South Staffordshire Council

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 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*	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	MRS	
First Name	JILL	
Last Name	BRYAN	
Job Title (where relevant)	[redacted]	
Organisation (where relevant)		
Address Line 1	[redacted]	
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number	[redacted]	
E-mail Address (where relevant)	[redacted]	

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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
5.7 Pages 25 to 27	DS3 Open Countryside	Page 235 Site ref 036c

4. Do you consider the Local Plan is :

(1) Legally compliant	Yes		No	NO
(2) Sound	Yes		No	NO
(3) Complies with the Duty to co-operate	Yes		No	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.

I consider that, in respect of site 036c in the South Staffs Publication Plan, That the Plan is unsound and may not be legally compliant. It has evidently not been the subject of effective 'duty to co-operate' liaison with Stafford Borough Council (SBC).

I ask for site 036c to be deleted, in its entirety, from the Plan.

My reasons are:

Is it Legally Compliant?
The use of site 036c fails the National Planning Policy Framework 19 December 2023 https://www.gov.uk/guidance/national-planning-policy framework Section 15 Conserving and enhancing the natural environment. Compliance with the NPPF is a legal obligation.
a) The land is productive farmland, classified by SSDSC consultant Lepus in their Report Regulation 19 SA Report October 2022 LC 829_Vol_2of3_Reg19_SA_South Staffs_20_121022LB.docx in Fig 14.1 as Grade 3, but transitioning to Grade 2 towards the village of Acton Trussell. It is understood from the Tenant Farmer (Parrott family) that the land is very productive, it is Grade 3a.
b) It is classical rolling countryside providing an excellent vista from both the large Wildwood (Stafford) development and the A34 SE of Stafford c) The site 036c is noted for its diversity of wildlife. 34 species of birds are seen on a regular basis, together with

deer, badgers, bats and hares. It is an important wildlife and biodiversity link between the Cannock Chase AONB and the Staffs and Worcester Canal and the River Penk valley to the West. Connectivity is established as important in the Staffordshire Wildlife Trust Biodiversity Report; it appears to have been ignored in the Plan in respect of site 36c

Compliant with Policy DS3?
Quoting for the Policy:
'The council will protect the intrinsic character and beauty of the Open Countryside whilst supporting development proposals which: a) Assist in delivering diverse and sustainable farming enterprises; b) Deliver/assist in delivering other countryside-based enterprises and activities, including those which promote the recreation and enjoyment of the countryside, such as forestry, horticulture, fishing and equestrian activities;
c) Provide for the sensitive use of renewable energy resources (in conjunction with Policy NB5); or d) Enable the re-use of an existing building, providing that the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the intrinsic character and beauty of the Open Countryside.'
The proposed development at site 036c meets none of these objectives.
Quoting again: 'Such proposals will only be permitted where they are not located on best and most versatile agricultural land… The proposed development at site 036c is on Grade 2-3 farming land, that is being and has been productively farmed for 3 generations by the same family. Quoting again, continuing from the above quotation (in respect of site 036c): ……. and are fully consistent with any other relevant policies set out elsewhere in the Local Plan. These include, but are not limited to, policies which relate to the district's: • overall development strategy Arguably not met, housing in the wrong location and being excessively provided in the SSDC 2024 Plan • design standards Not addressed • landscape character and assets Not met • heritage assets Not addressed, the property and adjacent Farm, which will be endangered by this and likely future development that follows it, are part of the historic Earls if Lichfield land and was the home of his land manager/Bailiff • ecological assets and biodiversity Not met and cannot be realistically met by claimed offsets such as 'diversity in gardens' or financial contributions to the Cannock Chase AONB • recreational assets Not met • housing mix requirements (where applicable) Not met • sustainable travel requirements Nil within SSDC and severely overloaded within adjacent SBC. The expressed reason for the use of this land within the Plan is that it is not Green Belt. This might be justified if the 81 houses were either necessary to meet overall SSDC housing demand or, more particularly, local demand. Clause 5.28 of the Plan makes clear that there is no local 'unmet housing need': ' Southern Edge of Stafford (A34 corridor) 5.28 This location will not be a focus for larger-scale housing growth. This recognises the sensitive landscape and potential highways concerns that larger scale growth in this location could cause, as well as the lack of unmet housing needs in Stafford and the location's remoteness from areas where unmet needs are generated. Instead, a smaller scale extension to the adjacent town of Stafford will be delivered in this area, which will ensure the sustainable delivery of non-Green Belt housing land in the district.' I address elsewhere the more general aspect of whether the SSDC Plan has appropriately recognised provision of houses by SBC for neighbouring authorities, and thus if the Plan numbers are actually necessary or justified, elsewhere. I ask the Inspector to consider if this has been properly addressed in the SSDC Plan.

