

Save the Lower Penn Green Belt (action group)

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Local Plan Review 2021 - Letter of response and objections to Site 582 Langley Road.

The Save the Lower Penn Green Belt Group (SLPG) consists of 851 members. This document is our objection to the removal of site 582, or any of the other sites within Lower Penn, from the green belt. Furthermore we object to the 4000 dwellings being built within South Staffordshire on behalf of the West Midlands conurbation under the Duty to Cooperate and we also object to the additional 1153 dwellings being proposed by South Staffordshire District Council for the purposes of demonstrating flexibility within the Local Plan. On behalf of the SLPG membership we are fully committed to seeing that the preferred site on Langley Road is removed from the local plan. The report below provides a considered case based on up-to-date housing and population data along with site specific information to support our objection.

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1. Introduction.

The Save The Lower Penn Green Belt action group is a Not-For-Profit unincorporated association that was formed on 21 April 2021. We currently have 851 members who share the following common goals.

- a) To ensure that green belt land is protected to prevent the inappropriate development of green belt land within our parish and the rest of our locality.
- b) Campaign for the full development of brownfield sites across South Staffordshire and the West Midlands conurbation before green belt is even considered.
- c) Rally local support to encourage public participation in the planning process.
- d) Support the preservation of wildlife, habitat, ancient and veteran trees and other assets of historic and community value within the green belt area.
- e) Objectively analyse and review national and local legislation and publish and disseminate information to the local and wider community.
- f) Implement our right as a non-political voluntary group, to challenge, comment and take appropriate action against any plans that affect the Lower Penn green belt.
- g) To act in an inclusive manner, ensuring that the local and wider community are aware of any proposals, planning applications or information related to the green belt land.

The campaign group members include residents both within the Parish of Lower Penn and the surrounding area. This objection doesn’t speak exclusively for the residents of Lower Penn and the surrounding area as there are other groups active.

This response includes some shared information that may be used within other objections to the Local Plan where we share a common position pertaining to the inappropriate development within the green belt sites of South Staffordshire and the surrounding area.

As a consequence of the South Staffordshire Local Plan Review 2021 our action group is submitting this **objection to the proposal to build at site 582 on Langley Road, Lower Penn** along with comprehensive evidence to support our objection. We also object to the sites at Radford Lane (350) and Springhill Lane (494) as these are also unsuitable for housing development.

We would like to also mention the active planning application 21/00440/FUL, Battery Storage Facility South Staffordshire Railway Walk, which is pending decision from the District Council.

'Experts' may try to reassure us that the construction of a battery site near to residential properties is of minimal risk however Paul Christensen, a professor at Newcastle University said there have been a total of 38 large lithium-ion battery fires since 2018, he also said that the penetration of lithium-ion batteries into society has far outstripped *"our actual knowledge of the risks and hazards associated with them."*

This proposed battery site development would result in a further loss of valuable and protected Green Belt land within the Lower Penn boundary and it will exacerbate the documented flooding issues already seen on the site. The site has a high water table and the local aquifer provides drinking water to South Staffordshire, as such any land contamination from the battery site would become a significant health risk to local residents.

We are aware that SSDC are trying to formulate a policy as to where they stand with regards to these battery storage facilities however it is clear that neither the battery site planning application, or the proposed development site 582, will enhance the local area, it will not provide any benefit to Lower Penn, the local community, or the wider District of South Staffordshire.

Paragraph 140 of the National Planning Policy Framework states that: " Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified..." The exceptional circumstances are not fully evidenced and justified and as such we strongly object to both of these proposed developments on Langley Road.

2. Answers to Policy Questions in the South Staffordshire Plan.

Chapter 3
Question 1:

Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No

Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.

Contrary to paragraph 31 of the NPPF (2021) which confirms that: "...*The preparation and review of all policies should be underpinned by relevant and up-to-date evidence...*", the evidence base is in some cases outdated, especially in the light of trends accelerated by COVID and Brexit. This is likely to have a significant impact for example on the Economic Development Needs Assessment (EDNA). The Strategic Housing Market Assessment (SHMA) suggests the current policy approach would encourage significant, and potentially unsustainable, out-migration from the Black Country thereby undermining South Staffordshire's Climate Change

Strategy 2020 (strategic planning responsibilities) pertaining to reducing car use. The current policy of encouraging out-migration into South Staffordshire is not supported.

In terms of Site 582, as set out in this document, there are a number of concerns with the Sustainability Appraisal, both the limitations of the evidence about flooding, ecology and heritage but also the potential over-statement of the case in relation to education provision.

Appendix A is also limited in the documents it includes. There are concerns about the weight being placed on housing numbers, both in terms of Supply and Need. As set out in this document, there are concerns that the over-spill from the Black Country is over-stated in the Joint Statement of 2020, and therefore the need for South Staffordshire to accommodate it. Equally there are concerns about the level of supply in South Staffordshire, in particular the significant understatement of windfall assumptions, which would suggest South Staffordshire can provide 850 homes for the Black Country without any new allocations.

Question 2:

a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations has been identified in the IDP?

There are a number of potential infrastructure issues associated with Site 582 which are implicit in our concerns, particularly about flooding and the lack of available educational provision, as well as access to public transport. It is noted that SSDC score Site 582 as high with regards to the provision of schools however the schools are full and you've indicated that children of secondary school age will be schooled in Wombourne, which is a considerable distance away. We believe that the assessment for Site 582 with regards to its infrastructure provision for schooling is significantly overstated. It is also noticeable that some of those needs would require significant infrastructure provision within Wolverhampton.

(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver?

See answer to (a)

Question 3:

- a) Have the correct vision and strategic objectives been identified?**
- b) Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives?**

Strategic Objective 1 is supported however compensatory Green Belt provision is not something that fully ameliorates loss of Green Belt. Our evidence suggests that 'exceptional circumstances' do not exist for removal of many new housing sites from the Green Belt.

Strategic Objective 2 is not supported. The additional 4,000 houses for the Black Country should be removed. A policy to review that position subsequent to the adoption of the Black Country Plan based on up-dated evidence should be included if that is deemed to be necessary. The use of Urban Extensions should be reviewed as the Local plan attempts to justify this because of the acceptance of over-spill from the conurbation, which we are challenging.

Strategic Objectives 3-5 on housing can be supported but they should relate to needs arising in South Staffordshire. The evidence that significant housing needs to be included from the Black Country is not supported.

Strategic Objective 12 is wholly inadequate. The Objective should be much higher up in the Plan. The Plan should also aim to support a reduction in Climate Change emissions not only through mitigation at development sites but in the overall approach to development location. Accepting significant amounts of housing from the Black Country undermines that goal.

Chapter 4

Question 4:

Do you support the policy approach in Policy DS1 – Green Belt and Policy DS2 – Open Countryside? If not, how should these policies be amended?

The general approach of Policy DS1 is supported. However the removal of sites from the Green Belt in line with SA1-SA7 is not supported. As stated in this document we do not consider 'exceptional circumstances' have been proven for these sites, based on clear evidence, not just numerical assumptions of Black Country over-spill. The sites (and, in particular, Site 582) should remain in the Green Belt.

Question 5:

Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? If not, how should this policy be amended?

Paragraph 31 of the NPPF (2021) expects Plans to be informed and "...underpinned by relevant and up-to-date evidence..." Paragraph 35 (indent b) of the NPPF confirms that Plans should be: "...Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence..."

