



Local Plan  
Publication Stage  
Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this  
representation relates:

South Staffordshire Council  
Local Plan 2023 - 2041

Please return to South Staffordshire Council by 12 noon Friday 31 May 2024

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation  
you wish to make.

1. Personal  
Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if  
applicable)*

*boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if  
applicable)

Title Ms

First Name Sarah

Last Name Burgess

Job Title Office & Publicity Manager

Organisation CPRE Staffordshire

Address Line 1 Eastgate House

Line 2 Eastgate Street

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Line 4 Stafford

Post Code ST16 2LG

Telephone Number 01785 278230

E-mail Address protect@cprestaffordshire.org.uk



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	7.1 to 7.15	Policy	HC1 to HC5	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 type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRE Staffordshire Representation 1

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 Countryside Next Door: State of the Green Belt 2021. The full document is available here.

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 Recycling our land: State of Brownfield 2021 November 2021. Full document [here](#).**

**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 account for 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 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.**

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:

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	Section 5 From para 5.8 including Table 7 and Table 8	Policy	DS4 DS5	Policies Map	
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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	<b>No</b>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<b>No</b>

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 3**

**Housing Numbers**

Background

**Authority Monitoring Report 2022**

["6.0 Residential Monitoring Housing Requirement and Completions](#)

6.1 The council has a housing requirement in the adopted Core Strategy of 3,850 net dwellings for the plan period 2006 – 2028 (or 175 dwellings per annum). However, as this housing requirement is older than 5 years since adoption, the authority’s local housing need figure is calculated using the government’s nationally set standard methodology. For South Staffordshire, this currently calculates a local housing need figure of 241 dwellings per annum.

6.2 Between April 2018 and March 2022, there were a total of 1,278 net completions in the district. During 2021/22, there were 530 net completions alone. Overall, since 2018, there has been a total of 1,278 net dwellings completed; this indicates an oversupply of 22% when compared to the annualised standard methodology requirements year-on-year (which has superseded the Core Strategy target of 175 per annum). Across the plan period (2012 – 2022), the authority has regularly exceeded its housing requirement, and it is therefore

considered that the delivery mechanisms in both the Core Strategy and SAD have delivered and continue to do so.”

**Regulation 19 document 2024**  
**The housing target**

“5.21 The outcome of this site assessment process confirmed that there were suitable sites available to deliver the spatial strategy (spatial option I). The capacity of these sites is sufficient to meet our own need plus a proportionate 640 dwelling contribution towards unmet needs of the GBBCHMA. The specific elements of the housing target are set out below:

South Staffordshire’s own housing need using the government’s standard method (2023-2041) 4086

Additional housing to contribute towards the unmet needs of the GBBCHMA (2023-2041) 640

Total number of dwellings to be planned for 4726  
(Table 7: Housing Target)”

We have added the proposed housing totals in the Regulation 19 document  
“Table 8: How housing growth will be distributed across the district”

Our totals were:

Existing permissions 1476

Safeguarded land 1604

New Allocations 1925

**Total 5005**

**This total is 919 dwellings in excess of the Council’s own local need** (5005 – 4086)

**Allowing for an additional 640 for the needs of GBBCHMA the excess would be 279.**

The Regulation 19 document states in paragraph 5.23:

“In total, this distribution of growth exceeds the minimum amount of land release required to meet the district’s 4726 dwellings housing target. This will help the plan to meet the national policy requirement to respond to changing circumstances in the plan period and demonstrate plan flexibility. The housing numbers for each village/broad location are influenced by the capacity of sites considered suitable for allocation, as determined through the housing site assessment topic paper.”

As the Council has made clear in its Housing Monitoring Report quoted above in this representation it has a history of over-supply and has regularly exceeded its housing requirement.

We have noted that the allocations are stated to be the minimum for each site.

We see no justification for the level of allocations proposed.

See also our separate representations on:

- **Windfalls**, which we consider are underestimated.
- **Housing Densities**, which in policy terms are reasonable - but are apparently not being applied to proposed allocation sites.
- **CPRE Staffordshire Representation 7** the provision being made in Stafford Borough to meet the housing needs of South Staffordshire.



- The issues surrounding the housing provision to meet the needs of the Black Country authorities.

