



5th September 2025

South Staffordshire Council
Community Hub
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX

Sent via e-mail to Programme Officer (louise@poservices.co.uk)

Dear Sir/Madam,

Representations to the South Staffordshire Local Plan Examination - Duty to Cooperate Consultation

Respondent Reference Numbers: AGT24-048-01-01, AGT24-048-01-02 and AGT24-048-01-03

CarneySweeney are acting on behalf of Peveril Securities Limited in making representations to the emerging South Staffordshire Local Plan (SSLP) Examination – Duty to Cooperate Consultation. We welcome the opportunity to comment on the information submitted by the Council at the request of the Inspectors concerning Matter 2 of the hearing sessions - Duty to Cooperate. We have also previously made detailed representations on the Duty to Co-operate in respect of the SSLP Regulation 19 Consultation in 2024.

These representations respond to the actions in the order in which they are listed in the Inspectors' Action List (document reference: SST/ED30A) arising during the Week 1 Hearing Sessions.

Action 2.1

“2.1 Council to provide a paper which provides a narrative to demonstrate the engagement activity on all strategic matters undertaken under Duty to Cooperate, the outcomes and how these discussions shaped the Plan. The paper should include cross reference to relevant agendas and minutes which should be included as appendices.”

We have reviewed the Council's Supplementary Note to the South Staffordshire Local Plan Examination 2025 – Matter 2 (Action 2.1) (document reference SST/ED32A) in the context of Paragraphs 24 to 28 of the National Planning Policy Framework (NPPF) and guidance on plan-making in the Planning Policy Guidance (PPG).

A key point of discussion in the Hearing Session on Matter 2 – Duty to Cooperate for the SSLP Examination was the Council's proposed contribution of 640 dwellings to the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), which is a significant reduction from the contribution of 4,000 dwellings forming part of the SSLP 2022 Regulation 19 consultation document. Paragraph 1.1 of the Supplementary Note (document reference SST/ED32A) states a key outcome of the duty to cooperate engagement is *“The Submission Plan includes a 640-home contribution to the GBBCHMA which has been agreed and apportioned to those generating the unmet need through a signed SoCG [SST/ED21]”*.

We note that the Statement of Common Ground Regarding Housing Shortfall Position at 29 November 2024 (ref. no SST/ED21), hereafter referred to as ‘the SoCG’, is seeking the agreement of the signatories to the level of housing shortfall across the HMA and the apportionment of local planning authorities’ contributions to reducing this shortfall. The SoCG does not demonstrate the signatories agree to South Staffordshire’s proposed contribution of 640 dwellings to address the GBBCHMA’s unmet need. Whilst it is not a requirement of the duty to cooperate for local planning authorities within the GBBCHMA to agree to the level of contribution, it is incorrect to say that agreement on this figure has been an outcome of the duty to cooperate engagement.

The Supplementary Note and its associated appendices do not address how the duty to cooperate engagement has informed the SSLP. The Council’s attendance at various meetings with other GBBCHMA members itemised in the Supplementary Note indicates that they were aware of the housing shortfalls arising at an early stage of the emerging local plan process. The Council therefore had the opportunity to consider how this would impact on the demand for housing in South Staffordshire. For example, South Staffordshire and Wolverhampton have strong geographical, infrastructure and commuting links. The Council’s duty to cooperate engagement indicates that they may have been aware of the emerging significant housing shortfall during the preparation of the Wolverhampton Local Plan (WLP) at an early stage. The WLP has been submitted for Examination with a shortfall of circa 10,398 homes for the period 2024-42. The Council has not provided any evidence to show how this has shaped the SSLP through, for example, an increase in its contribution to the GBBCHMA shortfall and the allocation of additional housing sites nearer to the border with Wolverhampton than those currently proposed.

The Council’s duty to cooperate engagement reveals the GBBCHMA authorities have agreed “*that it would not be appropriate to tackle shortfalls on an individual level, but as a collective through a refresh of the Strategic Growth Study*” (SST/ED32A, para. 1.76). As such, this suggests that the proposed contribution of 640 dwellings towards the unmet need arising from GBBCHMA has not been agreed.

A key outcome of the duty to cooperate engagement is that a refresh of the Strategic Growth Study is required to show how effective the SSLP will be in meeting the GBBCHMA housing shortfall. Without the completion of the Strategic Growth Strategy, the Council is unable to demonstrate that the proposed contribution of 640 dwellings meets its legal duty to maximise the effectiveness of the SSLP preparation. To this end, it would be helpful to have sight of the Strategic Growth Study, noting that this was anticipated to be completed in July/August 2025 (SST/ED32A, para. 1.18).

A large proportion of the Supplementary Note and associated appendices refer to attendance at regular meetings with local planning authorities of the GBBCHMA. The level of shortfall across the wider GBBCHMA identified in the SoCG (76,427 homes - para. 5.1) demonstrates the ineffectiveness of the duty to cooperate across the HMA, which the Council is a party to. The reduction in the Council’s contribution to the GBBCHMA housing shortfall from 4,000 dwellings to 640 dwellings is a clear example of this.

The duty to cooperate engagement undertaken does not therefore demonstrate how these discussions have informed preparation of the SSLP. Furthermore, in the context of cross boundary matters arising from the GBBCHMA housing shortfall, the Council has not met its legal duty under section 33A of the Planning and Compulsory Purchase Act 2004 to engage constructively and actively to maximise the effectiveness of local plan preparation.

Action 2.2

- “2.2 Council to confirm whether representations for the following organisations have been submitted:
- Civil Aviation Authority
 - Homes England
 - Different parts of NHS
 - Office of Rail Regulator LEs (where applicable)
 - Transport for West Midlands



*Local Nature Partnerships
Elected Mayor and Combined Authorities (where applicable).*

Where responses were received Council to provide details:

Council to identify what follow-up action was taken with individual organisations where no response was received."

The Council's Supplementary Note to the South Staffordshire Local Plan Examination 2025 – Action 2.2 (document reference SST/ED33A) notes that only two of the seven prescribed organisations listed above responded to any of the consultation stages for the SSLP. Whilst the final column of Table 1 in the Supplementary Note describes interactions with the prescribed organisations, we do not consider these to be follow-up actions in the context of engaging with these organisations to inform the preparation of the SSLP.

PPG Paragraph: 029 Reference ID: 61-029-20190315 states:

"The duty to cooperate was introduced by the Localism Act 2011, and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters."

Table 1 does not demonstrate how interactions with these organisations, which have included "an opportunity for dialogue for Local Plan matters" and "attendance at workshops with the to [sic] inform the project work" have maximised the effectiveness of the SSLP.

Action 2.3

"2.3 Council to provide up to date comprehensive list of Statements of Common Ground including date of latest publication, status and confirmation of signatories (identifying any that are outstanding and timescales for addressing this). Please also confirm when the Statements of Common Ground or any drafts were made available on the Council's website."

We note that no information has been uploaded to the Examination website in relation to Action 2.3. If this information is published, we would welcome the opportunity to make further representations.

We trust that these representations will be taken into account as part of the Examination of the SSLP.

Yours faithfully,

Sophie Drury
Associate Director
CarneySweeney