

South Staffordshire Local Plan Review

Response to Inspector's Matters Issues and Questions (MIQs) on behalf of Clowes Developments

Representor ID: AGT24-037-02

Matter 2: Duty to Co-operate

Issue 1: Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan.

3. Has any neighbouring authority or prescribed body indicated that the duty to cooperate has not been complied with in relation to any strategic matter? If so, what was the Council's response?

In their Regulation 19 responses, most of the Local Planning Authorities (LPA's) consider the Duty to Cooperate has been met, despite not having agreed how the shortfall should be distributed. We do not support this position.

No agreement is in place to proportion the significant shortfall across the HMA and without a Memorandum of Understanding in place, South Staffordshire District Council ('SSDC') has not sufficiently evidenced how their contribution is proportionate and how it will help address the shortfall. Without this, the Duty to Cooperate has not been addressed.

It is also worth noting that SSDC were previously vocal in their objection to plans being produced by other GBBCHMA Authorities (e.g. Solihull Metropolitan Borough Council and Lichfield District Council) where they were only proposing a minimal contribution. It is telling that these LPAs were contributing more than SSDC are now proposing.

5. In terms of migration, commuting, travel to work and housing markets:

a. What are the inter-relationships with neighbouring authority areas?

b. How have these been taken into account in preparing the Local Plan?

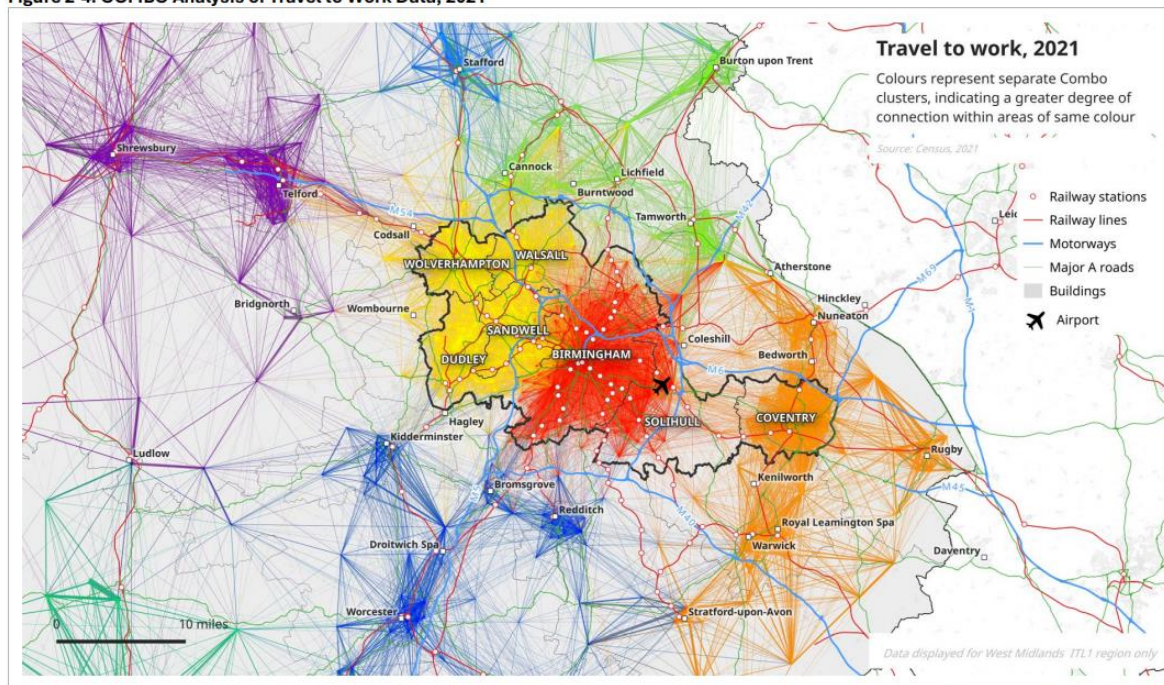
The evidence suggests a strong migration link between South Staffordshire and the Black Country. South Staffordshire have been made aware of this within a response to the first Regulation 19 consultation of the Local Plan review in 2022. Wolverhampton stated in their consultation response that: ***"Analysis of migration patterns over the period 2002-2019 between South Staffordshire and the Black Country / Birmingham shows that Wolverhampton accounts for 37% of net inflows, Walsall 25%, Birmingham 3%, Sandwell 11% and Dudley 24%."*** This demonstrates a strong migratory link between South Staffordshire and wider HMA, particularly the Black Country.

Functionally, South Staffordshire is connected by its proximity and key connections such as the M54 and M5 motorways and the Shrewsbury to Birmingham railway line which makes it a highly accessible District. We also consider a functional relationship exists in the form of the Dudley Travel to Work Area (TTWA). Clowes Development's site at Lawnswood Road, South Staffordshire is located within the Dudley Travel to Work area, along with areas of the Black Country including Stourbridge, Kingswinford and Brierley Hill.

TTWAs have been developed by ONS to provide approximate self-contained labour market areas. These are the areas where most people both live and work. They are based on statistical analysis rather than administrative boundaries. We consider that such measures should also be used when determining the weight given to functional relationships with other Local Authorities. As noted within the PPG, functional relationships should be considered when determining the geographical area of statements of common ground (SoCG) produced in respect of Duty to Cooperate (Paragraph: 015 Reference ID: 61-015-20190315).