We consider that, in combination, the overprovision for housing makes the plan unsound.

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

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**Modification requested**

To reduce new housing allocations to decrease the levels of over-provision found in the Regulation 19 Publication.

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

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**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**

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"/>
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 Staffordshire Representation 3**

**Windfalls**

South Staffordshire Council defines a windfall site in the plan as follows:

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 calculated.

The Council’s document [Housing Monitoring and Five Year Housing Land Supply 2020 – 2021](#) states:

*"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 1,397, of which more than 1,000 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)

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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**

**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.

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**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="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="No"/>
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**CPRE Staffordshire Representation 4**

**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.

However, on the allocated sites the average density is far lower, which is not 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 the Policy. For the larger sites shown on pages 192 and 223, both the site area and



number of dwellings is quoted; the assumed density can thus 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 it may not be feasible to achieve 35dph on all sites. Some may be higher or 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**

**Yes**, I wish to participate in hearing session(s)

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We acknowledge that our representations, 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 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	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 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

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**CPRE Staffordshire Representation 5**

**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, and attended and gave 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 they should 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 and the Interchange is completed and further phases are permitted following the construction of the Interchange.

#### 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)

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#### **Modification**

We ask that:

1. The Employment Allocation designation should be 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 the early construction of the Rail-Road interchange; this 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)

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**Yes**

**Yes**, I wish to participate in hearing session(s)

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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 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 discussion.



## South Staffordshire Council

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**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" value="No"/>
(3) Complies with the Duty to co-operate	Yes	<input type="text"/>	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 Staffordshire Representation 6**

**Duty to Cooperate**

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

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

**The Stafford case**

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

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



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

*6.12 It should be noted that the household projection figure is made up of 'local need' (i.e. natural change: the balance of births over deaths and reduction in average household size) and 'in-migration' elements, with the split for Stafford Borough being approximately 30% local need and 70% in-migration mainly from surrounding areas, the majority being from Cannock Chase District, South Staffordshire District and the City of Stoke-on-Trent. The Government, through the NPPF, has stated that local authorities should provide for the locally assessed requirements of their area. Pressures for continued in-migration are likely to remain from neighbouring areas in the short to medium term. In light of meeting objectively assessed needs it is sensible to plan for these, not least because it is consistent with the growth aspirations for Stafford town, and its developing sub-regional role, as set out in the Spatial Vision and Key Objectives earlier. This approach has also been supported by neighbouring local authorities through Duty to Co-operate cross-border meetings on the Plan for Stafford Borough: Strategic Policy Choices document.*

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

### **Underlying Issue**

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

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

The duty:

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

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

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

Stafford Borough Council stated at the Preferred Options Stage:

"Nevertheless, significant concerns are raised regarding the urban



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

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

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

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

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

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

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

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

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

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

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. **(Please note that non-compliance with the duty to co-operate is incapable of modification at examination).** You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

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



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

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**

I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.



Continue on a separate sheet /expand box if necessary)





**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 Staffordshire Representation 7

### 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 second of two representations relating to the site. The first raised Duty to Co-operate issues, and 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 "Dependant 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 in 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 allocated 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, particularly 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**

**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:

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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:

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="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox" value="No"/>
(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 8**

Proposed Employment Allocation at Dunston

The site is not allocated for development in the current Statutory Development Plan Adopted by the relevant Local Planning Authority, South Staffordshire District Council.

This is a 'brand new' site; it was apparently not considered for inclusion in the December 2022 Regulation 19 Plan.

It is a significant and highly visible site of 17.6 hectares.

The site is entirely greenfield, in agricultural use.

The [National Planning Policy Framework](#) (NPPF) December 2023 states:

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The land comprising the proposed allocation is in the best and most productive

agricultural land classification as defined by the NPPF and other documents.

This is not a recent addition to the NPPF. The emphasis on protecting the best and most versatile land is a longstanding commitment of the Government (see for example the [Guide to assessing development proposals on agricultural land](#), updated 5 February 2021).

The proposed allocation is close to the boundary with Stafford Borough. The county town of Stafford lies to the north-east of the site. We have not seen any information meeting the Duty to Cooperate with Stafford Borough Council in relation to the proposed allocation at Dunston.

