



22 MAY 2024

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Hand copy of response also sent by email.
Simon Phipps



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*

*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	Mr	
First Name	Simon M	
Last Name	PHIPPS	
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1	[REDACTED]	
Line 2	[REDACTED]	
Line 3	[REDACTED]	
Line 4		
Post Code	[REDACTED]	
Telephone Number	[REDACTED]	
E-mail Address (where relevant)	[REDACTED]	



Part B – Please use a separate sheet for each representation

Name or Organisation: **Simon M. Phipps**

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

Paragraph	6.19 (Pages 64-66)	Policy	SA3 Housing Allocations	Policies Map	Site ref 036c (Page 235)
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input 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.

This representation objects to the inclusion of **Site 036c** within **Policy SA3: Housing Allocations** of the **South Staffordshire Publication Plan**. This proposed development site for 81 houses is described in the Plan as **Land at Weeping Cross (adjoining Stafford Borough)**.

I consider that the inclusion of Site 036c in the South Staffordshire Publication Plan is unsound , not legally compliant and has evidently not been the subject of effective 'Duty to co-operate' with Stafford Borough Council (SBC).

I therefore ask for Site 036c to be deleted from the Publication Plan.

My reasons are as follows:

- The allocation of this site is unnecessary to meet housing need.
- The allocation is not in compliance with the Council's published planning policy.
- The Duty to co-operate has been breached.

Each is discussed in turn.

The allocation of this site in this location is unnecessary to meet housing need.

The Site 036c is at the northern end of the District immediately adjacent to urban Stafford. Any



future residents of the site would consider themselves to be part of the Wildwood estate and inhabitants of Stafford. They would use Stafford schools and health provision as well as shops and services within the town. However, Stafford Borough Council (SBC) strongly opposes this proposed housing allocation because neighbourhood health and education provision is overstretched and transport links to Stafford town centre are often congested and slow. SBC has exceeded its housing need requirements through allocations elsewhere in the borough which are better able to meet the demand for education and health provision. This is recognised in the Publication Plan. In paragraph 5.28 a *'lack of unmet housing needs in Stafford and the location's remoteness from areas where unmet needs are generated'* is admitted as are the *'potential highway concerns'*. Imposing an unnecessary and unwelcome allocation adjacent to a neighbouring local authority seems perverse.

Paragraph 5.28 states that Site 036c *'will not be a focus for larger-scale housing growth'*. This is misleading. Of the 27 sites allocated for housing in the Publication Plan, only 8 sites have more housing units allocated than Site 036c. This site is apparently a focus for larger scale housing growth but it is hard to comment further as the Plan does not define what it means by *'larger scale housing growth'*.

South Staffordshire Council has allocated 4086 houses to meet its own needs between 2023 and 2041, calculating numbers using central government's standard methodology. The council has also allocated a further 640 houses to contribute towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) between the same dates.

By its location immediately adjacent to Stafford and well away from settlements in South Staffordshire District, the Site 0360c is only useful if it meets housing need in Stafford Borough. Since it does not meet this need, the GBBCHMA surplus should be allocated elsewhere within the District where there is unmet housing need, if indeed a 640 surplus is required at all. Either way, Site 036c should be deleted from the Publication Plan as the proposal is unsound.

The allocation is not in compliance with the Council's published planning policy.

The allocation of Site 036c fails to comply with some of the policies contained in the Published Plan and is therefore unsound. Relevant policies are described in turn.

Policy DS3 Open Countryside

The policy applies to the Site 036c as it is *'both beyond the West Midlands Green Belt and outside of individual settlements' development boundaries, as indicated on the Policies Map'*. The policy DS3 recognises the value of the District's open Countryside which *contains many sensitive areas, including its landscapes and areas of ecological, historic, archaeological, economic, agricultural and recreational value'* and seeks to protect such areas from damaging development. The council will therefore *'protect the intrinsic character and beauty of the Open Countryside'*. Some development types, although not significant housing development, which may be supported are listed in the policy as being unlikely to be detrimental to the character or beauty of the open countryside.



The proposal to build 81 houses on 3.85 hectares of land at the edge of the large Wildwood housing estate on the western edge of Stafford does not comply with the requirements of this policy for two reasons.

