

Model Representation Form for Local Plans

	South Staffordshire Council Local Plan Publication Stage (Regulation 19) Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Referred to in the Publication Document as:

A New Development Strategy for South Staffordshire 2018-2039
The Local Plan Review

A New Development Strategy for South Staffordshire 2018-2039

The Local Plan Review Publication Plan

(Regulation 19 consultation)

November 2022

Please return to South Staffordshire Council [name of LPA] BY [time/ date/year] 12.00/ 23 December/ 2022

South Staffordshire Council initially chose not to customise the standard form for download and completion off-line. We queried this and South Staffordshire told us "we are unable to publish Word documents on the website due to cyber security issues". CPRE Staffordshire therefore used the form and guidance notes on the Planning Inspectorate website.

NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

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

First Name

Last Name

Job Title

(where relevant) Organisation	CPRE Staffordshire	
(where relevant) Address Line 1	2 Staffordshire Place	
Line 2		
Line 3		
Line 4	Stafford	
Post Code	ST16 2DH	
Telephone Number	01785 277890	
E-mail Address (where relevant)	protect@cprestaffordshire.org.uk	

Part B – Please use a separate sheet for each representation

Name or Organisation:
CPRE Staffordshire (Campaign to Protect Rural England)

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

Paragraph	Section 6	Policy		Policies Map	Various – see other representations
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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"/> No
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/> 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 Number 1

Growth beyond the needs of South Staffordshire and the Duty to Co-operate.

For us the key question is whether the sites are necessary to provide additional housing for the Black Country. This is dealt with in the Representation from CPRE West Midlands.

(CPRE West Midlands has more detailed knowledge of the needs of the Black Country and the West Midlands conurbation, which we, CPRE Staffordshire, lack. We do, however, agree with and fully support the representations of CPRE West Midlands.)

In the event that the Representations of CPRE West Midlands are not accepted we would wish our representations to be heard as if the 4000 homes overspill from Wolverhampton and the other Black Country Authorities were to remain in the plan.

The Plan says (inter alia) in Section 6 – Housing Allocations:

Growth adjacent to the neighbouring towns and cities in the Black Country

Housing growth will be located at the allocations made adjacent to the Black Country through this Local Plan, in order to facilitate sustainable growth of their towns and cities and to assist in meeting wider unmet housing needs from the housing market area.

These are:

- Land at Cross Green
A minimum of 1,200 homes
- Land north of Linthouse Lane
A minimum of 1,200 homes by the end of the plan period. Site estimated to deliver 1976 homes in total with continued delivery beyond the plan period
- Land at Langley Road, also described as West of Wolverhampton (adjoining City of Wolverhampton boundary)
A minimum of 390 dwellings

According to the housing numbers used in the plan these sites, in total, could deliver a minimum of 2790 dwellings in the Plan Period and 776 more beyond the period. (We think that these are underestimates – see Note below). We have found no justification anywhere in the plan for the deferral approach at Linthouse Lane.

All of these overspill sites are in the Green Belt, are greenfield, and either abut the existing development of Wolverhampton (Land North of Linthouse Lane and Langley Road) or are close to the edge of the city (Land at Cross Green) and, in reality, are clearly directed mainly to providing for Wolverhampton's needs.

Whilst we would hope that there has been joint working, at least with Wolverhampton City Council, on key issues, we have not found the evidence to show that the Duty to Co-operate has been fully met.

For the future the Plan says:

“As part of delivering these sites, the council will work cross-boundary with infrastructure bodies and statutory partners to ensure these sites are supported by any necessary infrastructure. In addition, the council will continue to work with partners to seek opportunities to deliver a rail-based parkway on land safeguarded for this use through the Land at Cross Green development.”

Both of the remaining strategic sites, to the East of Bilbrook (at least 848 houses) and North of Penkridge, (at least 1129 houses) would provide for at least 1977 new houses in total. Both sites are easily accessible to Wolverhampton by train. We assume that the balance of 211 ($4000 - 2790 = 1210$) would be met from these sites with the remaining 757 considered to serve the housing needs of South Staffordshire. This issue is not addressed in the Plan.

Note:

The housing numbers used by the Council are well below the sites' capacity using the Council's minimum requirement of 35dpa in Policy HC2. We have made separate representations on both the Strategic Masterplan sites and the numerous other allocated sites for housing in relation to:

- Site capacity and density
- Windfall numbers
- Over-allocation

and the implications of this for greenfield and Green Belt land.

