

THE PLAN FOR STAFFORD BOROUGH - EXAMINATION
MATTER 1. LEGAL REQUIREMENTS & PROCEDURAL MATTERS

Inspector's Matters, Issues and Questions in bold text.

Key issues:

1.3 Are there any implications of the recent revocation of the West Midlands Regional Strategy for the Plan, both in terms of its strategy, policies and text?

1.4 Has the Plan been prepared in accordance with the Duty to Co-operate and has the Council fully discharged its duty to co-operate, particularly with regard to strategic matters, including housing requirements and other cross-boundary issues, particularly in terms of:

a. Has the Council co-operated constructively, actively and on an on-going basis with neighbouring local planning authorities and other prescribed bodies with regard to strategic matters, including:

i. Local authorities in Staffordshire and the West Midlands conurbation with regard to housing requirements within the appropriate housing market area and wider cross-boundary future housing requirements, including any unmet requirements from surrounding areas;

ii. Stoke-on-Trent CC & Newcastle-under-Lyme BC with regard to the potential impact of proposed development in Stafford Borough on urban regeneration in the North Staffordshire conurbation;

Section 33(A) of the Planning & Compulsory Purchase Act 2004 as amended by Section 110 of the Localism Act 2011 provides for a duty on Local Planning Authorities (LPA) to co-operate with each other and other prescribed bodies. This co-operation includes constructive and active engagement as part of an on-going process to maximise effective working on the preparation of development plan documents (DPD) in relation to strategic matters including sustainable development that would have significant wider impacts. At the examination of DPDs LPAs will have to provide evidence that they have fully complied with this duty if their plans are not to be rejected by an examiner.

The Duty to Co-operate is reinforced by Paragraphs 17, 157 and 178 of the NPPF, whereby neighbouring authorities should work jointly together and co-operate to address planning issues which cross administrative boundaries and on matters that are larger than local issues. Moreover in accordance with Paragraph 181 of the NPPF, LPAs are expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts when their Local Plans are submitted for examination. This co-operation

should be continuous from engagement on initial thinking through to implementation.

Whilst the Localism Act nor the NPPF do not define co-operation, the Planning Inspector, Andrew Mead, in finding that the Duty to Co-operate on the North London Waste Management Plan had not been satisfied by the respective London Borough Councils involved, referred to the dictionary definition meaning *“to work together, to concur in producing an effect”*. The Inspector also noted that the NPPF refers to co-operation rather than consultation, therefore *“it is reasonable to assume that engagement as part of co-operation is more than a process of consultation”* (Paragraphs 22-25 Appendix 1 North London Waste Plan Inspectors Report March 2013).

Stafford Borough Council has nine neighbouring LPAs namely Shropshire, Telford & Wrekin, Newcastle under Lyme, Stoke on Trent, Staffordshire Moorlands, East Staffordshire, Lichfield, Cannock Chase and South Staffordshire Councils as illustrated by the Key Diagram on page 35 of the plan. It is also at the junction of four Housing Market Areas (HMA) C1, C3, West and Northern as previously defined by the former West Midland Regional Spatial Strategy (WMRSS). Just as LPA administrative areas are not self-contained entities with border controls neither are HMAs.

Under the revoked WMRSS Stafford was part of the Northern HMA together with Staffordshire Moorlands, Stoke on Trent, East Staffordshire and Newcastle under Lyme. Cannock Chase, South Staffordshire and Telford & Wrekin Councils were constituent parts of the C3 HMA. Lichfield District Council was part of the C1 HMA and Shropshire Council was in the West HMA. At a later date, Cannock Chase, Lichfield and Tamworth Councils formed a Southern Staffordshire Districts HMA.

The DCLG Advice Note *“Identifying Sub-Regional Housing Market Areas”* published in March 2007 in Paragraph 6 states that *“sub-regional housing market areas are geographical areas defined by household demand and preferences for housing. They reflect the key functional linkages between places where people live and work”*. It is vitally important to consider these relationships with neighbouring authorities when formulating housing and development policies.

In the SHMA 2007 Stafford is described as the Borough with the most dispersed pattern of migration of all the authorities. In Paragraph 3.15 of the 2012 SHMA the Council states that only 68.2% of residents live and work in Stafford. When the Borough is divided into three sub markets, Stafford town centre is most strongly associated with South Staffordshire and Cannock Chase, the rural areas of Stafford West with Newcastle upon Lyme, Telford and Shropshire whilst Stone and its environs gravitated towards Stoke on Trent. It is acknowledged that 30% of Stafford’s housing requirement arises from local need and 70% from migration in particular from Cannock Chase, South Staffordshire and Stoke on Trent. So any under-estimation of housing need in these neighbouring LPAs could result in increased migration into Stafford.

The urban renaissance theme of the former WMRSS only remains valid if all twenty three local authorities within the West Midlands region continue to abide by the overall housing numbers and spatial strategy. Since the revocation of WMRSS on 20th May 2013, there has been a significant drop in the collective level of housing provision envisaged by LPAs across the region. The overall proposed housing provision across the region is estimated to have fallen by -8%. Recent research by the HBF shows that in total all the adopted and emerging plans for the West Midlands will only provide for 17,085 homes per year compared to the WMRSS target of 19,795 per annum.

