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'Acres of space'

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Louise St John Howe, (Programme Officer),
PO Box 10965
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Dear Louise,

SOUTH STAFFORDSHIRE LOCAL PLAN REVIEW

Response to Duty to Co-operate Evidence presented by South Staffordshire DC to the Inspectors on 15th August 2025 and specifically documents:

SST/ED32A Action 2.1: Council's Note

SST/ED32B Action 2.1: List of Appendices

SST/ED32C Action 2.1: Appendices Part 1 and Part 2

SST/ED33A Action 2.2: Council's Note

SST/ED33B Action 2.2: Appendices

Introduction.

I am submitting representations on the new Duty to Co-operate evidence released by the Council on 15th August 2025, on behalf of Hallam Land Ltd who have taken an active part in the on-going Local Plan Inquiry and made representations at all previous stages of the Local Plan Review.

I was previously a private sector representative on the joint Birmingham and Black Country Housing Panel which considered the complex housing issues in the West Midlands HMA and the surrounding hinterland and I was instrumental in working with officers to commission the original 2018 Strategic Sites Review. I was also a member of the Birmingham and Solihull LEP (Planning & Housing Sub-Group) which considered many of these issues during the 2010's up until the LEP's were disbanded.

It is helpful to have all the DTC information in one place (albeit the correspondence runs to 2270 pages in just Document SST/ED32C alone). Reviewing this evidence has been useful in clarifying the key issues and in better understanding the sequence of events which led to the abandonment of the 2022 Pre-Publication SSDC local Plan and the birth of the 2024 Local Plan and in exploring the relationships between South Staffs DC and the other Local authorities.

The Duty to Co-operate process.

In examining the evidence, I have tried to establish whether in my view the Council has met its Duty to Co-operate obligations in principle, to demonstrate a sound Local Plan.

Putting to one side the timing of the submission of the evidence (which wasn't available during the earlier stages of the Inquiry), it is my view that the information now available shows that the officers have been diligent in their handling of the correspondence and taken a thorough and professional approach in working with other authorities in the sub-region. The paperwork seems comprehensive and presents a clear picture of the stances of the respective authorities – although obviously one cannot know what has not been presented or what may have been discussed in private. The combination of the audit trails of correspondence between SSDC and other Councils, together with the minutes from the monthly or bi-monthly Greater Birmingham & Black Country HMA meetings between 2018 to date, present a clear picture of the mutual co-operation between the authorities.

The case for submitting a revised Reg 19 version of the South Staffs Local Plan in 2024.

In examining the DTC evidence, I wished to explore the sequence of events causing South Staffs DC to 'pause' and then withdraw the 2022 Reg 19 version of the Local Plan in favour of a new 2024 Plan.

It is clear from the correspondence and the minutes of HMA meetings that SSDC were initially at the forefront of initiatives both to promote the 2018 GBBCHMA West Midlands Strategic Sites Review (prepared by GL Hearn and Wood Associates) and were in support of its findings, to ensure that Local Plans were co-ordinated to deliver the scale of new housing needed within the sub-region, (although in fact they didn't actually implement the site specific findings in relation to Codsall).

The evidence shows that throughout the period from 2018 – 2022, SSDC took a positive stance during the various stages of its Local Plan, in offering a 4,000 homes contribution to the needs of the GBBCHMA area (and more specifically to the Black Country with which it is inter-dependent). This pro-active gesture was clearly positively received by other LPA's in their letters of reply and SSDC was clearly hoping that their actions would be reciprocated by other authorities in the sub-region.

In practice, other authorities made similar but less generous gestures during that time, with offers from Cannock (500), Lichfield (initially 4,500 but downgraded to 2665) and Shropshire (1,500). However, in 2022, Dudley MBC unilaterally withdrew from the Joint Black Country Local Plan (and removed several key sites) which resulted in a delay whilst the Black Country authorities reverted to producing their own individual Local Plans. Subsequently, both Lichfield and more recently Shropshire Councils withdrew their Local Plans which again, unsettled the process.

The draft review of the NPPF in December 2022, signalled that there would be a stronger emphasis on delivering housing in the urban areas and the 20 largest cities were warned to accommodate a 35% boost in housing. This approach was confirmed in final version of the NPPF (Dec 2023). Elsewhere, local housing numbers were made more flexible and authorities were given more choice about whether to review their green belt boundaries. Many LPA's around the country seized the opportunity to abandon their green belt reviews and to moderate housing land releases in suburban and rural areas. As a result, South Staffordshire DC therefore decided to do likewise.

The correspondence shows that in January 2023 South Staffordshire DC wrote to other authorities to say that it was 'pausing' its Local Plan and subsequently in 2024, reversed its earlier commitment to deliver 4,000 homes for the West Midlands urban area and reduced this to 640 dwellings instead.

The evidence for the change.

I wished to explore whether there was any specific evidence to support the withdrawal of the 2022 Reg 19 Plan in favour of the 2024 Reg 19 plan other than the national policy change.

The justification for changing the SSLP was therefore policy-based, justified by the revised wording in the new December 2023 NPPF, rather than as a result of submitting new empirical evidence to support the change in stance. SSDC interpreted the NPPF as meaning that it was now 'within the gift' of the authority to decide whether to review their green belt and whether to release more sites or not. It is clear from the DTC (exchanges of correspondence and the notes of the meetings between authorities) that SSDC justified the change in the Local Plan by explaining they were moving from an Infrastructure-led (Option G) to a Capacity-led (Option I) strategy.

It was also clear that whilst SSDC had included broad capacity-study work as part of the 2022 Reg 19 Local Plan, no further detailed Capacity Study was done to support a new 'Capacity-led' approach (within their revised strategy - Option I). As far as we are aware, SSDC simply relied on earlier capacity work which restricted availability to sites within the urban areas, sites outside the GB (around Penkridge) and existing proposed allocations around the Tier1 settlements.