Initial work on Local Plan preparation for the Council's emerging Site Allocations Document (SAD) was undertaken under a significant and entirely different set of economic circumstances. Essentially, a significant and substantial amount of Plan Preparation work has already been undertaken on the emerging SAD before the year 2020 coronavirus (covid-19) pandemic. Which is likely to cause one of the worst United Kingdom (UK) economic recessions in living memory. The huge modelling assumptions being used to underpin, form and force through the Local Plan are flawed and no longer forms a credible, reliable or sound evidence.

We maintain our view that the potentially massive implications of the forthcoming severe UK economic recession on future housing delivery across the District going forward (and how the recession will affect new housing delivery within the District going forward over the lifespan of the new Local Plan once it has been adopted) has been given an insufficient level of planning policy weight, or seemingly no planning policy weight at all (See Appendix 11 Issue 2).

The addition of 4,000 homes to meet the needs of the Black Country is not supported because the evidence is not clear, the housing numbers used are out of date and the Black Country Plan is still in development. This would result in the removal of the named sites adjacent to the Urban Area and in particular Site 582. Given that SSSDC planners themselves (see Appendix 10) view the Duty to Co-operate as '*a fundamentally flawed instrument*', a review of whether any of the needs of the Black Country should be accommodated in South Staffordshire might be considered in a review of the plan.

The approach to the various Tiers is supported, including specifically in relation to Tier 5 and Lower Penn. This would suggest excluding all sites currently being promoted within the Parish Boundary including Site 582.

Question 6:

Do you support the policy approach in Policy DS4 – Longer Term Growth Aspirations for a New Settlement? If not, how should this policy be amended?

The need for a new settlement is far from proven and given that we do not consider the current inclusion of 4,000 homes for the Black Country is justified it is hard to conclude that an additional settlement is likely to be required or would be consistent with long term Climate Change goals.

Chapter 5

Question 7:

Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code?

No comment on these site specifics.

Do you have any comments on these proposals?

See answer above.

Question 8:

Do you support the proposed housing allocations in Policy SA5? Please reference the site reference number (e.g., site 582) for the site you are commenting on in your response?

As set out in this document we do not believe Site 582 should be released. This is because:

Housing Numbers

1. The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country that is untested. Without them no new allocations are needed.
2. The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brownfield regeneration.
3. The level of housing supply both in the Black Country (and wider conurbation) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
4. Accelerated changes to retail and office provision, particularly in centres following COVID may increase housing land available in the Black Country.
5. Even if the level of housing is required from the Black Country South Staffordshire is overproviding by 1153 homes, so does not need this housing allocation.

Sustainability

6. The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.

7. The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
8. The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.
9. The site would impact on the landscape and amenity of people round the site.
10. There are potential flooding and water issues that need further investigation.
11. The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Walk Local Nature Reserve and the Smestow Nature Reserve.
12. It is not clear that the site is adequately served by local services, and although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.
13. There are English heritage assets in terms of a World War II battery which have yet to be properly examined.

Question 9 and Question 10:
No comment

Chapter 6
Question 11:

Do you agree with the proposed policy approaches set out in Chapter 6? If no, then please provide details setting out what changes are needed, referencing the Policy Reference number (e.g., HC1 - Housing Mix).

We have not considered in detail the Homes and Communities Policies which determine how development is considered.

Although we agree with policy H13 we note that H13 Health and Wellbeing isn't being complied with when taking into consideration the wellbeing of the residents adjacent to the proposed development at Site 582. There will be increased noise, air pollution and light pollution in the vicinity of where they live.

HC14 and HC15 specifically consider the impact on health and education. HC15 refers to the Staffordshire Education Infrastructure Contributions Policy and this policy notes that when ensuring the sufficient supply of school places (as discussed in paragraph 94 of the NPPF), Staffordshire County Council has duties to "secure diversity in the provision of schools and to increase opportunities for parental choice" (Education and Inspections Act 2006 Part 1 Section 2(3A)).

To understand the impact of a development on education infrastructure in publicly funded schools, an analysis would need to be undertaken using:

- pupil number on roll
- school capacity
- pupil projections during Local Plan period or otherwise
- committed developments and housing allocations in an emerging Local Plan as advised by LPAs on an annual basis
- any other relevant factors

Although we support policy H15 the education infrastructure analysis has not been carried out pertaining to site 582. During the consultation process we were informed by South Staffs planner Ed Fox that a desk top study only had been carried out looking purely at the vicinity to local schools and not their ability to provide places.

The standard pupil product ratio (PPR) for calculating the number of mainstream pupils attributable from new housing development is 0.03 children per school year group per dwelling. Our group's analysis of the local schools to site 582 is that there are insufficient places within the local schools adjacent to Site 582 to accommodate this number of additional children. Even if the local primary school Bhylls Acre can be extended to increase the pupil capacity there is no room for the additional teacher/staff parking that would be required.

We have not considered in detail all of the EC Policies which address community services, facilities and infrastructure.

EC4 -Rural employment. We support this policy in that it retains the existing policy approach of supporting rural diversification with a preference for development within existing development boundaries. Development outside existing villages to be primarily restricted to opportunities relating to reusing existing buildings. We do however note that a significant proportion of Site 582 is arable land that this is currently farmed and the development of Site 582 will be contrary to policy EC4.

Policy EC11 seeks to: *'Ensure development is designed to promote high quality walking and cycling, both within sites and to links to nearby services and facilities'* however your policy is without any clear guidance as to how this will happen.

With regards to the NB Policies which address protecting and enhancing the natural environment we note that in NB1 there is an intention to *protect, enhance and expanding natural assets* however removing Site 582 from the green belt and developing it would be completely against the proposed Direction of Travel as stated in NB1.

The NB policies which deal with climate change should be linked to policies on the location of development and the corresponding location of amenities and employment. The SSDC approach to climate change is considered too weak when accounting for the long-term impacts on climate change of such unsustainable development patterns.

Policy NB9 states that *" Proposals for enabling development will be considered and assessed to determine if the benefits of securing the future conservation of the heritage asset outweigh the departure from adopted plan policies."* This comment appears to place the adopted plan policy higher than the need to protect heritage assets and puts the reliance on the heritage asset to have a higher benefit than the adopted plan in order to save the heritage asset. This appears to undermine the rest of policy NB9 which is the safeguarding of heritage assets and their setting. This is of particular relevance to the heritage asset on Site 582 which is the Word War II Gun Battery Site.

Question 12:

a) Do you agree these are strategic policies?

Yes, but the obvious omission is a strategic policy to limit the impact of development on Climate Change, including its location and its impact on development in more sustainable locations.

b) Are there any other proposed policies in Chapter 6 that you consider be identified as strategic policies?

With regards to South Staffordshire's climate change emergency, housing development should be focused where there is the minimal requirement for private transport, close to schools, close to public amenities and close to employment opportunities. Housing shouldn't be built that will encourage residents to move out from the centre of the urban conurbation and then commute back into the conurbation for work as would be the case for Site 582.

New housing should be built on brownfield sites, in urban centres and close to public transport and amenities.

Green field sites should be protected as part of the South Staffordshire Climate Change Emergency and these sites encouraged to develop their biodiversity.

3 Summary of the Assessment of Housing Proposal: Lower Penn

We do not believe that exceptional circumstances exist to justify the removal of site 582 or any of the other sites within Lower Penn from the green belt due to the reasons set out in the report presented in Appendix 1

At Appendix 1 is a report ASSESSMENT OF HOUSING PROPOSALS: LOWER PENN that the Save the Lower Penn Green Belt group co-commissioned by an independent consultant to review the housing need and supply situation in South Staffordshire in relation to the proposed Local Plan allocations, including the need for additional housing to meet wider needs in the Black Country.