So it is not business as usual post revocation of WMRSS. The former WMRSS was informed by an objective of urban renaissance, whereby the Major Urban Areas (MUA) would absorb large numbers of future projected households from across the region. Unfortunately today, this strategy is beginning to unravel as it emerges that the West Midland MUAs will not be accommodating large numbers of new homes. MUAs such as Coventry and Birmingham are demonstrating an unwillingness (Coventry) or inability (Birmingham) to accommodate substantial housing numbers within the existing conurbations potentially undermining the previous urban renaissance strategy.

It could also be argued that Stafford is reneging on the WMRSS by reducing its housing requirement from 550 dwellings per annum (WMRSS Panel 2 housing requirement figure) to 500 dwellings per annum and by consequence diminishing its role as a sub-regional growth point. There is also duplicity on behalf of the Council in using the revoked WMRSS of supporting urban regeneration in North Staffordshire by restricting growth to only 8% in Stone, which is identified as the second tier town in the Stafford settlement hierarchy. It is appropriate to note that after the Staffordshire Moorlands Core Strategy Local Plan examination its housing target was increased from 5,500 dwellings to 6,000 dwellings even though one of the drivers to reduce the housing figure was the increasing focus of development on the conurbations.

Birmingham City Council's most recent objective assessment of housing need indicates a requirement for between 80,000 to 105,000 new homes over its revised plan period 2011-2031 with only sufficient land (including windfalls) within in its own administrative area to accommodate 43,000 new homes. At the minimum housing need of 80,000, there is an unmet need of 37,000 dwellings. Even though Birmingham is not an immediate neighbouring authority, it is unlikely that Stafford will remain entirely immune from the housing pressures occurring within the wider West Midlands region. Stafford has strong connections with the Birmingham conurbation. Birmingham City Council has sought reassurances from Lichfield and Cannock Chase Councils to assist with the accommodation of future housing needs if necessary by the insertion of appropriately worded text within these respective plans. Stafford Borough Council should also consider such text within its plan.

Whilst there is evidence of an overall under supply of housing across the region as measured against the revoked WMRSS housing targets, there is also evidence of an under provision of housing supply in neighbouring authorities illustrated by cross referencing housing requirements set out in

adopted and emerging Plans against objective assessments of housing need identified in SHMAAs. Therefore at this time, it should not be assumed that all housing requirements and cross boundary issues are resolved between Stafford and its neighbouring authorities.

The previous evidence of consultation on the evolution of the Stafford Borough Plan submitted by the Council does not fulfil the Duty to Co-operate requirements. Equally the Duty to Co-operate Statement (Document Reference B3) and its attached appendices of signed Duty to Co-operate Protocol and Checklists with six of Stafford's neighbouring authorities does not satisfy compliance with the Duty. It is noticeable that Staffordshire Moorlands, Newcastle upon Lyme and Stoke on Trent Councils have not provided signed protocols. There is no evidence of the discussions between the authorities and whether or not probing questions were asked about objective assessments of housing needs in each of the respective authorities. The protocols merely re-state the proposed housing figure of 500 dwellings per annum for Stafford. Under Paragraph 5.4 of Document B3 the Council has not demonstrated that there is no requirement to meet any of the housing needs of other adjoining authorities. It should not be assumed that just because neighbouring authorities have not drawn attention to any matters of a strategic nature such strategic pressures do not exist.

It is questionable whether the Stafford Borough 2012 SHMA is an appropriate assessment of housing needs across the HMA. It is based on Stafford Borough only yet Stafford is not its own self-contained HMA (also discussed under Matter 3). In the preparation of this evidence the Council has not worked with its neighbouring authorities to address housing needs of the HMA as required by Paragraph 47 of the NPPF. Paragraph 3.1(i) of the Duty to Co-operate Statement refers to "*the scale of total housing provision in relation to provision being made in surrounding LPAs and the wider region taking account of the SHMA prepared by each LPA*". This suggests the LPAs are working unilaterally rather than co-operatively. If each authority independently assesses its own area, there is no overview of the total objectively assessed needs across the HMA. So there could easily be an under-estimation of needs resulting in increasing constrained demand with residents unable to form households living as concealed households in shared accommodation, young people living at home with Mum and Dad, etc. This under-provision of housing against the objective assessment of need for affordable and market housing would put increasing pressures on all authorities.

Conclusion

The Duty to Co-operate comprises of two distinctive parts. Firstly legal compliance is associated with the process and procedures of co-operation. Secondly outcomes from such co-operation, which are matters associated with soundness. However these two parts are irrevocably linked.

There remain many unresolved issues on overall housing numbers, unmet housing needs and cross boundary migration patterns between Stafford and its neighbouring authorities as discussed in the preceding paragraphs. Although it may be argued these are matters of soundness compliance with

the Duty to Co-operate by working together in a collaborative manner on an on-going basis from initial thinking to implementation would have identified if not resolved these issues between the neighbouring authorities. Whilst it is acknowledged that the Duty to Co-operate in itself does not infer a requirement to agree it is hoped agreement may result from working together.

In conclusion the Council has not satisfactorily complied with the Duty to Co-operate and the Stafford Borough Plan is unsound.

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