We question whether the Council has carried out its Duty to Co-operate with the relevant bodies. We have not seen the evidence for this in the published documents.

(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.

Modifications requested:

If the Plan is considered sound in terms of the 'overspill' of housing into South Staffordshire from Wolverhampton and the other the Black Country Authorities

1. We consider that the Plan should identify the sites which are intended to provide for the 'overspill' from the Black Country authorities. We have suggested the ones which seem best suited for this.
2. A re-assessment of the area of land for housing expected to be provided for overspill homes on each of the Strategic Sites identified in the Plan.
3. A reduction both in the site area of allocations and in the area of land proposed to be removed from Green Belt.

In addition:

We question whether the Council has carried out its duty to Co-operate with the relevant bodies as we have not seen the evidence for this in the published documents. (We realise that this is something which may not be met by modification).

(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:

To have previously had sight of the evidence relied upon by the LPA in respect of the Duty to Co-operate and to be able to contribute to the discussion if this is subject to a hearing.

Only if the Inspector considers that these matters are appropriate to be heard in a hearing session - rather than being the Duty to Co-operate being considered and resolved before confirmation is given that the Examination is to take place.

Note: In light of the recent statements made by Michael Gove, the current Secretary of State, we are aware that there may be changes in NPPF and Regulations which may impact both on the Duty to Co-operate and to relevant elements of the Publication Plan - but that these are currently unknown.

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.

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	Para 5.17 Table 7 Para 5.21 Table 8	Policy	DS4 DS5	Policies Map	Localities 1 -5
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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 checked="" type="checkbox"/> No
4 (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.

CPRE Representation Number 2

Housing Numbers

We are concerned that South Staffordshire is unnecessarily and inappropriately proposing development in the Green Belt and greenfield sites well in excess of the need of its own residents and migration assessed using the New Standard Method (NSM) which it has stated that it is using.

“The Proposed Housing Target

5.17 Reflecting these issues, South Staffordshire is proposing to plan for a housing target of **9,089 dwellings between 2018 and 2039**. This will allow the district to meet its own housing needs over the plan period, whilst also making a proportionate and justified contribution to the unmet needs of the GBBCHMA. The specific elements of the housing target can be summarised as set out below from Table 2 of the Plan.

Completions in the district since the start of the plan period (2018- 2022)	992
Existing Planning Permissions and Allocations	2724
Safeguarded land	1604
New Allocations (at least) (*See our separate representation re. densities)	5270
Windfall allowance* (*See our separate representation justifying a higher number)	600
Total for South Staffordshire	11190
Minus provision for GBBCHMA	4000
Minus South Staffordshire's own calculation of housing need using the Government's standard method (2022-2039) 241p.a. x 17years	4,097
Apparent Excess Provision over target (7190 – 4097)	3093

This would be 75% over South Staffordshire's calculation of its own housing need.

Note:

Our calculation is so massively in excess of that we may have made an error - but have so far failed to see where it has occurred.

We consider that the apparent surplus over South Staffordshire's housing need is truly excessive. If we have made an error we would appreciate South Staffordshire's explanation before the opening of the Examination.

Background

The Regulation 19 Plan reads:

5.9 The plan period runs from 2018 onwards, so it is also necessary for the plan to take account of the 992 dwellings already delivered in the district between 2018-2022 in any future housing needs. The district's future housing need is then calculated using the government's standard method for calculating housing needs and added to this figure. This currently requires the district to deliver a minimum annual average of 241 dwellings per annum, starting from the current year (2022) and running to the end of the plan period (2039).

We consider that the Plan seriously under-estimates windfall housing numbers – see the separate representation on this subject.

Note:

The Plan also appears to expect larger of dwellings to be delivered on allocated sites. For example, at Linthouse Lane:

- a) A minimum of 1,200 homes by the end of the plan period including affordable housing and specialist elderly housing (e.g. sheltered or extra care) of at least 80 units in accordance with other policies within the local plan.

On the same site, the Locality 3 diagram on Page 38 refers to a minimum of 1976 dwellings, of which 1200 will be in the plan period - but with no justification or explanation in the text. Phasing does not appear to have been included in policies.

(Continue on a separate sheet /expand box if necessary)

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Modification requested

To reduce new housing allocations in Green Belt and on greenfield sites to a realistic number and significantly reduce the levels of over-provision shown in the Regulation 19 Publication.