The report considers:

- housing need and supply in South Staffordshire and the Black Country and Birmingham,
- the implications of the Strategic Housing Market Assessment (SHMA) for South Staffordshire,
- the justification for the distribution of housing in the plan,
- specific site issues on site 582 (Langley Road)

The consultant Gerald Kells was asked to specifically appraise the broad justification for releasing land North of Langley Road at Lower Penn to provide 390+ houses on the edge of Wolverhampton (Site 582 in the Plan) and a site visit was conducted on 3 November 2021 where the site was observed from various surrounding locations.

As well as looking at the 2021 Consultation Plan, the consultant also took into consideration the most recent Strategic Housing and Employment Land Availability Assessment (SHELAA 2021) as well as the landscape, historic and Green Belt Assessment undertaken to support the plan and the 2019 Strategic Housing Strategy and Infrastructure Delivery Report which underpins the choice of Option G for housing delivery which has been adopted into this plan.

The consultant also took into account previous work that he had undertaken for the Campaign to Protect Rural England (West Midlands Regional Group), to assess housing need and supply

in Birmingham and the Black Country, and those reports are included as Appendices 1 and 2 of the Consultants assessment.

In summary the consultants findings demonstrate the housing numbers in South Staffordshire, particularly the uplift of 4,000 to meet Black Country need, is not justified and for this reason and wider sustainability reasons, there are no exceptional circumstances for the removal of Site 582 on the Langley Road from the Green Belt.

This report notes the following;

- The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country and that is untested. Without the 4000 dwelling overspill no new allocations are needed.
- The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brownfield regeneration.
- The level of housing supply both in the Black Country (and wider conurbation) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
- Accelerated changes to retail and office provision, particularly in centres following COVID may increase housing land available in the Black Country.
- Even if the level of housing is required from the Black Country, South Staffordshire is overproviding by 1153 homes, so does not need this housing allocation.

In conclusion with regards to Housing Need and Supply

The Standard Methodology figure may produce a reasonable assessment of the needs in South Staffordshire and amounts to 4131-4165 dwellings over the plan period (4881 including housing supply from 2018). This would include some 700 additional to demographic need. Given that there are 2628 on allocated sites and a further 1500 are likely to come forward as windfalls, this would drastically reduce the amount of Green Belt land required.

We however do not consider the additional 4,000 to meet housing need in the Black Country (and more widely the conurbation) is justified. The data shows that there is significantly greater supply in the urban area than is being allowed for and given the overestimate of real need (perhaps by 20,000) and underestimate of supply (perhaps by 5,000) in the Black Country, the level of overspill and the amount that South Staffordshire has offered to accommodate is unproven. Specifically, the use of the 35% uplift in Wolverhampton to justify the shortfall seems contrary to Government Policy. The figure of 4,000 for the West Midlands conurbation should be removed from the Plan and, if it deemed necessary, a policy included for an early review of the Plan when more up-to-date information is available.

We also consider that even if some of the Black Country overspill is accepted the supply offered by South Staffordshire is excessive. Not only are there 1153 homes (13%) in the supply above the need (with the Black Country overspill included) and 5553 (106%) above the need (without the Black Country) but a further 1050 can be reasonably expected to be delivered on windfall sites over the plan period creating an oversupply of 6603, (137% above the need generated within South Staffordshire) and, even with the Black Country contribution 2303 (26%).

Lastly it is worth pointing out that within the ONS demographic calculations there are already assumptions about migration and it is reasonable to assume, given the nature of South Staffordshire, that some, if not much of the growth assigned to South Staffordshire will already come from out-migration from the neighbouring conurbation, particularly Wolverhampton and the Black Country. This suggests that at a policy level the numbers-driven approach currently being adopted will accelerate that process and this would, on the logic of the Government's 16 December 2020 Statement, be against good planning because it would direct housing

1. away from where services are
2. away from where there is likely to be 'profound structural change'
3. towards locations which will undermine our climate change objectives, of which the Lower Penn site would be just one example.

With regards to the justification for releasing land North of Langley Road at Lower Penn to provide 390 houses on the edge of Wolverhampton (Site 582 in the Plan) the report concludes;

- The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.
- The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
- The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.
- The site would impact on the landscape and amenity of people round the site
- There are potential flooding and water issues that need further investigation.
- The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Walk Local Nature Reserve and the Smestow Nature Reserve
- It is not clear that the site is adequately served by local services, and although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.
- There are heritage assets in terms of a World War II battery which have yet to be properly examined.

Further to the consultant's report the Save the Lower Penn Green Belt group offer the following additional comments;

The severe economic recession likely to be created as a result of the covid-19 pandemic has been given no material planning weight or consideration whatsoever (in relation to the impact of the severe recession on future housing delivery within the District) in the Council's Local Plan Preferred Options (November 2021) and all of the various supporting background technical evidence base used to inform Plan preparation are clearly now all unsound and no longer fit-for-purpose, sufficiently robust and credible to shape future policy direction within the Council's emerging Site Allocations Plan.

Furthermore, the methodology assessment exercise approach undertaken by the Local Planning Authority to underpin Policies which strongly dictate future policy, and set and fix very rigid policy parameters with regard to the future spatial distribution of new housing development across the District over the lifespan of the new Site Allocations Plan once it has been adopted, are based on an unsound policy foundation base. The proposed policy approach does not appear to have been informed and supported by a comprehensive, sufficiently robust and up-to

date Urban Capacity Study (See Appendix 11 Issue 3). This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the NPPF (2021) which confirms that: "...*The preparation and review of all policies should be underpinned by relevant and up-to-date evidence...*"

Planning authorities are 'encouraged' to follow the Government's Standard Methodology to calculate the housing requirement in their area however this uses the out-of-date 2014 Office for National Statistics population and household projections and adds onto them an 'affordability' allowance which is higher where houses are more expensive relative to income. The **standard method is however not mandatory** as is stated within the governments guidance notes - <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments:->

*"Is the use of the standard method for strategic policy making purposes mandatory?
No, if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances"*

The NPPF at paragraph 141 states that exceptional circumstances need to exist to justify changes to the green belt boundaries and that *'the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.'*

As exceptional circumstances are required to remove land from the green belt, if more up to date population statistics are available when these figures would dramatically reduce the need to build on the green belt, then this justifies a deviation from using the 2014 Office for National Statistics population and household projections. Should the more up-to-date figures not be used and a further arbitrary increase in the housing numbers by a further 1153 homes be added, as has been done within the Local Plan, then the exceptional circumstances to remove land from the green belt have not been met.

*"If authorities use a different method how will this be tested at examination?
Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination"*

As the robust evidence would be based on more recent ONS data from 2016 and 2018, taking into consideration the exceptional circumstances that South Staffordshire has of being predominantly green belt, this should pass the test at examination as mentioned above.

At Appendix 2 is a letter from Rt Hon Christopher Pincher MP, Minister of State for Housing dated 8th October 2021 stating 'the standard method is only the starting point in the planning for new homes and does not provide a housing target.'

More recent ONS figures have been produced based on the years 2016 and 2018. Both show a lower national housing requirement. The Government however refuses to use either of the newer figures because they do not support its artificial target of 300,000 homes per-year in England. The 300,000dpa lacks any evidential justification.

Not only do the ONS2014 projections assume that the size of households will continue to decrease, despite evidence to the contrary, but they rely heavily on changes in registrations with NHS doctors, which are unreliable for assessing population levels or movements. This makes them prone to over-estimation, especially where there are large short-term populations. It could be argued for instance that the large number of students in Wolverhampton 's University have created a 'phantom' population.

