

SOUTH STAFFORDSHIRE LOCAL PLAN EXAMINATION – MATTER 2 – DUTY TO CO-OPERATE

RAPLEYS LLP ON BEHALF OF VISTRY UK
APRIL 2025

ISSUE 1 – WHETHER THE COUNCIL HAS COMPLIED WITH THE DUTY TO CO-OPERATE IN THE PREPARATION OF THE LOCAL PLAN

1. This Hearing Statement should be read in conjunction with the Regulation 19 representations submitted by Rapleys on behalf of Vistry.
2. This Hearing Statement focusses on the questions relating to Housing in the context of Duty to Co-operate (DTC). There is an inter-relationship between this Matter and Matter 4 Issue 1 question 4, which Vistry have also responded to.
3. Paragraph 16 of the NPPF (2023) identifies that Plans should *'(c) be shaped by early, proportionate and effective engagement between the plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.'*
4. Paragraphs 24 -27 then set out the DTC in terms of maintaining effective co-operation with particular note at paragraph 26 that *'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'*.
5. Vistry's principle concern is the substantial reduction in the contribution towards unmet housing need arising from the Greater Birmingham and Black Country Housing Market Area (GGBCHMA) from 4,000 in the first Regulation 19 Plan to 640 in the submitted Regulation 19 Plan – specifically how this is documented and arrived at.
6. The Council has used the perceived change of 'no obligation or requirement to review Green Belt boundaries' in the 2023 NPPF, to reduce its commitment to providing unmet need of neighbouring authorities and proposed a strategy that is environmental capacity focussed. However, the DTC remains and there is still the functional and moral responsibility to cater for more housing and jobs where they are needed. South Staffordshire chose to continue this in terms of employment land, but not in terms of housing. There is a strong relationship between South Staffs and the Black Country authorities in particular – many of South Staffs residents rely on the Black Country for employment and shopping needs. It is only fair that South Staffs reciprocates in providing for housing needs of the Black Country.
7. The co-operation between the GGBCHMA authorities is well documented in terms of producing the 2018 Strategic Growth Study which identified a circa 60,000 home shortfall. Whilst paragraph 3.6 of the submitted Local Plan notes the co-operation between these authorities, and that they are working together to agree an update to the 2018 position, there is no evidence of this and an actual updated position to the 2018 Study remains outstanding. What is clear is that the unmet need continues to rise - Paragraph 5.10 of the South Staff Local Plan notes that *'subsequently consultation by the Black Country authorities in 2021 and Birmingham City Council in 2022 indicated a potential shortfall of 28,239 and 78,415 homes respectively, indicating that the shortfall is likely increasing'*. To therefore reduce the contribution of 4,000 homes to 640 is contributing to an even greater shortfall – it is not an appropriate co-operation, and it does not ensure that *'strategic policies, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas'* paragraph 11(b) of the 2023 NPPF.
8. At the time of writing the representation to the Regulation 19 Plan in May 2024, we noted that there was no published Statement of Common Ground (SoCG) or evidence on the level of unmet need being provided. This is still the case. It is acknowledged that the GGBCHMA authorities have produced a SoCG which identifies a commitment to continue to work together to identify how the extensive shortfall in housing can be accommodated. However, the value of this is questionable given there has been no formal update to the 2018 Study despite everyone acknowledging the ever-increasing need and

indeed, the time that has elapsed since that original study. Furthermore, there is no documentary evidence that any of either Birmingham City or the Black Country authorities are content with the change in position adopted by South Staffordshire and the resulting immense reduction to the unmet need provision. Without appropriate contributions being identified and provided for in Local Plans, the issue of the unmet need is not going to be resolved, will not decrease and is therefore not in the spirit of the DTC.