Parish Councillors that all of the relevant information relating to the Local Plan Review Public Consultation would be sent out to residents in the Review magazine by the 3rd December, and that there would be no dedicated mailshot to residents concerning the Local Plan Review.

As you are no doubt aware the Local Plan Review Public Consultation period closes tomorrow (Monday 13th December 2021) at 17:00hrs, and as residents we find ourselves in the situation where we have received no notification of the above from the District Council.

I would be most grateful if you could clarify, why as residents clearly affected by the contents of the Local Plan Review, we have been deprived of the information that should have been received?

I understand that the Councillors took the decision to use the 'Review' as the most appropriate media, but I wonder if we are the only affected residents who did not receive the 'Review'?

For your information, of all those present at the Parish Council meeting only one person had received a copy of the 'Review' and the individual was District Councillor Dan Kinsey, who does not reside in Lower Penn.

I have also canvassed acquaintances in both the Lower Penn Preservation Group and the Save Lower Penn Green Belt Group and no one has seen a copy of the 'Review' in the last 2 years. The last occasion a copy of the 'Review' was delivered through our letterbox it was in the old newspaper format. The only reason I am aware of this is because I have just gone through the library of back issues of the 'Review' on the District Council's website and seen the changes for myself.

I look forward to hearing your thoughts on the above matter.

Kind regards,

Stephen Bull

Mr Heywood's response on behalf of South Staffordshire Council:



South Staffordshire Council

Our Ref: DH/HA

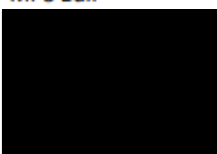
Please ask for: Mr D Heywood

Direct Dial: 01902 696702

Date: 16 December 2021

Email: d.heywood@sstaffs.gov.uk

Mr S Bull



Via email -



Dear Mr Bull

South Staffordshire Review and The Local Plan

Thank you for taking the time to get in touch with me regarding your concerns surrounding The South Staffordshire Review and The Local Plan.

I am sorry to hear some residents living in the Lower Penn area did not receive a hard copy of the publication and have missed out on previous editions too. We do have photographic evidence from the company who delivers the Review on our behalf demonstrating that they were actively out delivering in Lower Penn however, we now recognise not all properties were delivered to.

We are currently looking into this issue further and as a result we are exploring other options going forward to ensure all properties are delivered a copy of the South Staffordshire Review. Appreciating that not all residents have access to the internet the latest addition of the Review has been available to view online through the Council's website since mid-November.

In relation to the Local Plan, the Review was not the main source for residents to find out more about The Local Plan and the Preferred Options. All information surrounding The Local Plan and the Preferred Options was accessible via a clickable banner at the very top of the homepage on the Council website. The Local Plan and its supporting evidence were also sent to the Parish Councils to make available in the Parish Council Offices across the District alongside being available in public libraries too.

Cont..../

South Staffordshire Council • Council Offices • Codsall • South Staffordshire • WV8 1PX

Tel: (01902) 696000 • info@sstaffs.gov.uk • www.sstaffs.gov.uk



@south_staffs



South Staffordshire Council





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In addition, residents have also been able to find out more about the plans by telephoning the Council or emailing and have been able to submit any thoughts they may have on the plans by either email, via the portal on our website, or in writing. Opportunities were also made for residents to take part in virtual or in-person consultation sessions. We also send out regular bulletins to near on 9,000 subscribers via email. As a result of the various methods of consultation the Council has received a record number of engagements on our Local Plan both virtually and in person.

It was unfortunate and not ideal that some residents didn't receive the latest Review containing the Local Plan information, but I am sure given the level of communication and activity in Lower Penn, residents were aware of the proposed Preferred Options.

Again, thank you for bringing the Review to my attention and I can assure you we will be rectifying things as a result.

Have an enjoyable but safe Christmas and can I wish you a Prosperous New Year too.

Kind regards.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dave Heywood'.

Dave Heywood
Chief Executive



The District Council’s communication strategies are passive and designed to bypass ordinary residents, even in the Review magazine (when checked on the online archive) the Local Plan information was on pages 17 & 18. How can a consultation be deemed to have taken place when key stakeholders are clearly not informed and are expected to know that they had to access the District Council’s website? How many residents have the District Council’s website as their homepage? Under paragraph 16 (indent C) of the NPPF this situation clearly fails the benchmark of effective community engagement.