Firstly, the large Wildwood housing estate immediately to the north of the proposed development Site 036c already ends at Hazlestrine Lane, a logical boundary to the development in a shallow valley running east to west towards the Staffordshire and Worcestershire Canal. This lane separates urban Staffordshire from the open countryside beyond. The landscape beyond Wildwood is pleasant rolling countryside with mature trees and hedgerows on the north side of Acton Hill. The proposed development site would be dominantly visible from the southern end of the Wildwood housing estate and, to a lesser extent from the A34 and would not *'protect the intrinsic character and beauty of the Open Countryside'* as required by Policy DS3. Visually, the site's attractiveness derives from the open sweep of Acton Hill rising above Hazlestrine Lane, topped with mature trees. It is clearly visible from Wildwood's district distributor road (Wildwood Drive) and Hazlestrine Lane is clearly the boundary where the countryside begins at the edge of Staffordshire. By allowing housing development on Site 036c, this important and attractive view would be replaced with rising tiers of housing half way up the hill and probably defining the skyline. The southern boundary of the Site 036c is not defined by any natural (or man-made) features on the ground and appears arbitrary and ignores the grain of the landscape.

The Publication Plan (paragraph 5.28) *'recognises the sensitive landscape'* in and around Site 036c but continues to propose significant levels of housing on this site. With such an arbitrary southern boundary, the way is prepared for future incursions for further incremental development on Acton Hill if a precedent is set here. This development would be hugely detrimental to the landscape character of the northern edge of Acton Hill and inconsistent with the requirements of policy DS3.

Secondly, the policy DS3 supports development proposals which *'a) Assist in delivering diverse and sustainable farming enterprises'*. The policy also states that development *'proposals will only be permitted where they are not located on the best and most versatile agricultural land...'* The proposed housing on Site 036c falls short of this requirement. The proposed development at Site 036c is on Grade 3a agricultural land and has long been productively farmed as part of a viable agricultural unit. It is currently (May 2024) growing a luxuriant crop of barley, this is not marginal farmland. In a Staffordshire context where there is no Grade 1 land, this land is amongst the best and most versatile agricultural land. Removing 3.85 ha of productive farming land from this unit will reduce the farm's viability. In times when food security and food sustainability are pressing issues, it makes no sense to remove this site from agriculture.

Policy NB4: Landscape Character

In some respects this policy reiterates some of the broad policy in Policy DS3 Open Countryside. NB4 states that *'the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Throughout the district, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a*



detrimental effect on the immediate environment ...'

I have described already how, visually, the Site 036c's rural character and local distinctiveness derives from the open sweep of Acton Hill rising above Hazlestrine Lane, topped with mature trees. It is clearly visible from Wildwood's district distributor road (Wildwood Drive) and Hazlestrine Lane itself. This is very obviously the point where the countryside begins at the edge of Staffordshire. By allowing housing development on Site 036c, this important and attractive view would be replaced with rising tiers of housing half way up the hill and probably defining the skyline. The southern boundary of the Site 036c is not defined by any natural (or man-made) features on the ground and appears arbitrary and ignores the grain of the landscape. This attractive landscape would not be maintained or enhanced and is therefore at variance with Policy NB4.

Policy NB3: Cannock Chase SAC

Policy NB3 of the Publication Plan states that *'Development will only be permitted where it can be demonstrated that (any) proposal will have no adverse effect upon the integrity of the Cannock Chase Special Area of Conservation (SAC) either alone or in combination with other plans or projects.'* It goes on to say that *'all development that leads to a net increase in dwellings within the Zone of Influence around Cannock Chase SAC has the potential to have an adverse impact upon Cannock Chase SAC and must mitigate for such effects. Mitigation can be secured through developer contributions as outlined in the Guidance to Mitigation Note.'*

The Site 036c is only about 2.5 km from the edge of the Cannock Chase SAC and future residents would be able to access the Chase easily by both road and public footpath. Of all the site allocations proposed in the Publication Plan, only Huntington is closer to the SAC and its allocation of 39 houses is not a new proposal but brought forward from previous planning policy and extant planning permissions.

The proximity of Cannock Chase SAC to Site 036c will mean more visitors to Cannock Chase, more dogs and more mountain bikes. I have noticed in my 24 years of regular visits to Cannock Chase: more paths created by site users, more dogs, and mountain bikers can appear on the most indistinct of tracks. Dogs are a particular problem as their faeces are known to raise nutrient levels which are a critical problem for the internationally important heathlands of Cannock Chase which depend on low nutrient levels for their integrity. Dogs also disturb ground-nesting birds. I have noticed that their numbers have increased since the COVID pandemic. Attempts by Staffordshire County Council in the past to exclude dogs from sensitive areas were foiled by a successful legal challenge by a dog-walker. There seems little prospect of enforcement to reduce visitor and dog numbers to maintain the integrity of the SAC. Erecting 81 houses on the Site 036c will add to the existing management problems caused by visitors, given its close proximity to the SAC.