(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 think that these are key issues in the Local Plan and would definitely wish to appear and have the opportunity to speak at the hearing session when these matters are discussed.

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.

Part B – Please use a separate sheet for each representation

Name or Organisation: **CPRE Staffordshire, the countryside charity**

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

Paragraph Policy Policies Map

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 checked="" type="checkbox" value="No"/>
4 (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.

CPRE Representation 3

Housing Densities

The Plan includes a density policy:

Policy HC2: Housing Density Housing developments, including rural exception sites, will achieve a minimum net density of 35 dwellings per net developable hectare in developments within or adjoining Tier 1 settlements, in infill locations within the development boundaries of other settlements in the district or in urban extensions to neighbouring towns and cities. Where it would help to support the delivery of local services and facilities, sites will be encouraged to exceed this minimum density standard where this could be done in a manner consistent with other development plan policies, particularly those relevant to the character of the surrounding area. The net density on a site may go below the minimum density standard set above if to do otherwise would result in significant adverse impacts to the surrounding area's historic environment, settlement pattern or landscape character.

But on the allocated sites the average density is far lower for no reason which is explained in the document. We find this to be surprising.

Average densities of the larger allocated housing sites are generally between 20 and 25 dwellings per hectare on larger sites, rather than the 35dpa quoted in Policy. Looking at the larger sites between pages 192 and 223, both the site area and number of dwellings are quoted and the density assumed can easily be calculated.

This leads to an under-estimation of capacity resulting in the allocation of significantly more land than is necessary or appropriate.

- *We realise that Strategic Sites need to be considered separately as they may include other facilities such as a school and community hub - see our separate representation on this.*
- *We acknowledge that not all sites may not be feasible to achieve 35dph, some may be higher, others lower. See the Council's Strategic Housing & Economic Land Availability Assessment.*

(Continue on a separate sheet /expand box if necessary)

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We think that the number of dwellings assumed in the allocations should be increased.

There may also be a case for indicating maximum numbers of houses on each site.

In our view, the allocations should be reviewed in the light of revised density assumptions.

(Continue on a separate sheet /expand box if necessary)

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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 acknowledge that our representation, with those on housing numbers and windfall assessments, are potentially far-reaching as they result in over-allocation and the unnecessary loss of greenfield and Green Belt land to housing development.

We would like to hear and respond to the Council's views if the Inspector will permit this.

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	Table 8 – last line Page 23	Policy	Spatial Housing Strategy Policy not identified	Policies Map	Not applicable
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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 checked="" type="checkbox"/> No
4 (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.

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CPRE Representation Number 4

Windfalls

South Staffordshire Council defines a windfall site in the plan as –

A site not specifically identified in the planning process, but which unexpectedly becomes available for development during the lifetime of a plan. Most “windfalls” are referred to in a housing context.

The Plan includes an allowance of 600 in Table 8 but does not explain how this has been derived.

The Council’s document:

[Housing Monitoring and Five Year Housing Land Supply 2020 – 2021](#)

reads:

“7. Windfalls

7.1 An analysis of windfall development was undertaken in the SHLAA 2016 paragraphs 5.31 – 5.39. It is clear that South Staffordshire has

consistently delivered windfall sites and that such sites have continued to become available year on year. Between 2010 and 2016 there were approximately 100 gross windfall completions/pa on non residential land.”

It goes on to say:

“It is considered reasonable and pragmatic to assume that a minimum of 30 dwellings each year will come from windfall sites.”

The chart on Page 8 shows windfall rates over a prolonged period, but only to 2018. The reason for the cessation of monitoring since 2018 is not explained.

The paragraph under the chart reads:

7.3 As shown above, during the Council’s current plan period there has been a consistent supply of windfall dwellings which have historically exceeded 100 dwellings per annum in every year of the plan period. As set out in paragraph 5.38 of the 2016 SHLAA10, even if all windfall supply from sites of 10 or more dwellings were excluded from historic windfall trends, there is still a windfall supply significantly above the assumed 30 dwellings per annum allowance purely arising from small sites within the district (e.g. infill plots within villages, prior approval applications for barn conversions).

(Our underlining).

No explanation is given for the assumption of only 30 dpa when there have been over 100 windfalls in every year both before and during the current Local Plan period.

The tables later in the document relate to 2021 to 2022 and show that windfalls are still a significant contributor to housing provision.