South Staffordshire Council failed to pro-actively engage with its residents, either through design or incompetence, instead it relied on a passive approach to engagement that was almost successful in bypassing arguably the most important of its stakeholder, the residents. Failing yet again under paragraph 16 indents a), b), and c) of the NPPF.

By relying primarily on people finding their website, South Staffordshire Council discriminated against the many elderly residents in the district. To compensate for the lack of direct communication and information from the Council, two community groups in Lower Penn went door to door to inform the residents about the Local Plan (Regulation 18 consultation).

The survey to determine whether residents across the Parish of Lower Penn had received the South Staffordshire Review magazine had the following age profile:

AGE (Years):	18-34	35-49	50-64	65-79	80+
Percentage:	0%	10%	33%	52%	5%

Although 100% of respondents had access to the internet in their properties, it was the District Council’s website that they struggled to engage with.

Over 60% of respondents visited the website during the Regulation 18 consultation. Of these just over 38% of residents could not engage with the Local Plan on the website, another 50% found the website information relating to the Local Plan either difficult or very difficult to use, whilst only 14% found it acceptable to use. This clearly demonstrates that paragraph 16 (indent e) of the NPPF was not fulfilled by the District Council.

In addition, 81% of respondents did not engage with the District Council’s preferred method of response to the Local Plan consultation, that of using the Local Plan portal. Of the remaining 19% that did access the Local Plan portal, 14% found the portal very difficult to use, with less than 5% finding the portal easy to use. Again, this further demonstrates that paragraph 16 (indent e) of the NPPF was not fulfilled by the District Council.

One of the local community groups, going door to door, collected paper-based objections from 270 residents, most of whom were unable to use the portal. These letters were submitted by hand to the Planning Department. We were dismayed to be told that these would not be admissible, only through further pressure from our elected representatives was the issue resolved and the letters accepted. The Strategic Planning Department was judge, jury, and executioner in making arbitrary decisions on about what was and was not considered to be a genuine objection. How does this instill the residents of South Staffordshire with any confidence in the Strategic Planning team? In short it does not and therefore would fail the criteria of paragraph 16 (indent c) of the NPPF.

From a brief analysis of the latest version of the Local Plan and the associated appendices submitted for Regulation 19 review, it appears that the Strategic Planning Team have taken the Regulation 18 review as an opportunity to mark their own homework and submit a considerable number of policies

and documents in subject areas that should have been available to all stakeholders prior to the issuance of the Regulation 18 review, e.g. a substantial Sustainability Appraisal document was added to the website as late as sometime in October 2022. It is therefore very difficult for members of the council, concerned residents and others, to keep track of the process and have knowledge of last-minute updates on the website before the deadline for the Regulation 19 consultation. This also fails to meet the criteria of paragraph 16 indents: a), b), c), and d).

The vast majority of the information provided during the Regulation 18 consultation was written by planning officers/professionals, for consumption by planning officers/professionals, with little if any consideration given for accessibility by the wider range of stakeholders who should be engaged with the Local Plan. In short, this does not meet the requirement of paragraph 16 (indent C) of the NPPF.

See below for a pertinent excerpt relating to consultation:

“Department for the Communities and Local Government Neighbourhood Planning Bill

Factsheet: Local Plans (clause 6 – 11)

What are Local Plans?

*Local Plans, prepared by a local planning authority **in consultation with its community**, set out a vision and a framework for the future development of an area.” (Added emphasis).*

(Source: [Local Development Documents policy factsheet.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108122/local-development-documents-policy-factsheet.pdf)

Accessed: 17/12/2022)

In the context of the Local Plan, South Staffordshire Council has failed to consult effectively with all its residents. Therefore, the Council has not fulfilled its duties under the NPPF, paragraph 16 – across indents: a), b), c), d) and e).

Given all of the aforementioned communication issues, I am bemused as to how the Local Plan being submitted by South Staffordshire Council can be deemed anything other than unsatisfactory and therefore fails to meet the standards expected in a public consultation in accordance with the principles laid down in paragraph 16 of the NPPF.

I urge that this Local Plan be rejected as it is not sound, due to lack of genuine consultation and engagement with residents as stakeholders, as required by the NPPF, paragraph 16 and paragraph 35 (indent b).