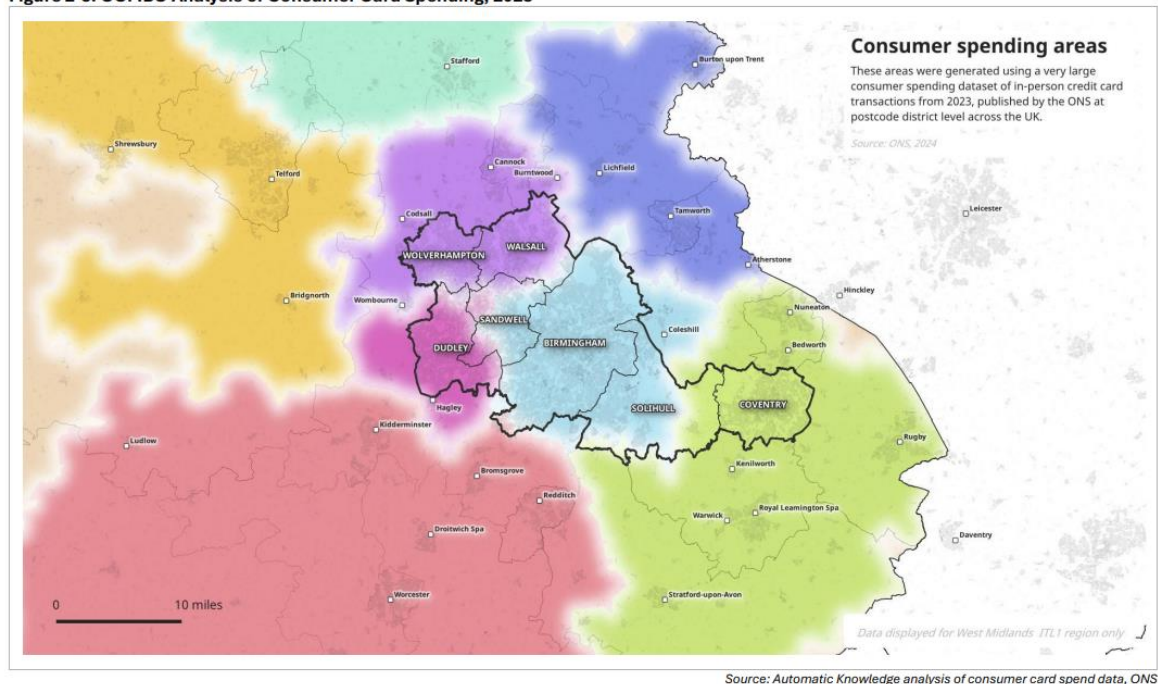
This is further evidenced within a document entitled “West Midlands Futures: Economic Geographies of the West Midlands” produced by West Midlands Combined Authority (see appendix 1), which sets out that in respect of its analysis of Travel to Work data from the 2021 Census data that areas within South Staffordshire and the Black Country are shown within the same “combo area”. Such areas are coloured as to indicate a greater degree of connection, as shown below:

Figure 2-4: COMBO Analysis of Travel to Work Data, 2021



This pattern is also reflective in data related to consumer card spending, which shows clearly the linkage between the South part of South Staffordshire and Dudley in this regard, potentially suggesting a linkage of people using shops and services within Dudley Borough in this part of South Staffordshire, as shown by the below plan:

Figure 2-5: COMBO Analysis of Consumer Card Spending, 2023



Such evidence should be taken into account when considering the Council's requirement to cooperate with neighbours. This clear evidence of a strong functional relationship undermines the justification for the approach currently taken to Duty to Cooperate.

8. Are the co-operation activities and outcomes sufficiently evidenced? Have all relevant signed and dated Statements of Common Ground been provided, consistent with the requirements of the National Planning Policy Framework and the associated Planning Practice Guidance? If not, why?

The Duty to Cooperate Topic Paper 2024 is supplemented by a range of SoCGs between SSDC and other HMA authorities. The PPG expects authorities to produce a single SoCG where possible (Reference ID: 61-013-20190315).

We consider that in order to demonstrate on-going and effective joint working with the HMA authorities, that a single SoCG with all authorities should be produced to set out the agreed distribution of the housing shortfall across the HMA that takes into account latest evidence which points to a significantly increased shortfall.

There is an emphasis on South Staffordshire to seek agreements with its neighbours to ensure that the unmet need is met by its neighbours with functional and or administrative links. This is required to ensure legal compliance with Section 110 of the Localism Act (2011) and with Planning and Compulsory Purchase Act 2004 soundness against paragraph 35 of the NPPF in respect of being positively prepared, effective and justified.

Although SoCGs are available on the Council's website, we question why there is no evidence of such SoCGs being drafted and regularly updated, as recommended by the PPG (PPG Paragraph: 020 Reference ID: 61-020-20190315).

We note that another way South Staffordshire evidences constructive engagement in the Duty to Cooperate Topic Paper is through the publication of evidence of meetings have taken place. To evidence



that this engagement has been meaningful, the minutes, actions and outcome of these meetings referenced in the DtC statement, should be made public (albeit redacted where necessary). This would then suitably evidence cooperation. Otherwise it is not clear whether meetings have been useful in satisfying the requirement for ongoing and meaningful engagement.

We ask South Staffordshire to publish detailed minutes, lists of attendees etc. for the meetings referenced, and furthermore provide a clear indication of the level of engagement that has been taking place with HMA LPAs.

If Duty to Cooperate is not dealt with upfront during the plan preparation process in a clear and transparent manner (as we consider is the case in relation to South Staffordshire), then there is a danger of this legal requirement not being met, which is potentially fatal for the plan.