The first chart in Appendix 1 relates to large sites with planning permission and shows a total of 606 homes of which 254 are on allocated sites, the remainder (352) are presumed to be windfalls.

The second chart shows large sites under construction and in the first column totals 1397 - of which more than a thousand are windfalls.

The small sites on the following pages are virtually all windfalls and total over 360 (net).

Small sites under construction, on the final pages, total over 140.

We are convinced that on the basis of both ‘Historic’ and ‘Current’ data the windfall allowance is unjustifiably low, a fraction of what is actually happening ‘on the ground’ and results in the unnecessary loss of Green Belt and greenfield sites.

(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.

To substantially increase the windfall allowance in the Plan.

(Continue on a separate sheet /expand box if necessary)

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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:

To contribute to any debate on the issue if this is included in 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.

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 Policy Policies Map

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"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="text" 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 5

Housing Policies and provision for overspill

We are supportive of Policies HC1 to HC5 (inclusive) but wish to ensure that the needs of the overspill authorities are taken into account under the Duty to Co-operate. (We are not suggesting that different standards should be applied.)

Background

The following are extracts taken from [‘The Countryside next door: State of the Green Belt 2021 February 2021’](#).

CPRE, the countryside charity, led the campaign for the creation of the Green Belts. To date, they have been a great success in terms of protecting the countryside near to many of our towns and cities and reducing the damage of urban sprawl to both people and the environment. However, Green Belts continue to be threatened by development, decreasing the ability of this land to provide for nature, reduce the impacts of climate change, and people’s access to green spaces.

Analysis of completed developments

Our analysis continues to show that developments on the Green Belt continue to build executive homes, and not the affordable housing that people need. The vast majority of these are also built on land which was previously greenfield and at very low densities. The unsuitability and inefficiency of these developments is making poor use of this land, and not contributing to solving the housing crisis.

Affordability

We need to build new homes but, more importantly, the new homes that people actually need. Housing that is being built in the Green Belt is not providing the affordable homes communities are crying out for. Table 1 shows that of all the homes that have been developed on greenfield Green Belt since 2015/16, only 10.1% of these have been affordable by the NPPF's definition.

The following are extracts from CPRE's report [Recycling Our Land: State of Brownfield 2021](#).

Extracts

Our plentiful supply of brownfield land – land that has previously been built on – is an opportunity to develop the homes we need, where we need them, without destroying green fields. Harnessing this resource for housing development means that our precious countryside and green spaces can continue to provide crucial services for nature and the climate, as well as for people's health and wellbeing.

Our key findings include:

- Between 2006 and 2017, the proportion of brownfield land being used for residential development has decreased by 38%, whilst the use of greenfield land has increased by 148% in the same period.*
- Brownfield land continues to be perpetually regenerating resource with the current capacity now standing at 1.16 million new homes, an increase of 101,624 or 9.5% since we last reported in 2020. This capacity comes from 21,566 sites on 26,256 hectares.*
- Analysis of sites that have been removed from brownfield land, due to moving to an advanced stage of development, also show a further 150,000 capacity on brownfield for homes, bringing this total to 1.3 million.*
- Brownfield land can be found in high supply in all regions of England, with particular hotspots in the North west (167,461), Yorkshire and the Humber (108,790) and the West midlands (99,600).*
- We identified that there has been a substantial decrease in the proportion of housing units with planning permission, down to 44% from 53% in 2020 and the lowest since registers began*

(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.

Modifications Requested

We remain opposed to the provision of overspill housing for the reasons given in the representations of CPRE West Midlands. However if this is not accepted by the Inspector we would ask that:

1. It be made clear that the policies of the Plan including HC1 to HC5, inclusive, shall apply to the housing for overspill homes as well as for South Staffordshire's population.
2. The element of the affordable housing for overspill should be available to qualifying people from the authorities seeking the overspill provision.
3. In considering more detailed proposals for Strategic Sites, South Staffordshire Council should agree to take into account the expressed needs of the overspill authorities.
4. We would prefer the overspill sites only to be brought forward under the basis of brownfield first, greenfield only if essential. The release of the overspill should be after 2028 and at a controlled rate agreed under the Duty to Co-operate.
5. We request that the overspill numbers should be separated from South Staffordshire's own requirements and that it be made clear that the 5 year supply test in NPPF is only to be applied to the South Staffordshire requirements under the New Standard Method.

