

	<p>Local Plan Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2018 - 2039**

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

This form has two parts –
 Part A – Personal Details: need only be completed once.
 Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	Mr	Title	Mr
First Name	Alastair	First Name	Paul
Last Name	Stewart	Last Name	Hill
Job Title (where relevant)	Planning Manager	Job Title (where relevant)	Senior Director - Planning
Organisation (where relevant)	Persimmon Homes WM	Organisation (where relevant)	RPS
Address Line 1		Address Line 1	4 th Floor 1 Newhall St
Line 2		Line 2	Birmingham
Line 3		Line 3	
Line 4		Line 4	
Post Code		Post Code	B3 3NH
Telephone Number		Telephone Number	0121 622 8520
E-mail Address (where relevant)		E-mail Address (where relevant)	Paul.hill@rpsgroup.com



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 Policy Policies Map

4. Do you consider the Local Plan is :

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

The **Duty to Cooperate** (DTC) is a statutory duty for all Local Planning Authorities (LPAs), introduced in November 2011 through Section 110 of the Localism Act 2011, which established a DTC in relation to the planning of sustainable development. This is recognised in paragraph 1.1 of the Duty to Cooperate Paper (DTCTP), dated November 2022. The duty requires an active, ongoing and constructive approach to addressing strategic matters relevant to the SSLP.

Cooperation is seen as an integral part of Local Plan preparation and should result in clear planning policy outcomes capable of being demonstrated through the examination process. Notably, Planning Practice Guidance¹ recognises that it is too late at the examination stage to seek to retrospectively rectify any deficiencies identified in relation to the legal compliance part of the independent examination, which covers matters relating to the duty. Therefore, in order to reduce the risk of non-compliance with the duty, it is important that the Council provide a clear and up to date position at each stage in the plan-making process regarding progress made on dealing with strategic matters, most notably the identified housing shortfall across the wider-GBBCHMA.

¹ Paragraph: 031 Reference ID: 61-031-20190315 Revision date: 15 03 2019



Demonstrating effective cooperation

As highlighted in the POD (at paragraph 4.1 of the DTCTP paper), paragraph 27 of the National Planning Policy Framework make clear that in order to demonstrate effective and on-going joint working:

"...strategic policy-making 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." (RPS emphasis)

The Council does, at least, recognise the significance of preparing Statements of Common Ground (SOCG), stating at paragraph 3.7 of the SSLP:

"Agreement through Statements of Common Ground are now a necessity and will document the cross-boundary matters that need to be addressed and what progress has been made in dealing with them." (RPS emphasis)

The Council now points to a Statement of Common Ground prepared by the GBHMA Development Need Group, which is provided at Appendix B of the DTCTP, as part of the evidence they rely on to demonstrate compliance with the Duty. However, the SOCG does not confirm that any local authority member of the GBBCHMA as being signatories to the SOCG in its current form.

Of particular note, section 6 of the draft SOCG also highlights a number of outstanding matters that are fundamental to addressing the wider housing needs of the GBBCHMA, as follows:

- No agreed approach to accommodating the shortfall across the GBBCHMA
- No current agreed position on the scale of the shortfall to be planned for post-2031
- No consistency on the relative weight given to the Strategic Growth Study

Given that all local plans moving forward (either recently adopted or under review) will be planning beyond 2031, the lack of an agreed position on how the unmet need will be accommodated within the HMA and the scale of the shortfall post-2031 is a significant failing in the process of cooperation across the HMA to date. This appears, in part, to be because constituent HMA authorities are placing varying degrees of weight, and thus reliance on, the Strategic Growth Study prepared in 2018. Furthermore, paragraph 7.2 of the DTCTP points to the need for an 'urgent review' of the current evidence base, including the SGS. However, there is no timetable for when this evidence base will commence or be completed. This represents a clear and obvious delay in the process of addressing the unmet needs of the HMA with no clarity on when this is likely to be concluded. This demonstrates that meaningful progress is not being made on addressing this strategic matter, and which is further undermined given the lack of signatories to the draft SOCG.

In addition, paragraph 7.4 of the DTCTP suggests that additional Strategic Growth Locations may be needed to meet any 'residual unmet need' (whatever this is, given



the lack of certainty highlighted above). This ignores the fact that other locations may be suitable to address any emerging shortfall, notably sites located on the edge of settlements in close proximity to where the unmet need arises from. The DTCTP is seeking to establish an approach which risks excluding other reasonable alternatives, contrary to the soundness tests in national policy (NPPF, paragraph 35).

The scope of this work will also depend on the review of the SGS. This will inevitably add further delays to the process, which in our view is unnecessary and unwarranted. In this context, one of the criteria at paragraph 7.4 to be applied in preparing this work includes the *'degree to which different growth distributions align with functional relationships between shortfall authorities and the surrounding area'*. One such functional relationship, as highlighted in separate submissions, is the relationship between South Staffordshire and the Black Country (in particular, between South Staffs and Wolverhampton). Therefore, in order to reduce the delays, and to reflect the stage the SSLP has now reached, a more timely, pragmatic, and effective approach would be to focus the search for additional sites to address the unmet need on those settlements in the South Staffordshire that are well-located in relation to where the unmet need arises from, and which are locations where development would be consistent with the spatial development strategy. This includes Featherstone, which is well-located close to Wolverhampton. The Land east of Brookhouse Lane, Featherstone represents an obvious option that can assist in resolving the issues highlighted here.

Consequently, without clarity on the veracity of the evidence base relied upon to underpin cooperation to date, or whether relevant parties to the SOCG are in agreement (or where agreement has not been reached on specific issues) it is unclear what the status of this 'draft SOCG' actually is or what definitive progress has been made towards addressing the strategic matters as required under the Duty legislation, notably how the unmet needs of the GBBCHMA will be met. On this basis, given that no substantive progress or agreements have been made, RPS does not consider that the Duty has been met at this time.

(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.



(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

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:

RPS has raised specific issues and concerns through this representation that goes to the soundness of the SSLP and it is essential these concerns and the councils evidence is fully tested.

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 <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

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