Sound? SSDC may argue that they have professionally assessed all the available sites

and that site 036c is the least damaging to the natural environment. A Any such argument is flawed because:

a) As in my comments on Policy HC15 the assessment of the site by SSDC's consultants Lepus rated the site as a Major Positive in respect of Education. This does not take into account that local schools are confirmed as full. Without such an inaccurate Major Positive marking in the consultant's assessment, there are 5 Minor Negative Assessments, 1 Major Negative and only 2 Minor Positives for site 036c. If the incorrect assessment in respect of Education were to be removed, the consultant's assessment would be expected to be reversed.

b) The land is within the SAC of the Cannock Chase AONB. There is no evidence in the Plan that this has been taken into account. This conflicts with the SDC SAC CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC) GUIDANCE TO MITIGATE THE IMPACT OF NEW RESIDENTIAL DEVELOPMENT (MARCH 2022) Policy EQ2: 'Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase Special Area of Conservation (SAC).' The site 036c is an important part of the continuity of Open Countryside between Cannock Chase AONB and the important Valley of the River Penk. Mitigation, as permitted in the SAC, by way of 'contributions to habitat management, access management and visitor infrastructure, publicity, education and awareness raising; and provision of suitable alternative natural green recreational space, within development sites where they can be accommodated and where they cannot by contributions to offsite alternative green space.' will be unable to mitigate the impact on wildlife movements between these important sites South of Stafford

c) Any suggestions that the damage to environment can be mitigated by 'diversity of domestic gardens' or financial mitigation to Cannock Chase AONB are, I think, derisory.

d) Of all the sites assessed by the SSDC consultants Footprint Ecology HRA supporting the Publication Plan, Appendix 4, sites 016 (Pear Tree Farm, Huntington, a Tier 2 Settlement) and site 036c are the closest sites to Cannock Chase AONB, at 2.0km and 2.1km respectively.

e) The choice of site 036c is illogical / unsound in terms of localised housing need. It is intimately linked to the southern boundary of SBC, at Wildwood. SBC has provided significantly more housing than their minimum requirements. There are significant extant and planned housing developments in the south of Stafford which, whilst providing significant housing availability (negating the need for the 036c site) have also provided excessive demands on local schools and health provisions, within the SBC boundaries, which SSDC have assumed will provide services at the very northern boundary of South Staffordshire.

f) If the SSDC Plan does actually need to deliver the number of houses within the Plan, which is disputed in other representations, it is suggested that they would be more effectively placed a greater distance from Stafford. It is suggested that sites not constrained by Green Belt constraints, such as Cheslyn Hay/Great Wyrley, Codsall/Bilbrook, or even more appropriately, sites further south in SSDC, closer to the West Midlands, could logically be reconsidered to be enlarged to deliver the 81 properties, if they are necessary at all.

g) SSDC does maintain a Brownfield Register. It appears to contain 1.9 hectares owned by a public authority and 2.5 hectares not owned by a public authority deemed suitable for development; if the 81 houses are necessary, could this 4.4 hectares be used as a suitable alternative to site 036c Duty to co-operate? As noted in another representation,

but relevant to the above, SSDC do not demonstrate that they have effectively exercise their Duty to Cooperate with SBC in that they have not acknowledged or taken account of the housing

allocation that SBC have declared in their extant Plan for Stafford Borough 2011-2031. https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/Planning%20Policy/Plan%20for%20Stafford%20Borough/PFSB-Adoption.pdf This states at Clause 6.12 'It should be noted that the household projection figure is made up of 'local need' (i.e. natural change: the balance of births over deaths and reduction in average household size) and 'in-migration' elements, with the split for Stafford Borough being approximately 30% local need and 70% in-migration mainly from surrounding areas, the majority being from Cannock Chase District, South Staffordshire District and the City of Stoke-on-Trent. The Government, through the NPPF, has stated that local authorities should provide for the locally assessed requirements of their area. Pressures for continued in-migration are likely to remain from neighbouring areas in the short to medium term. In light of meeting objectively assessed needs it is sensible to plan for these, not least because it is consistent with the growth aspirations for Stafford town, and its developing sub-regional role, as set out in the Spatial Vision and Key Objectives earlier. This approach has also been supported by neighbouring local authorities through Duty to Co-operate cross-border meetings on the Plan for Stafford Borough: Strategic Policy Choices document. This document declares a projected build of 11,523 dwellings to 2033 (it is understood that this target has been exceeded). With 70% allocated to 'in migration' shared (70% of 11,523 = 8066). It might be reasonable to assume that some 30% of this (30% of 8066 = 2420) houses within SBC should have been allowed for in the SSDC Plan; it is not evident that any have been. In respect of my present representation I have assumed a very low figure of only 5% of this 'in-migration' allowance by SBC is for SSDC use (5% of 8066 = 403) say 400. No allowance appears to have been made, and none is documented, in this respect by SSDC in their 2024 Publication Plan. An obvious conclusion is that site 036c is unnecessary and surplus to reasonable requirements. I ask the Inspector to address this matter in particular.

(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.

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Delete, in its entirety, the planned development at location 036c for the reasons above.

(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	**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:

[redacted]

JILL BRYAN