(Without this South Staffordshire would be required to demonstrate planning permissions for around 500 dwellings p.a. - roughly twice its existing requirement. It would immediately be penalised for not having the required level of housing supply with planning permission and this would result in yet more permissions being granted on greenfield land in the Green Belt).

(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.

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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:

Only if the Inspector considers that the issue should be part of a hearing session and believes that our attendance would be useful.

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.

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	Part D Paras 6.42 to 6.46	Policy	EC1	Policies Map	Page 240
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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 checked="" type="checkbox"/> No
4 (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.

CPRE Representation Number 6

West Midlands Interchange (E33)

Designation

The West Midlands Interchange was considered to be a National Strategic Infrastructure Project (NSIP) on the basis that it included a rail interchange.

South Staffordshire Council opposed the proposals in the NSIP.

CPRE Staffordshire was closely involved, with others, in the proposals for the West Midlands interchange, including attending and giving evidence at the Examination in Public.

After the Examination and Inspector's Report a Development Regulation Consent was granted by the Secretary of State for Transport with conditions.

The decision on the application for a Development Consent Order (DCO) for the West Midlands Interchange was taken on 4 May 2020. (Details and links are shown in the background section below.)

We are concerned that if the site of the West Midlands Interchange was allocated and removed from Green Belt in the current plan there is a distinct likelihood that the Rail–Road Interchange, the key element put forward to justify its status as an NSIP for the massive development, would not be constructed - but the development would proceed regardless.

We are concerned that if the Green Belt designation is also removed and the whole site is allocated the promoters will repeatedly argue to be allowed to proceed with the next phases of the development (not permitted by the NSIP decision) without the Interchange.

Allocation

As consent is already in place we see no good reason to now allocate the site; instead it could be identified as having consent granted by the Secretary of State, subject to stringent conditions.

Green Belt

The removal of Green Belt Status would be more appropriately considered in future Plan Reviews; providing that the Interchange is completed and further phases are permitted following its construction.

Background

Rail Freight Interchanges: West Midlands Interchange by Four Ashes Limited
Links:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

Planning Inspectorate Notification of Decision Letter

Secretary of State Decision Letter

Development Consent Order as made by the Secretary of State

Examining Authority's Recommendation Report

Post-Examination Submissions

Regulation 31 Notice

(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

We ask that:

1. The Employment Allocation designation is deleted from the Plan and replaced by a site identification designation (or similar) which refers to the Secretary of State's decision and the key importance of early construction off the Rail-Road interchange; which was used to justify the NSIP and DCO.
(Possibly similar to EC10 of the Plan)
2. The current Green Belt designation should not be removed in the current 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, 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 were in attendance and gave evidence before the Examining Authority, Paul Singleton BSc MA MRTPI, and we have particular concerns in relation to the plan approach now proposed by South Staffordshire Council.

If the matters raised (or related issues) are to be heard, we would wish to be there to answer questions and contribute to the discussion.

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.

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	Table Below 5.21 and others- see pages list	Policy	Spatial Strategy SA1,SA2, Sa3, SA4	Policies Map	Page 244 Page 176 Pages 60 to 76
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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 7

Strategic Master Plan Locations

This representation has two key elements:

1. It appears that the Council is seeking an excessive area of land for new housing development in the Strategic Masterplan Locations.
2. The plan does not provide all relevant information for the proper consideration of the proposals in the Strategic Masterplan Locations.

Areas and density

- The gross site areas shown are at unduly low densities for new housing.
- No detail is given of net areas for new housing and their assumed densities.
- No maximum number of dwellings is indicated.

- No indication is given for land requirements for the other uses referred to in the Plan regarding the Strategic Master Plan Locations.

Relevant information currently omitted

- No detail is given for the areas required for other uses on the site, including community hubs – nor what is to be included in the hub, for example dentists and doctors’ surgeries and other forms of health provision, as well as community rooms and childcare facilities.
- No detail is given of infrastructure needs such as new highways and off-site requirements for improvement, or whether drainage /sewerage and adequate water reclamation facilities are available.
- Information is lacking on the area of playing fields to be provided on site and whether associated facilities such as changing rooms, lighting and hard courts are to be provided as part of the development.
- No information is provided on funding, phasing or thresholds for provision of facilities and services

Land at Cross Green

Land at Cross Green - Extracts from the Plan (our underlining for emphasis)

6.12 A strategic site has been identified just north of the Black Country’s urban area at Cross Green, reflecting the area’s proximity to employment opportunities and the Black Country urban area as well as the potential for the longer-term delivery of a railbased parkway station to be supported by development in this location. Policy SA2 and the Vision and Objectives for the site aim to respond to the site’s context and key requirements to ensure a high quality, sustainable new village is created.

