



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.

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

First Name

Last Name

Job Title

(where relevant)

Organisation

(where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone

Number

E-mail Address



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	Not applicable	Policy	Not applicable	Policies Map	Not applicable
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes		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.

CPRE Staffordshire Representation 6

Duty to Cooperate

We are aware of and have read the [Duty to Co-operate Topic Paper](#) prepared by South Staffordshire Council. This refers to Stafford Borough 18 times, but does not cover the issues raised in this representation.

We acknowledge that the Council may have carried out appropriate actions to meet, in part, the Duty to Cooperate, but we have not found the other relevant evidence/information published in a publicly accessible form and place.

The Stafford case

We are surprised that the Duty to Co-operate has been fulfilled as Stafford Borough Council (SBC) previously objected to proposals to develop the site referred to in the current Plan as 036C, including at the Preferred Options stage. We would wish to have sight of the correspondence with Stafford Borough Council to demonstrate that the Duty has been met.

The site in question abuts the boundary of SBC. It is a greenfield site in agricultural use.



The current [Adopted Local Plan for Stafford Borough](#) 2021 to 2041 includes the following paragraph:

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.

We are surprised and disappointed that that South Staffordshire has given no acknowledgement to this approach in its own Local Plan and has apparently now reneged on other previous agreements (see Paragraph 3.12 of the Stafford Local Plan 2011-2031).

Underlying Issue

What does the 'duty to cooperate' mean for councils?

Section 110 of the Localism Act (link below) sets out the 'duty to co-operate'. This applies to all local planning authorities, national park authorities and county councils in England – and to a number of other public bodies.

The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council
- requires that councils set out planning policies to address such issues
- requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies
- requires councils to consider joint approaches to plan making.

The NPPF (Paragraph 156) sets out the strategic issues where co-operation might be appropriate. Paragraphs 178-181 give further guidance on 'planning strategically across local boundaries', and highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area, through either joint planning policies or informal strategies such as infrastructure and investment plans.

We find it difficult to believe, in the absence of evidence (which may be available but, if so, we have failed to find it) to demonstrate that the Duty to Co-operate has been met in this case.

Stafford Borough Council stated at the Preferred Options Stage:

"Nevertheless, significant concerns are raised regarding the urban



extension South of Stafford. This does not appear consistent with Strategic Objective 2 as it is not a sustainable approach to meeting Birmingham's housing needs and there are other more sustainable sites in South Staffordshire/adjacent to the Black Country. The site has not demonstrated it would provide appropriate infrastructure to mitigate its impact on roads, schools and leisure in Stafford."

We question whether South Staffordshire Council has adequately cooperated with Stafford Borough Council, Staffordshire County Council (particularly regarding education) and the other relevant bodies (particularly medical).

How should the 'duty to co-operate' be tested?

The 'duty to co-operate' is a legal requirement of the plan preparation process. It is the first thing that the Planning Inspectorate (PINS) will look at before considering whether a plan is sound. PINs will need to see sufficient evidence to demonstrate that the 'duty to co-operate' has been undertaken appropriately for the plan being examined.

There is no fixed format for how this evidence should be presented, nor what it should comprise, but it should:

- flow from the issues that have been addressed jointly
- highlight the practical policy outcomes that have resulted from the joint work.
- succinct, using weblinks to evidence where possible

A 'tick box' approach or a collection of correspondence will not be sufficient. Councils will also need to show how they have considered joint plan-making arrangements, what decisions were reached and why.

(Extract from <https://www.local.gov.uk/sites/default/files/documents/simple-guide-strategic-pl-557.pdf>)

We feel that this case brings into question whether a 'tick box' approach has been taken by this Council, not just in this case but also elsewhere, and whether the legal Duty to Co-operate has not been met to the extent that the plan has not met the test to proceed to examination. We acknowledge that we do not currently have other evidenced cases.

(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.

Having read the views of a number of barristers and others, it seems to us that this is a fundamental matter for the Inspectorate/Inspector to consider and advise the Council of their decision on whether the Regulation 19 document is compliant with the Duty to Cooperate. Only if it is compliant can it be considered at an Examination.

We suggest that the Inspectorate's reasoned decision on whether there should be a public document and we would ask to be notified when a decision has been reached.



(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:

This representation relates to Duty to Cooperate and would therefore probably not be appropriate for consideration at a hearing session.

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.

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