The approach to housing numbers is not consistent. Some authorities in the West Midlands, such as Wyre Forest District, where the newer population and household projections are higher, are adopting those, which is leading to double counting with neighbouring authorities (such as the Black Country) who are using the 2014 figures. This could perversely lead to sacrificing Green Belt for the same projected need. Others, such as Shropshire Council, are using optimistic economic models to justify higher housing numbers without any demographic justification. Not only is this a circular argument because the economic models actually rely on the additional housing to create the jobs, but it is not balanced out by reductions in numbers set for other local authority areas to compensate for extra people moving to Shropshire.

The December 2020 policy change adds a further distortion to the housing numbers. To give the appearance of a shift to prioritising brownfield development, the Government has increased annual requirements for new housing numbers delivered within Birmingham, Coventry and Wolverhampton by an arbitrary 35% 'uplift', without making any reduction in the numbers set for rural and part-rural planning authority areas around the conurbation. At the same time a major source of supply of housing, the new sites for housing development in towns and cities, (sometimes small and sometimes quite large,) is almost entirely ignored when housing is planned for, even when there is strong supporting evidence. Planning authorities are positively discouraged from including an allowance in their calculations unless they can show 'compelling' evidence and even then only for sites of less than 10 houses.

For example, the Birmingham Plan, passed in 2014, has been shown to have drastically underestimated windfalls, surpassing its allocation year on year. Yet despite that the housing numbers required on allocated sites in the city remain set in stone. Not only could windfalls offer a major source of housing all across the West Midlands conurbation, such housing could also make better use of land. With careful design we can ensure the density of development delivers sufficient new homes without compromising wild spaces or encouraging people to travel further.

The NPPF states at paragraph 71 "*Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.*"

Despite this NPPF statement since 2016 Birmingham windfalls have averaged 1822 dwellings per annum, and consistently above 1000, while the Birmingham authority is still assuming only 600 windfalls a year and has not updated its approach in line with the evidence. Even updating that assumption to a modest 1000dpa would add 5,815 to the Birmingham supply up to 2031. The majority of those are flats however 29% are houses and 62% are outside of the City Centre.

For South Staffordshire the gross Windfall completions on all sites from 2000 – 2016 (From the 2021 SHELAA) was on average 265dpa however for the Local Plan the figure relied on is 30dpa which is vastly underestimated. Should a more realistic figure of 100dpa be used, which was

exceeded in every year since 2006, this would increase the local plan supply by 1050 over the plan period

The Government's December 2020 statement suggests that we should be relying more on such sites and that we are entering an era where there is likely to be unprecedented change to our urban environment, where sites that have been used for retail and office use will increasingly become available for housing or mixed-use development. If the 35% 'uplift' proposals are persisted with, these windfall housing numbers will be doubly important, otherwise that uplift will push even more housing into the Green Belt where it is never going to be sustainable, near services, and will be largely car-dependent.

As the housing data used is long out-of-date it should be afforded limited weight as a material planning consideration within the Plan. In particular as the data used was prepared before the economic shift started to take place as a result of the covid-19 pandemic (2020), this is expected to cause an unprecedented economic recession across the UK over the coming years and no consideration has been made within the Local Plan to accommodate this.

An October 2021 report from the Department for Levelling Up, Housing and Communities also undermines the requirement for further housing by stating that there were 11,193 properties empty across the Black Country and Staffordshire, with at least 1,526 being empty for over 24 months.

For all of the above reasons we do not believe that exceptional circumstances exist to justify the removal of site 582 or any of the other sites within Lower Penn from the green belt.

4. Green Belt Harm by Ms K Richards and Mr N McDonald.

Green Belt Study and Conclusions for site 582 Langley Road

The Green Belt is a planning term for the belt of open space (not necessarily green) surrounding many of our cities and towns. We can trace its birth to the Ministry of Housing and Local Government Circular 42/55. Circular 42/55 from 3 August 1955 set out the original Green Belt policy:

"Inside a Green Belt, approval should not be given, except in very special circumstances for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries, institutions standing in extensive grounds, and other uses appropriate to a rural area."

Jumping forward to the present day and the successor to Circular 42/55, The National Planning Policy Framework (20 July 2021) (NPPF), we find the Green Belt still entrenched in policy and on a similar basis:

"The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. (Paragraph 137 NPPF)."

NPPF Para 138 states that the Green Belt serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;

(b) to prevent neighbouring towns merging into one another;
(c) to assist in safeguarding the countryside from encroachment;
(d) to preserve the setting and special character of historic towns; and
(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 140 of the NPPF also states that:

" Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.."

The Government attaches great importance to Green Belts and the fundamental aim is to keep Green Belt land "open". Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF para 147) Very Special Circumstances will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed. "Inappropriate development" is a closely defined list (now NPPF paras 149, 150).

Within the NPPF at para 149 (e) it allows for the limited infilling of villages as an exception to the 'inappropriate' development rule, however a useful ruling on the meaning of 'limited infilling' can be found in the decision relating to an appeal against the refusal of planning permission for a single dwelling in the Greater Manchester green belt (DCS Number 400-019-367).

The inspector recorded that there was no evidence before him of a definition of 'limited infilling' or 'villages' contained within the Development Plan or the Framework, or indeed its glossary. He considered that "infilling" implies the development of a site that is between existing buildings. In respect of the plot itself, he observed that it sat between two residential properties on similar sized plots, which formed part of a wider established built form. He therefore considered that the proposal did constitute infilling in a village. In reaching this conclusion, he had regard to *Julian Wood v SSCLG, Gravesham Borough Council* [2015].

The inspector reasoned that the crux of the matter was whether the proposal was limited infilling in a village. He noted the appellant's argument that the reference to limited was only concerned with the size of the plot, and he agreed that in his experience, infill proposals are typically only concerned with the size of the plot, not the size of the dwelling. However, he considered that the reference to 'limited' in the fifth bullet of paragraph 89* of the Framework requires a consideration of both the scale and form of the development and has to be interpreted in the context of the overall aim of green belt policy, which is to preserve the openness of the green belt. This implies minimising the loss of significant open gaps between buildings, he determined.

The proposed dwelling, however, would extend almost the full width of the plot. Due to its significant width, the inspector held that the dwelling would fail to reflect the generous spacing of the neighbouring properties. Therefore, he found that the dwelling would be in excess of what would be a reasonable definition of limited infilling.

As the proposed development at Site 582 is both extensive, relating to circa 390 dwellings, and it is not bounded on 2 sides of the development by housing, legal precedent suggests that the proposed development at Site 582 Lower Penn would not be classified as limited infilling in villages and as such would be classified within the NPPF as inappropriate development.

The Department for Communities and Local Government (DCLG) have stated that **unmet housing need is unlikely to amount to very special circumstances capable of outweighing the harm caused by inappropriate development in the Green Belt**. This was the subject of a circular letter on 9 July 2015, a Written Ministerial Statement to the House of Commons on 17 December 2015 and express guidance within the PPG.

To the West of the proposed housing development at site 582 there is **no clear boundary** and as such there will be **nothing to prevent further development**, continuing the urban sprawl and the erosion of the green belt, all of which is contrary to the NPPF (Para 138) green belt purposes;

- (a) to check the unrestricted sprawl of large built-up areas
- (c) to assist in safeguarding the countryside from encroachment;

The Save the Lower Penn Green Belt Group has considered The South Staffordshire Green Belt Study Stage 1 and 2 Report Prepared by LUC July 2019 - This report sets out the findings of the Stage 1 and Stage 2 Green Belt Assessment for South Staffordshire. We have also considered the neighbouring report The Black Country Green Belt Study Stage 1 and 2 Report also prepared by LUC September 2019. We have highlighted excerpts of the report we consider to be key in our argument against building on the green belt, we have also looked at the evidence against site reference 582 Langley Road and noted our conclusions as to why we object to this site being removed from green belt designation for housing.