Well Served and Thriving

- The provision of a new neighbourhood centre will be provided centrally to the development to accommodate relevant facilities/services for the new settlement and existing nearby communities to include local retail, flexible community space and local employment.
- Provide new residents with excellent active travel links to key strategic employment sites (ROF Featherstone, I54)
- A new primary school will also be provided at the heart of the development to ensure it is accessible by all.
- The new neighbourhood centre will form a positive relationship with the new rail station in respect of mutual services, amenities and parking.

In addition, the council will continue to work with partners to seek opportunities to deliver a rail-based parkway on land safeguarded for this use through the Land at Cross Green development

- Described as ‘employment led growth’.
- Reference is made to the area being treated as a high quality, sustainable new village and, elsewhere, as a new settlement.
- The plans show two sites separated, Site 646a and Site 646b with Green Belt between them (See Inset Plan 51)
- The concept plan shows a single development with a “development area or sports pitches” in the Green Belt between the two strategic sites.
- Housing, a school, a Community Hub, a Parkway Rail Station and carpark are shown in the southerly area. No neighbourhood centre is shown. With the exception of the primary school, no indication of land requirements has been given.
- No indication is given in relation to what is to be included in the community hub, for example a GP or dental surgery, nursery, or a community centre, or how it will be funded.
- It is implied that the two sites are to be linked. The total area of the two sites is given as 54.3 ha. (the hectarages of the two areas are not quoted separately).
- At the Council’s minimum density of 35 dph and the number of dwelling quoted of 1200 the housing development area of 34.3ha would be required. This leaves an area for other uses of 20ha.
- The proposal includes a primary school, but a three-tier system operates in this area of Staffordshire. This leaves the question of where secondary age children would be educated - the closest schools in Wolverhampton, or bussed to more distant schools in Staffordshire such as Codsall or Penkridge? Staffordshire operates a three-tier system in this area (first school, middle school, upper school), whereas Woverhampton uses two tiers (primary and secondary schools).
- Under the Duty to Co-operate, have the Education Authorities in Wolverhampton and Staffordshire agreed education provision and funding with South Staffordshire Council?
- Significant areas for “development areas or sports pitches” are shown on the Concept Plan but no explanation is given. Why?
- There is a conflict inherent in the Neighbourhood Centre provided ‘centrally’ and the new rail station - which is far from a central location.
- Only Site 646b has a frontage to the A449 - which is dual carriageway with an unbroken central reservation.
- Site 646a takes access from Old Stafford Road New Road and Dark Lane. Access would be considered to be seriously unsatisfactory. Has the Highways Authority been consulted and, if so what has been said?
- Both sites are shown with access to Brinsford Lane.
- A new station and a 500-space carpark is proposed in the plan but we have found no evidence of Network Rail agreement to a new station on this part of the West Coast Main Line, no feasibility or viability assessments seem to have been carried out - or other relevant information such as who is to pay for car park, the station and associated facilities.
- It is unclear how the station will be ‘supported’ by the development.

- No indication is given of how the settlement is to be served by public transport (buses).
- It is particularly unclear whether the new road crossing the railway shown on Page 176 and in the Concept Plan is a proposal of the plan and whether this is a requirement to be provided and funded by the housing development, the station development or 'another'; such as the major employment proposal to the east of the railway. How has the Duty to Cooperate been met in relation to this proposal?

Land at Linthouse Lane

Site 486c Capacity quoted 1976 dwellings Area 94.1ha

- At the Council's minimum density of 35dph the area required for housing development would be 56ha.
- Proposal is described as housing-led mixed use.
- New park shown in Green Belt to the north-east of the site described as green infrastructure.
- Feels more like a new suburb rather than a new village, although the number of houses envisaged is more than 50% greater than at Cross Green and it would have a population of more than 4000.
- Concept plan shows a school, community hub and central green space
- The proposal includes a school but in this area of Staffordshire a three-tier system operates. Where are secondary age children to be educated - the closest schools in Wolverhampton or bussed to more distant schools in Staffordshire such as Cheslyn Hay, Codsall or Penkridge? In this case it makes more sense for secondary age children to go to school in Wolverhampton.
- Under the Duty to Co-operate, have the education authorities in Wolverhampton and Staffordshire agreed education provision and funding with the South Staffordshire Council?