Nor, from what we understand, was any assessment done of whether Tier 1 settlements, (which were now to be the focus of most new development in the District) could accommodate more peripheral sites, which might then be consistent with the new proposed strategy in the 2024 Reg 19 Local Plan. Had the Council done so, they might well have decided to release the land promoted by Hallam Land at Sandy Lane, Codsall. We consider this is a weakness of the Submitted Local Plan.

The response from other authorities through the DTC process.

I wished to explore how the SSDC decision to change the Local Plan was received by other authorities through the DTC process and what the wider effect was on the sub-region.

SSDC consulted other authorities about their intention to change their Local Plan in the Summer of 2023. However, in a letter of reply from Sandwell MBC dated 23rd November 2023 it was suggested that it might have been more appropriate for SSDC to revert to the Reg 18 stage on its Local Plan due to the fundamental change in stance in the 2024 Reg 19 Local Plan. (Page 387/388 DTC Evidence). This echoes the point made in Hallam Land's case whereby it was argued that it was illogical for a new and different Reg 19 Local Plan to be based on the same evidence as in the earlier 2022 version. A new strategy needs to be properly justified to remain 'sound'. This point relates to the earlier matter raised within the additional paragraph 86 in the Government's PPG on Local Plans, about the implications of 'double Reg 19 submissions' and how they should be handled.

It is evident that during 2022 (and especially following the abandonment of the Black Country Plan) there were growing tensions between the West Midlands authorities within the HMA. SSDC became more robust in their written responses and in challenging other authorities who were less prepared to deliver more housing to cater for shortfalls in the wider HMA. The tone of the letters (which were authorised by members) essentially argued that if other authorities were not adding to the 'pot' on the same scale as South Staffordshire DC. In response to Lichfield's decision to reduce their contribution from 4,500 to 2665 dwellings, SSDC replied to argue this would make the Plan unsound.

Indeed, the housing pressures on the West Midlands Metropolitan sub-region, as the statistics show, remained high and indeed deteriorated, partly as a result of the 35% housing supplement then being faced by Birmingham and Wolverhampton. During Summer 2023, after the draft NPPF was issued,

South Staffs DC consulted with other all LPA's in the HMA by letter, to ask what their attitude would be if they back-tracked on the commitment to release 4,000 dwellings for the GBBCHMA.

It is clear from the letters in the DTC evidence that some authorities (such as Cannock and Lichfield) were critical of this proposition. Cannock raised concerns in their 24th November 2023 letter to SSDC about how they and other authorities could possibly accommodate their housing needs if they don't review their Green belt boundaries and in Dudley's case an officer raised an expression of general concern about the impact of this potential decision upon other authorities in the sub-region.

Evidence later produced by the Black Country authorities in a letter from Sandwell MBC showed that by early 2024 the following picture was emerging:

Birmingham was anticipating a 46,000 shortfall (2022-42) based on Reg 18 2024 Preferred Options, Dudley was anticipating a 1078 shortfall (2022-41) in its Reg. 18 Local Plan consultation. Sandwell was anticipating a 18,606 shortfall (2022-41) based on early 2024 figures. Walsall was anticipating a 11,328 shortfall (2022-41) in its 2022 SHLAA. Wolverhampton was anticipating a 11,400 shortfall (2022-41) based on its Reg 18 Preferred Options.

Together this amounted to a total of over 88,400 dwellings shortfall. It is against this background that SSDC decided to remove their commitment to deliver 4,000 dwellings for the Black Country part of the HMA and reduce this to 640 dwellings.

In writing to SSDC through their DTC response Shropshire County Council made the point (from the NPPF advice) that 'cross boundary issues must be dealt with not deferred' (page 430, DTC evidence). As yet this is clearly not happening.

The impact on the wider West Midlands Sub region.

I wished to consider the implications of a revised Reg 19 Plan on the West Midlands HMA in the light of the growing housing pressures and the reluctance of authorities to contribute to the problem.

The DTC evidence (including the minutes from the Housing Group meetings) shows a willingness of officers to work together but a reluctance to commit to contributing to wider housing needs of the region. The absence of a strategic dimension to forward planning creates an in-built tension where Local Plans are considered in isolation (subject to the DTC) at different times and in different circumstances whereas a strategic plan would consider these issues together at the same moment.

There is little doubt that a cooling of relations has occurred at political level, since the publication of the 2018 GBBCHMA Strategic Review and the spirit of cooperation has somewhat evaporated. The shortfalls in housing provision remain huge and the appetite to work together to solve the shortfall has certainly deteriorated.

There is a clear tension within the overall NPPF policy advice too, since whilst the 2023 version tempered the obligations on authorities to review their green belt boundaries and deliver the specific housing numbers, the overall message about meeting peoples housing needs and working together to deliver wider housing targets and dealing with cross boundary issues remains equally strong within national policy in the 2023 version. Somehow the two aspects need to be reconciled.

A further concern relates to the gulf in housing provision between the current submitted Local Plan and the housing requirement identified in the new 2024 NPPF and Standard Method. If this is not addressed now, the cumulative shortfall will simply grow exponentially.

Addressing those consultees who have not responded.

Document SST/ED33A and B deal with the matter of organisations such as Homes England, The Civil Aviation Authority and the Elected Mayor and Combined Authorities who have not submitted representations to the Local Plan. Whilst this is unfortunate, I consider that having read the Supplementary Note prepared by officers together with the spreadsheet and the appendices which comprise Document SST/ED33B, I feel that officers have dealt with this adequately and I don't see that this raises any major contentious issues for my client.

I hope these representations are helpful to the inspectors.

Yours sincerely

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