The Green Belt Study (2019) notes that **'the expansion of Wolverhampton into this sub-parcel (S59b) 'would not create a stronger Green Belt boundary than the existing boundary'**. As previously commented our group agree with this statement as the proposed new boundary to the south-west is currently largely open, with scattered trees. This would not form a strong defensible boundary against further development creep towards the wider countryside beyond and towards the Lower Penn Conservation Area.

*"The Green Belt has remained relatively successful in checking the sprawl of Birmingham, the City of Wolverhampton, and Coventry, preventing the merging of settlements and encroachment into the surrounding countryside, helping to preserve the setting and special character of the constellation of satellite settlements that inhabit it. **At a strategic level, the Green Belt, tightly drawn around settlements, has helped to encourage regeneration by directing development to brownfield sites within the major urban areas.** However, some pockets of Green Belt at the urban fringe have been compromised and degraded by infrastructure projects such as roads and power lines, and other urban intrusions."*

2.10 Paragraph 138 of the NPPF indicates that *"when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. **Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and / or is well served by public transport.** They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land"*.

Site 582 Langley Road has not been previously developed, aside from the historical gunsite which is protected, and is not well served by public transport as there are no bus routes on Langley Road and the nearest train station / tram line is in Wolverhampton City Centre circa 4 miles approx.

2.12 Current guidance therefore makes it clear that the Green Belt is a strategic planning tool designed primarily to prevent the spread of development and the coalescence of urban areas. To this end, land should be designated because of its position, rather than its landscape quality or recreational use. However, the NPPF states **“local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”** (Paragraph 141).

The removal of Site 582 Langley Road would not enhance the beneficial use of the green belt as it would not enhance the landscape, it would be detrimental to the visual amenity and biodiversity and it would not improve damaged and derelict land as the site is pasture and arable fields, horse paddocks, and open fields.

2.19 The PAS Guidance considers the way in which the five purposes of Green Belt should be addressed, as follows:

- Purpose 1: To Check the Unrestricted Sprawl of large built-up areas.
- Purpose 2: To Prevent Neighbouring Towns from merging into one another.
- Purpose 3: To assist in safeguarding the countryside from encroachment.
- Purpose 4: Preserving the Setting and Special Character of Historic Towns.
- Purpose 5: To assist in urban regeneration by encouraging the recycling of derelict and other urban land – the amount of land within urban areas that could be developed will already have been factored in before identifying Green Belt land. The value of various land parcels is unlikely to be distinguished by the application of this purpose.

Note the findings later on in this report with regards to how Site 582 Langley Road, (reference S59 as part of this study) is categorised within the Purposes 1 - 4.

2.21 The guidance goes on to list the types of areas of land that might make a relatively limited contribution to the Green Belt, or which might be considered for development through a review of the Green Belt according to the five Green Belt purposes:

- land partially enclosed by development, i.e., where new development would effectively be ‘infill’ development;
- land where development would be well contained by the landscape;
- land where harm to the qualities that contributed to the distinct identity of separate settlements would be limited; and,
- a strong boundary could be created with a clear distinction between ‘town’ and ‘country’.

Site 582 Langley Road is not partially enclosed by development and hence it would not be infill, development would not be well contained by the landscape as the housing development would be viewable from the path at the top of the railway walk, the distinct identity of the separate settlements would not be limited as there would be no boundary between Lower Penn and Wolverhampton, no strong boundary would be created as there is no natural boundary to the West of the proposed site.

2.27 In South Staffordshire around 80% of the District is designated as Green Belt, which has broadly prevented the outward spread of the West Midlands conurbation to the North West. The District’s larger settlements, such as Codsall and Wombourne, as well as the smaller villages that pre-date the Green Belt, such as Pattingham, Featherstone and Coven, are generally compact and separate, **which is a testament to the success of the Green Belt in the District.**

2.28 With **20% of the district’s countryside not designated as Green Belt, the District is at risk from development ‘leapfrogging’ to sites immediately beyond the Green Belt boundary. This can result in unsustainable patterns of housing, public services or employment land.**

Stafford Borough Council has not undertaken a review of their Green Belt. Stafford Borough’s Local Plan has no specific policy which addresses planning considerations for the Green Belt. Paragraph 2.19 of the Local Plan states that there is no need for the Borough to undertake a review of their Green Belt as they have sufficient land available in locations outside of the Green Belt to meet the needs of the Borough.

Has South Staffordshire asked Stafford Borough Council for assistance with housing requirement if this borough has sufficient land that isn’t green belt?

Openness - the NPPF identifies openness as an ‘essential characteristic’ of Green Belt, rather than a function or purpose. Openness is therefore seen as a key element in the assessment of all Green Belt purposes. Land that lacks openness will play less of a role in preventing sprawl, separating towns, preventing countryside encroachment or providing a setting to a historic town.

Site 582 Langley Road is an open site.

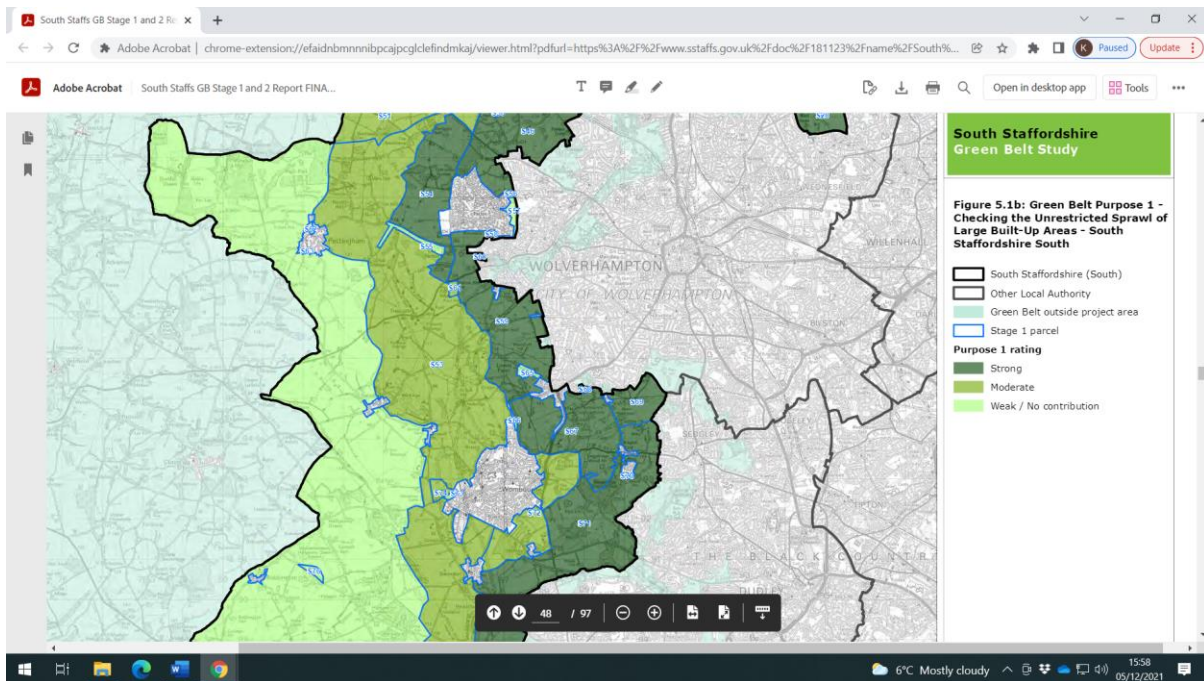
While in South Staffordshire there is much less brownfield land, the District borders the Black Country including some of the urban areas in the Black Country and Cannock District, and lies within the same Housing Market Area. As such **Green Belt within South Staffordshire is also performing a key role in recycling brownfield land.**

The findings of the report show that Site 582 Langley Road (Ref s59) is rated as Strong for Purpose 1 and Purpose 3. Purpose 2 was rated weak, however out of 82 sites there were only 12 that were rated higher than weak. Purpose 4 is rated weak however every site analysed was rated as weak for purpose 4.