Land at Penkridge

Sites 420, 584 and 010 Capacity quoted 1129 dwellings Area 51ha

- At the Council's minimum density of 35dph the area required for housing development would be 32.3ha.
- Includes school, Community Hub and area of green space and a large 'Potential development area or location for sports pitches'.
- Use described as housing-led mixed use.

East of Bilbrook

Site 519 Capacity quoted 848 dwellings, area 39.6ha.

- At the Council's minimum density of 35dph the area required for housing development would be 24.2ha.

- Includes school, Community Hub and Central Green Space.

(Continue on a separate sheet /expand box if necessary)

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Modifications.

1. Re-think the Strategic Master Plan Locations.
2. Justify removal from Green Belt, at this stage.
3. Provide adequate information on hectarage for housing and other uses.
4. Give target net densities for housing.
5. Provide the missing detail of the proposals.
6. Give evidence of meeting the Duty to Co-operate on relevant issues.
7. Indicate proposed phasing, thresholds and funding of all elements of the proposals.

Each of these would help to test soundness and to make the proposals in the plan clearer.

Additional for Cross Green

Indicate how the northern part of the site (646a) is to be linked to the southern area (646b) as the two are separated by a wide Green Belt 'gap' and are not contiguous anywhere.

Indicate how access for the northern site is to be gained to and from the A449.

Clarify the status of the new station and car park, including whether a similar status is to be given in the plan to land to the east of the West Coast Main Line for a southbound platform.

Clarify the status of the proposed road across the West Coast Main Line and its funding.*

* Since writing this representation we have found that outline planning permission [20/01131/OUT](#) has been given for an employment site to the east of the railway which shows a major link road across the strategic site and a new roundabout junction to the A449 to the west of the Strategic Housing Allocation.

The application is for

- i. Full proposals for a new access road from the A449 to a proposed roundabout on Cat and Kittens Lane and site accesses to land either side of this road, internal site roads, along with drainage infrastructure and landscaping; and
- ii. Outline proposals for the employment uses (E, B2 and B8) with floorspace up to 158,121 sq.m. G.I.A., support hub uses (E and sui generis) with floorspace up to 511 sq.m. GIA, proposed buildings with ridge heights ranging between 6m and 24.5m, parking, drainage infrastructure and strategic landscaping. All other matters are reserved.

The decision was amended in November 2022.

The Outline Planning Permission site is larger than the Regulation 19 Publication allocation Site Reference E18 on Page 237.

We consider that this is of direct relevance to consideration of the two strategic sites identified at Cross Green.

(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:

To hear the LPA response and participate in any Inspector-led discussion.

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.

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	Table 8 Page 33 Locality 1 Para 5.28 Page 33	Policy	DS5	Policies Map	Urban Extensions to Neighbouring Towns and Cities South of Stafford. Page 222 Site ref 036c
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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 checked="" type="checkbox"/> No
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/> 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 8

Site described in the Plan as:

South of Stafford at Land at Weeping Cross (Penkridge North East and Acton Trussell Ward) (A34 corridor)

and also as;-

Land at Weeping Cross (adjoining Stafford Borough boundary)

The proposed allocation of the site for housing

This is the first of two representations relating to the site, the first raised Duty to Co-operate issues - they should be read together.

The site is a greenfield site in agricultural use.

The site abuts the boundary of Stafford Borough Council (SBC).

Stafford Borough Council has made over-generous provision for additional housing to meet the needs of South Staffordshire (see Paragraph 6.12 of the Adopted Stafford Borough Local Plan 2011 – 2031).

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.

(Our underlining).

It was agreed with South Staffordshire Council that the town of Stafford would not be extended southward (see Paragraph 3.12 of the Adopted Stafford Borough Local Plan 2011 – 2031).

Extract from Paragraph 3.12

Furthermore, land south of Stafford was identified as a cross border issue to be considered by Stafford Borough Council and South Staffordshire District Council when preparing their new Plans. The West Midlands RSS review process stated that "Dependent upon the outcome of local studies, some of

the Stafford town allocation could be made, adjacent to the settlement, in South Staffordshire District.” Both Councils have been in dialogue concerning future development south of Stafford and a number of evidence based studies have been carried out as well as meetings with relevant landowners and developers. The Plan for Stafford Borough is based on the clear conclusion that development in this location is both less practical and less sustainable than at other locations around Stafford town, and it is therefore not proposed to identify significant development south of Stafford in the new Plan.