When considering impacts on a SAC the first priority is to avoid an adverse impact. If the impact cannot be avoided, the next stage is to consider appropriate mitigation to offset the adverse impacts. However, the Policy NB3 appears to say that any housing built within the 15 km zone surrounding the SAC can be mitigated through a developer contribution for the SAC's management, without considering the location, the characteristics of the site or the development proposed. This approach does not distinguish between a site close to the Chase (like Site 036c) where development would generate most visitors and an equivalent



site towards the edge of the zone which may generate fewer. There is an assumption in the policy that the developer contribution would mitigate all adverse impacts on the SAC. Most importantly, the policy does not encourage consideration of whether the adverse impact could be avoided altogether by not allowing the development. This erroneous assumption makes this policy unsound. In the case of Site 036c which does not meet unmet housing need, which intrudes on a sensitive landscape and which would cause difficulties to Stafford District Council who would be left to deal with the problems arising from development in this location, is surely avoidable. The potential impacts on the SAC from future housing in this location are surely not justified and the allocation of 81 houses on Site 036c in Policy SA3 of the Publication Plan is unsound and must be deleted.

EC11: Infrastructure

Policy EC11 of the Publication Plan states that *'Planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms.'* SSC admits in paragraph 5.28 to *'potential highway concerns'* arising from the allocation of Site 036c given existing congestion on the A34, a major route into Stafford. It seems perverse to allocate a site for housing which has *'potential highway concerns'* which may not be capable of resolution if the site became the subject of a planning application. The inclusion of Site 036c within Policy SA3: Housing Allocations of the South Staffordshire Publication Plan appears unsound.

In addition to the adverse impact on traffic flows on the A34, future residents of Site 036c will inevitably access the M6 at Junction 13 via Acton Hill Road. This lane, linking the A34 adjacent to Site 036c to the M6 junction via Acton Trussell is single track in places and a local 'rat-run'. It is inevitable that this country lane will become more over-used, dangerous and the traffic more intrusive if Site 036c is developed.

It is clear that the inclusion of Site 036c within Policy SA3: Housing Allocations of the South Staffordshire Publication Plan breaches the four planning policies discussed above, making the Publication Plan unsound. To resolve the problem requires the removal of Site 036c from the Plan.

Duty to co-operate

Section 33A of the Planning and Compulsory Purchase Act 2004 requires SSC to engage constructively, actively and on an on-going basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan. Local Planning Authorities have a legal duty to co-operate with neighbouring authorities and other prescribed bodies on strategic matters that cross administrative boundaries. Strategic matters can include housing, employment, infrastructure, and the Green Belt.

As already outlined above, there appears to be little evidence of co-operation with SBC over the allocation of 81 houses on Site 0360c. Stafford Borough Council (SBC) strongly opposes this proposed housing allocation because neighbourhood health and education provision is overstretched and transport links to Stafford town centre are inadequate as well as concerns over drainage. SBC accepts this allocation is unnecessary in respect of housing need and problematic indeed, paragraph 5.28 of the Publication Plan refers to *'potential highway*



concerns arising from development in this location.

There is no evidence of cross boundary co-operation with SBC in respect of the allocation of Site 036c. The breach of this duty calls into question the soundness and legality of the Publication Plan which could be resolved by the removal of Site 036c from the Plan.

Conclusions

In respect of the inclusion of Site 036c within Policy SA3: Housing Allocations of the South Staffordshire Publication Plan, I believe the Plan is unsound and fails to meet the requirements of the Duty of Co-operate and is therefore not legally compliant.

The allocation of this site is unnecessary to meet housing need in the District or in Stafford Borough and its implementation would cause problems to SBC.

The allocation is not in compliance with the Council's published planning policy in respect of policies:

- DS3 Open Countryside
- NB4: Landscape Character
- NB3: Cannock Chase SAC
- EC11: Infrastructure

Even SSC recognises in the Publication Plan the potential harm and problems this site would cause if developed for housing whilst acknowledging it meets no unmet housing need.

The Duty to Co-operate has been breached which is demonstrated by the objection by SBC to this proposal on the grounds that it would cause service provision, highway and drainage problems within Stafford.

These problems should be resolved by the deletion of Site 036c Land at Weeping Cross (adjoining Stafford Borough) within Policy SA3: Housing Allocations from the South Staffordshire Publication Plan.

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 modification I consider necessary to make the Local Plan legally compliant and sound, in respect of the legal compliance or soundness matters identified at 5 above is as follows:

The deletion of Site 036c Land at Weeping Cross (adjoining Stafford Borough) within Policy SA3: Housing Allocations from the South Staffordshire Publication Plan.



(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:



***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 [Data Protection \(Strategic Planning\) | South Staffordshire District Council \(sstaffs.gov.uk\)](#)

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