Hence s59 which includes the Langley Road site had a stronger score with regards to its importance as a green belt site than 51 of the 82 sites assessed in this report.

Parcel No	Parcel Area (ha)	Purpose 1 Rating <i>Checking unrestricted sprawl</i>	Purpose 2 Rating <i>Preventing merging towns</i>	Purpose 3 Rating <i>Safeguarding countryside from encroachment</i>	Purpose 4 Rating <i>Preserving setting and special character of historic towns</i>
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S59	487.8	Strong	Weak / No contribution	Strong	Weak / No contribution
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Findings from the Black Country Green Belt Study September 2019 findings for Wolverhampton are:

5.23 Elsewhere in the City, land on the urban fringes that lacks significant containment typically makes a strong contribution to this purpose.

Conclusion

The Save The Lower Penn Green Belt Group object to Site 582 Langley Road being included as a preferred option because of its green belt importance.

The expansion of Wolverhampton into this subparcel (S59b) 'would not create a stronger Green Belt boundary than the existing boundary. The proposed new boundary to the south-west is currently largely open, with scattered trees. This would not form a strong defensible boundary against further development creep towards the wider countryside beyond and towards the Lower Penn Conservation Area.

Site 582 Langley Road is not partially enclosed by development and hence it would not be infill, development would not be well contained by the landscape as the proposed housing development would be viewable from the path at the top of the railway walk, the distinct identity of the separate settlements would not be limited as there would be no boundary between Lower Penn and Wolverhampton, no strong boundary would be created.

Site 582 Langley Road has not been previously developed, aside from the historical gunsite which is protected, and is not well served by public transport.

The removal of Site 582 Langley Road would not enhance the beneficial use of the green belt as it would not enhance the landscape, it would be detrimental to the visual amenity and biodiversity and it would not improve damaged and derelict land as the site is agricultural, horse paddocks, and open fields.

The paths adjacent to Site 582 is the nearest opportunity for outdoor recreation for large numbers of people in the neighbouring urban area. The land is fertile and will be increasingly valuable for food production in future and as such should not be released from the green belt.

The findings of the South Staffordshire Green Belt Study show that Site 582 Langley Road (Ref s59) is rated as Strong for Purpose 1 and Purpose 3.

The Langley Road site had a stronger score with regards to its importance as a green belt site than 51 of the 82 sites assessed in this report and hence we conclude that this site should not be removed from green belt and hence should not be considered for housing.

5. Landscape Sensitivity by Ms K Richards.

We refer to the **South Staffordshire Landscape Sensitivity Assessment** a report commissioned by Dudley, Sandwell, Walsall, Metropolitan Borough Councils and City of Wolverhampton Council (together comprising the Black Country) and South Staffordshire District Council in September 2018 to undertake a landscape sensitivity assessment of areas of Green Belt land within the Black Country and South Staffordshire. (copy of the relevant excerpts to site 582 Langley Rd included below)

Location and Landscape Character Context

The area falls within the following Landscape Character Type: Settled Farmlands

The landscape area follows the western settlement edge of the outskirts of Wolverhampton from near Penn Fields School to the A454. The area includes parts of the River Stour, the Staffordshire and Worcestershire Canal and the disused railway line which is now a recreational route.

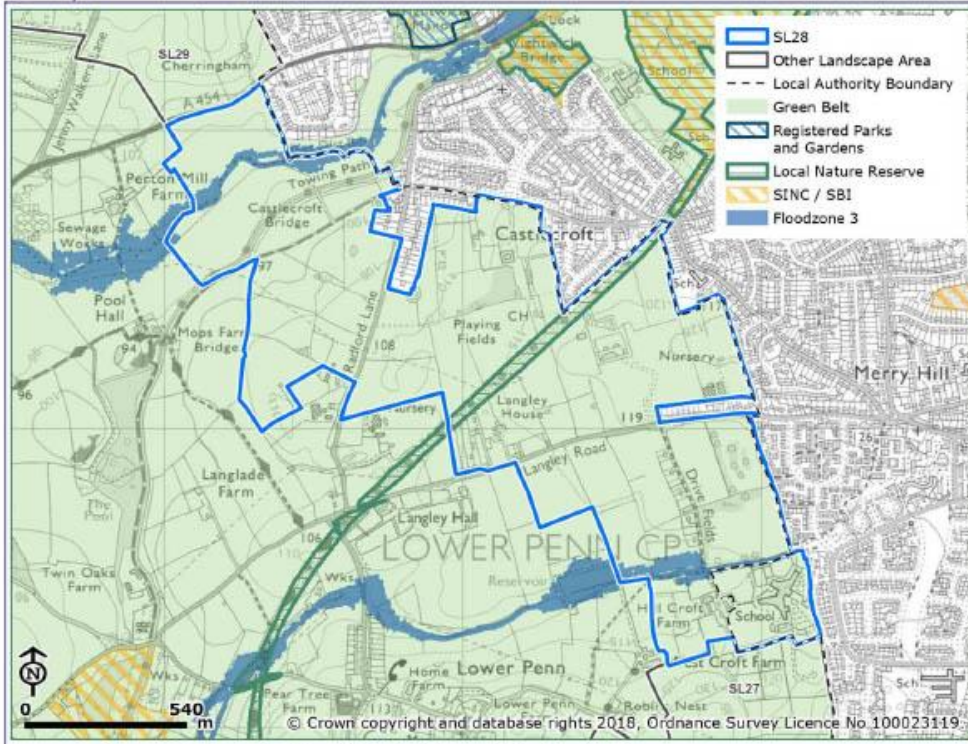
Aerial View of Landscape Area with Promoted Sites