The Regulation 19 document states:

"Employment

6.43 Employment land should be identified to meet the needs of all employment uses; offices, research and development, light/general industrial, and storage/distribution. The level of employment sites and premises required to meet South Staffordshire requirements over the plan period was calculated in **the council's Economic Development Needs Assessment (EDNA) update 2024, which identified an objectively assessed need for employment land for South Staffordshire over the period 2023- 2041 of 62.4ha.**

6.44 **As confirmed through the EDNA update, the pipeline supply of employment land over the plan period is sufficient to meet South Staffordshire's needs as well as provide surplus available to contribute towards cross boundary unmet needs.** The district's main employment areas are set out in Table 9 below which details and the amount of employment land available (in hectares gross) for the period 2023-2041 on a site specific basis (excluding supply from smaller windfall developments). This includes South Staffordshire Council Local Plan Review – Publication Plan"

The total hectareage of the final column of Table 9: "South Staffordshire Employment stock (district's main employment areas)" for "the Available Land for Employment Development 2023-2041 - site areas (Ha)" in the Council's calculation, including the Dunston site, is quoted as comes to a massive 399.7ha.

Hubnock Road Essington is excluded from this total; the Council comments "\*\*\*This land has benefited from a certificate of lawful use for B2 use for over 10 years , however is in the Green Belt and therefore as a precautionary measure is not included in the supply total."

When the Dunston site is deleted it still would give a total of 382.1 ha (399.7ha minus 17.6 ha) - against a requirement in the Council's latest EDNA update of 62.5 ha.

We have failed to find any tenable justification for the newly proposed Dunston allocation, which raises fundamental issues of soundness.

**Notes:**

1. We have focussed only on key policy issues in relation to this application. There are other matters that are also relevant, and we are aware that there are representations of objection raising additional issues.
2. We have recently been informed by local residents that South Staffordshire Council is currently considering a planning application for the development of



the proposed allocation. This was received on 22 December 2023 and registered on 14 February 2024, i.e. prior to the publication of the Regulation 19 document.

Reference 23/01080/OUTMEI

Address Land At J13 Of The M6 Stafford Dunston

Description Outline planning application for employment development. Works to include site clearance / remediation works and engineering works to create a development platform and screening mounds; the construction of employment floorspace (Use Class B2, B8 and ancillary E(g)(i)); the creation of an internal transport network with connections to the surrounding highway, cycle and pedestrian network (including 1no. vehicular junction onto the A449); landscape planting; creation of green infrastructure comprising open space and amenity space; the stopping up / diversion of existing public rights of way, and the creation of new routes; and supporting utilities infrastructure including a sustainable drainage system. Details of the vehicular access point is submitted for approval. All other matters are reserved for future determination.

3. We very much hope that the Council will not be prepared to consider the granting of planning permission in advance of the publication of the Inspector's Report following the Examination in Public of the Regulation 19 Plan.

4. We have not yet seen details and dates of the discussions and correspondence preceding both the application and the subsequent Regulation 19 proposal for the Dunston site the application between South Staffordshire Council officers/councillors and the land owner, site promoters and their agents. These may be material considerations relevant to the Examination.

Disclosure of these discussions and all notes of telephone conversations emails, meetings, letters and agreements reached are requested to be added to the published Document Library within two months of the closure of the Regulation 19 consultation. If a commitment is not given to make disclosure freely a Freedom of Information Request may be made to seek this information in advance of the Examination and the outcome disclosed in public.

(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.

That the Inspector, in the final report following the Examination in Public, includes a Main Modification requiring the **Deletion of the proposed allocation in its entirety.**





(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:

This proposal raises fundamental issues of both Duty to Comply and Soundness which it is considered should be discussed at the Examination in Public rather than only in writing - with the Inspector having the opportunity to question in open session the Council and representees and also to consider asking the Council any relevant questions which representees have suggested in writing to the Programme Officer at least three working days in advance of the date programmed to consider the proposal at Dunston village.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.**

**Data Protection**

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at [Data Protection \(Strategic Planning\) | South Staffordshire District Council \(sstaffs.gov.uk\)](#)

**Please return the form via email to [localplans@sstaffs.gov.uk](mailto:localplans@sstaffs.gov.uk) or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX**