

Part B – Please use a separate sheet for each representation

Name or Organisation: **CPRE Staffordshire**

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

Paragraph	Duty to Co-operate	Policy	Not necessary to include in LP Policy	Policies Map	Not a matter for Policy mapping
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4. Do you consider the Local Plan is :

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

CPRE Representation number 10

Failure to meet the Duty to Co-operate?

The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) requires the Local Planning Authority (LPA) to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.

South Staffordshire Council says that it has co-operated with a number of authorities in the West Midlands as shown in the draft Statements of Common Ground and summaries of the Duty to Co-operate across the (Greater Birmingham Housing Market Area) in Appendices A-E of the Duty to Co-operate Topic Paper published by South Staffordshire Council.

In the Duty to Cooperate Topic Paper published by the Council in November 2022 the last sentence of Paragraph 3.3 reads:

“Guidance indicates that these documents should take the form of a single agreement across the most appropriate functional geographical area to gather evidence and develop policies to address the strategic matter in question, based on demonstrable cross-boundary relationships.”

“3.4 Aside from preparing any statements of common ground, it is also important that strategic policy-making authorities consider producing or commissioning joint research and evidence to address cross-boundary matters, **agreeing strategic policies affecting more than one authority area to ensure development is co-ordinated**. These activities, and other areas of joint working, can then be documented in any final statement of common ground.”

A. In respect of South Staffordshire, the plan makes it clear that the Council has agreed to provide for 4000 additional dwellings, for overspill housing for other councils to the east, in addition to meeting its own needs.

Whilst the Plan refers in paragraphs 5.10 to 5.16 to ‘Unmet housing needs from the wider housing market area’ we have failed to find the evidence to show:

1. The reasoning for the choice of the ‘magic number’ of 4000 additional homes in South Staffordshire, the great majority of which are on greenfield sites in the Green Belt.

and

2. That the calculation of the scale and distribution of the ‘overspill’ from the Greater Birmingham area has been agreed with all or South Staffordshire’s neighbouring Councils in Statements of Common Ground (or in some other form) with the authorities in the Greater Birmingham Housing Market Area.

B. We have not found evidence that the Duty to Co-operate with all neighbouring authorities* has been met in respect of the whole plan. If this has been achieved we would ask that the letters of confirmation from all of the neighbouring authorities are published. (If they have been published it would be helpful if we could be informed of where we can find them.)

Particularly relevant are:

Staffordshire County Council in relation to education and highways
and

Wolverhampton City Council, also in relation to education and highways

County Councils

- Staffordshire County Council
- Worcestershire County Council

Unitary authorities

- Shropshire Council
- Telford and Wrekin Borough Council
- Wolverhampton City Council
- Walsall Metropolitan Borough Council
- Dudley Metropolitan Borough Council

District/Borough Councils

- Stafford Borough Council (see separate representation in relation to Land South of Stafford)
- Cannock Chase District Council
- Wyre Forest District Council
- Bromsgrove District Council

Government Guidance - NPPF

Government Advice - NPPF

26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

(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.

Modification

To make the Local Plan compliant with the Duty to Co-operate we ask that South Staffordshire Council:

- a) Clearly states that the strategic development sites are principally intended to meet the wish to provide housing to provide overspill from the Black Country authorities, predominantly the City of Wolverhampton, and the proposals meet with the agreement of all of the Authorities in the Greater Birmingham Housing Market Area.

b) Demonstrates to the Inspector that the Duty to Co-operate has been met in deciding the sites to be allocated to provide overspill housing and that co-operation agreements are in force and arrangements made to provide jointly for appropriate provision of infrastructure and services - such as necessary highway works, including for cyclists and pedestrians, secondary education, bus services, medical facilities, affordable housing etc.

c) Makes available the evidence of meeting the Duty to Co-operate with all neighbouring authorities before submission to the Planning Inspectorate. (This evidence currently appears to be absent.)

(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:

We will wish to attend if the issues raised are to be considered in the Examination in Public.

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.