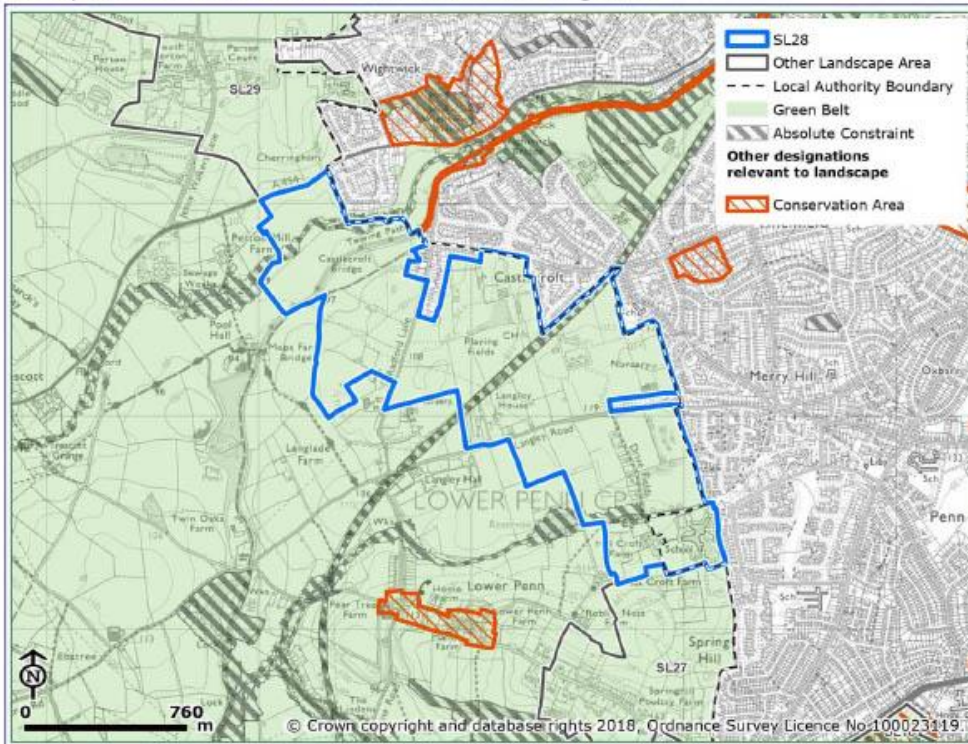
Representative Views



Landscape Assessment Area with Absolute Constraints



Landscape Assessment Area with Absolute Constraints and Other Designations



A1.143

Appraisal of Landscape Sensitivity

Characteristic / Attribute	Lower Sensitivity to Development	Moderate Sensitivity to Development	Higher Sensitivity to Development
Scale		Fields are a mixture of small and medium scale, many with intact hedgerows and hedgerow trees which contribute to the human scale. Some fields have been subdivided by post and wire and tape for horse paddocks. There are also a number of sports pitches.	
Landform	There is little topographical variety in the proposed area with elevation ranging from 90m near the River Stour to a high point of 125m AOD in the east.		
Landscape pattern and time depth		There has been relatively little change in field pattern since the late 19th century and fields are likely to be of post-medieval origin (piecemeal enclosure) except for areas in the north near A454 where fields enclosed in the 18th/19th centuries are smaller and irregular.	
'Natural' character		Limited areas of semi-natural habitat include priority habitat deciduous woodland along the disused railway line which is designated as a local nature reserve (LNR) South Staffordshire Railway Walk and woodland around Castlecroft House. Valued natural features include mature hedgerow trees, including oaks.	
Built character	Few heritage assets or historic features important of landscape character. Built character is mostly modern with properties along Drivefields Road and Langley Road. The presence of an electricity sub-station and sports grounds with associated infrastructure negatively influences landscape character.	Local heritage features include the Wolverhampton to Kingswinford Railway and the Staffordshire and Worcestershire Canal.	
Recreational character		Recreational opportunities include public footpath routes and traffic-free cycle routes along the canal towpath and the railway walk.	
Perceptual aspects		The area has a sense of rural character and tranquillity, although this is impacted by signs of human activity and modern development, such as the overhead power line and larger scale development (tower blocks and a school) on the edge of Wolverhampton.	

Settlement setting	The area provides a rural backdrop to the surrounding settlements, including the village of Lower Penn and the extensive suburban fringe of Wolverhampton.
Visual prominence	The area is not visually prominent within the wider landscape as it has limited topographical variation.
Inter-visibility with adjacent designated landscapes or promoted view points	Little or no inter-visibility with adjacent sensitive landscapes or marked viewpoints.

Landscape Assessment Area	Size (ha)	Rating
SL28s1	171.75	Moderate

Landscape Sensitivity Judgement

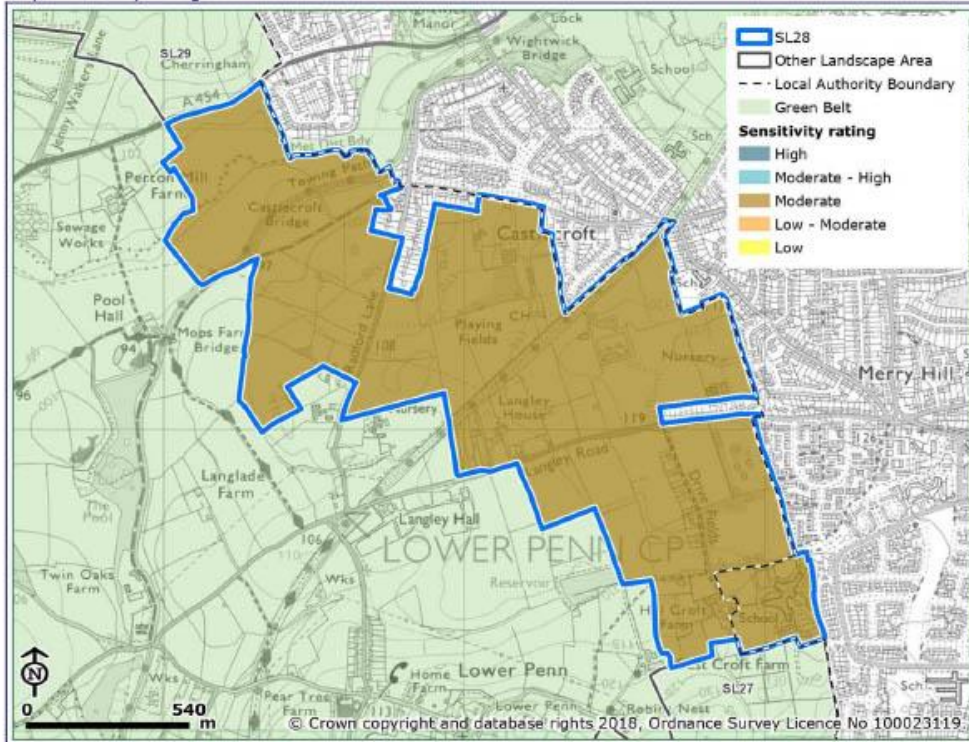
Based on the combination of landscape attributes outlined above, the area is judged to have an overall moderate sensitivity to residential development.

Anomalies to the Overall Landscape Sensitivity Rating

List of Promoted Sites within Scenario

Ref: 350a (Housing); Ref: 350b (Housing); Ref: 351 (Housing); Ref: 582 (Housing); Ref: 657 (Housing)

Landscape Sensitivity Rating



A1.145

The above study has **failed** to note or mention the **important heritage asset** (MonUID:MST23544, HER number 59631, type of record - Monument) that is present on the site, namely the Second World War gun battery site at grid reference SO 8764 9713. The area of land reference 582 Langley Road includes a Second World War Heavy Anti-Aircraft gun battery site, this is of historical importance to the local area and should be preserved for future generations.

https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MST23544&resourceID=1010

Conclusion

This omission is likely to have an impact on the **built Character appraisal** as this is **currently assessed as lower sensitivity to development** and should be re-assessed as **higher sensitivity to development**.

6. Heritage Impact:

Heritage Impact

Historical Site: The preferred site 582 Langley Road includes a Second World War Heavy Anti-Aircraft gunsite that should be preserved for future generations. The area and the remains are reminders of the importance of Wolverhampton's industry to the war effort and the danger to which the city and its inhabitants were subject 1939-1945.

There is a HER Monument record, put in place by Suzy Blake of Staffordshire County Council. (see below) This affords some protection of the site and should be considered in any planning proposal. This site is unique to the West Midlands as no other site as complete as this exists with infrastructure, so it should be preserved.