(Our underlining)

<https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/Planning%20Policy/Plan%20for%20Stafford%20Borough/PFSB-Adoption.pdf>

Stafford Borough Council is significantly exceeding its housing targets of 500dpa (now averaging over 600dpa) and is providing both for its own needs and for adjacent District Councils such as South Staffordshire, as shown on [SBC's Land for New Homes – The Housing Monitor 2022](#).

3.3. Assessment against the Local Plan. The NPPF has placed a renewed emphasis on Local Authorities setting their own housing targets, using robust and the most up to date evidence to determine their local housing requirements. The Plan for Stafford Borough (adopted June 2014) sets the local housing requirement at 10,000 dwellings (2011-2031), with an annual requirement of 500 dwellings per annum. Table 2 shows how this compares with the rate required for the whole plan period and the actual annual coverage.

Table 2 - Completion Rates Plan Period
Completion Rate (Number of Dwellings per Year)
Annual Target (2011 - 2031) 500
Annual Completion Average (2011 - 2022) 609
Cumulative Completions (2011 - 2022) 6,702
Remaining Balance (2022 - 2031) 3,298

A southern extension of the town is clearly wholly inappropriate and unnecessary.

In its Regulation 19 Local Plan South Staffordshire refers to the site in its category of 'Urban Extensions to Neighbouring Towns and Cities'. It is the only case involving an extension to a town adjoining South Staffordshire and the only instance where the neighbouring authority neither wants nor needs the site allocating for development.

We fail to see the reasoning for the allocation bearing in mind that:

- The site has previously been refused planning permission (the subsequent appeal was withdrawn before the Informal Hearing)
- The site does not serve the needs of South Staffordshire, as described in the Plan, nor would it serve the needs of the Black Country authorities.

- South Staffordshire is demonstrably over-allocating for its own needs (with no justification - see our precious detailed representations on housing numbers, windfalls and densities.
- This, and other, greenfield sites are simply not needed.
- No tenable reason has been demonstrated to justify the site's allocation for housing.

(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.

We have failed to find any justification for the inclusion of this site as a Housing Allocation and we request its **Deletion from the Plan**.

In this case we do not consider that any modification, other than deletion, would 'make sound' this element of the Plan.

Note: given the site's close relationship to the town of Stafford we would ask that, if representations are to be heard in the Examination in Public, this element should be heard in a session open to the public to attend in Stafford itself especially as it is difficult for Stafford residents to reach Codsall by public transport.

(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 and the first representation relating to this site raise both Duty to Co-operate and Site Selection and Allocation Issues. If the site, and the issues it raises, are to be considered at a hearing session we would suggest that our participation would be appropriate.

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.

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	Table 8 Page 33 Locality 1 Para 5.28 Page 33	Policy	DS5	Policies Map	Urban Extensions to Neighbouring Towns and Cities South of Stafford. Page 222 Site ref 036c
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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 checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" 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.

CPRE Representation Number 9

Site described in the Plan as:

South of Stafford at Land at Weeping Cross (Penkridge North East and Acton Trussell Ward) (A34 corridor)

and

Land at Weeping Cross (adjoining Stafford Borough boundary)

This is the second of two representations relating to the site. The first raises Housing Allocation issues – ideally, they should be read together.

Duty to Co-operate

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, including at the Preferred Options stage. We would wish to have sight of the

correspondence with Stafford Borough Council to demonstrate that the Duty to Cooperate has been met.

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

In the current [Adopted Local Plan for Stafford Borough 2011 to 2031](#) the following paragraph is included:

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 we have failed to find it) to demonstrate that the Duty to Co-operate has been met in this case.

Stafford Borough Council said 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 cooperated with the 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 apparent failure to meet the Duty to Co-operate is so material as to justify the plan being found to be unsound.

We are aware of and have read the [Duty to Co-operate Topic Paper](#), prepared by South Staffordshire Council, which 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 the Duty to Consult but we have not found the relevant evidence/information published in a publicly accessible form and place.

(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 of their decision.

(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 and the second representation relating to this site raise both Duty to Co-operate and Site Selection and Allocation Issues. If the site, and/or the issues that it raises, are to be considered at a hearing session we would suggest that our participation would be appropriate.

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.

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"/> No
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/> 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.