Historic England have written to the historian namely L Towner who has been working with the Save the Lower Penn Green Belt Group stating 'should the site be subject to threat of demolition or major alteration to apply for inclusion within the National heritage List'. If the site is selected for planning our group will be pursuing this application.

See below records of the site.

http://anti-aircraft.co.uk/HAA_gun_sites_map.html

www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MST23544&resourceID=1010

Excerpt below of the recording on the Heritage Gateway and Historic England

Record Details

MonUID: MST23544

HER Number: 59631

Type of record: Monument

Name: Second World War Gun Battery Site, Langley Road, Lower Penn

Summary

A Second World War gun battery site on Langley Road, Lower Penn. The remains of a series of concrete buildings, structures and associated infrastructure service across the site.

Grid Reference: SO 8764 9713

Map Sheet: SO89NE

Parish: Lower Penn, South Staffordshire District

Map: [Show location on Streetmap](#)

Monument Type(s):

- [BATTERY](#) (Second World War - 1939 AD to 1945 AD)

Associated Events:

- EST3437 - Photographic recording of a Second World War gun battery site on Langley Road, Lower Penn, 2020.

Full description

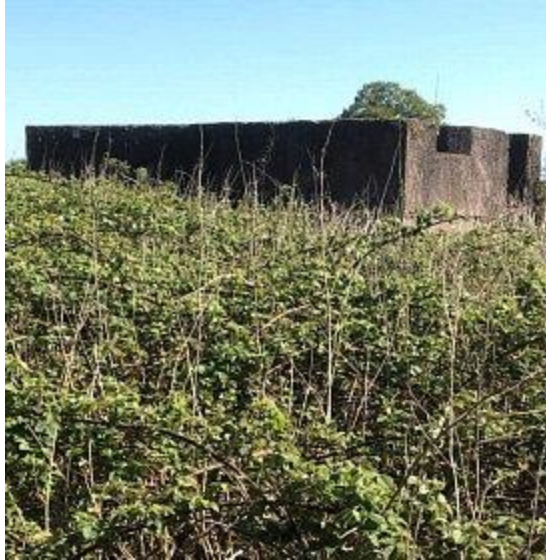
The site of a World War II gun battery, situated on Langley Road, Lower Penn. The photographs show a series of concrete structures including gun bases, pill boxes, plus possible sleeping accommodation, blacksmiths shop, washing facilities and mess. Other infrastructure remains, including roads and associated street lighting also survive across the site. The site, in 2020, was very overgrown with vegetation but the remains appear to survive well. (SB, 08-Sept-2020) <1>

Mid 20th century Ordnance Survey mapping (1955 - 1:10,560 and 1947-1956 - 1:1,250) both show the complex of buildings which once existed on the site. The 1955 1: 10,560 edition shows the site as 'Merry Hill Hostel', while the 1:1,250 shows it as 'Merry Hill Hostel (disused)'. (SB, 08-Sept-2020) <2>

Sources and further reading

- <1> SST3265 - Photographic: Leslie Towner. 2020. World War II Gun Battery Site, Langley Road, Lower Penn - Photographs.
- <2> SST295 - Digital Archive: Landmark Information Group. 2010. Ordnance Survey Online Historic Mapping - old-maps.co.uk. 1955 - 1:10,560 and 1947-1956 - 1:1,250.

Images



World War II Gun Battery Site, Langley Road,
Lower Penn - Photographs © Leslie Towner



World War II Gun Battery Site, Langley Road,
Lower Penn - Photographs © Leslie Towner



World War II Gun Battery Site, Langley Road,
Lower Penn - Photographs © Leslie Towner



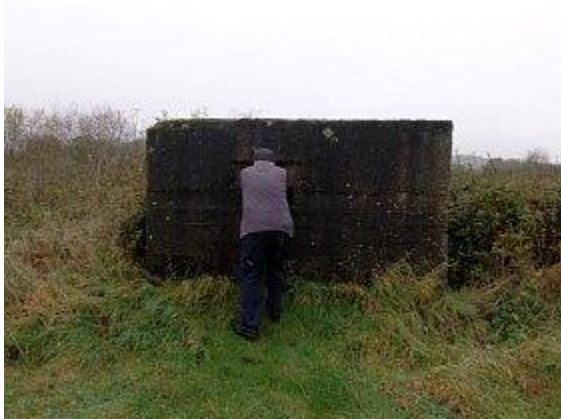
World War II Gun Battery Site, Langley Road,
Lower Penn - Photographs © Leslie Towner



World War II Gun Battery Site, Langley Road, Lower Penn - Photographs © Leslie Towner



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Reference is also given within our Ecological report attached to this objection document on the importance of the undisturbed area within the 'gun site' regards to protected species of wildlife, flora and fauna.

Conclusion

As Site 582 Langley Road includes an important historical asset of great significance to the local area this area should be totally protected and no disruption allowed which will affect the historical structure of the site, including the historical road access. Any development in and around this site is likely to cause irreparable damage and thus an objection is made to building on this area to enable preservation of this site for future generations.

7. Highway safety/access/capacity by Ms K Richards.

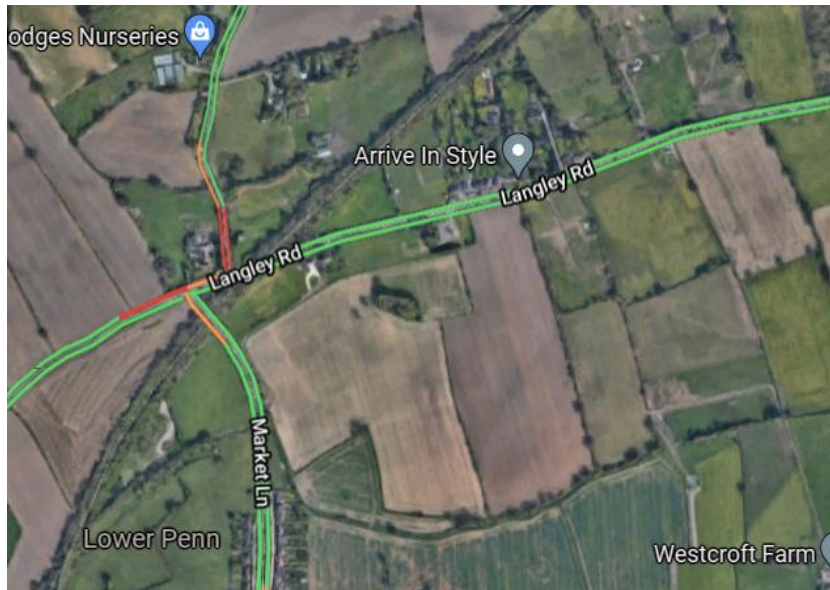
The Save the Lower Penn Action group has considered the route of travel, reason for travel and highway access & safety related to site 582 Langley Road.

The proposed housing on Langley Road will allow road users two options with regards to the direction of travel when exiting from the proposed site 582 onto Langley Road.

East towards Merry Hill and towards the Wolverhampton conurbation, or West along Langley Road towards the rural outlying villages.

To travel West will only allow the road user to take one of three routes and each of these routes exit onto country lanes. (1. Market Lane 2. Radford Lane 3. Continuing on Langley Road towards Dimmingsdale Bridge)

Route 1. Market Lane – the staggered junction between Radford Lane, Langley Road and Market Lane is an accident blackspot with regular shunts. (see photograph below) This junction is prone to flooding. (refer to the flood report)



This is a screenshot of google maps, slow traffic at the junction of Market Lane, Langley Road and Radford Lane. Traffic flow highlighted in red denotes slow. Screenshot taken at approx. 5pm on 8 Dec 2021

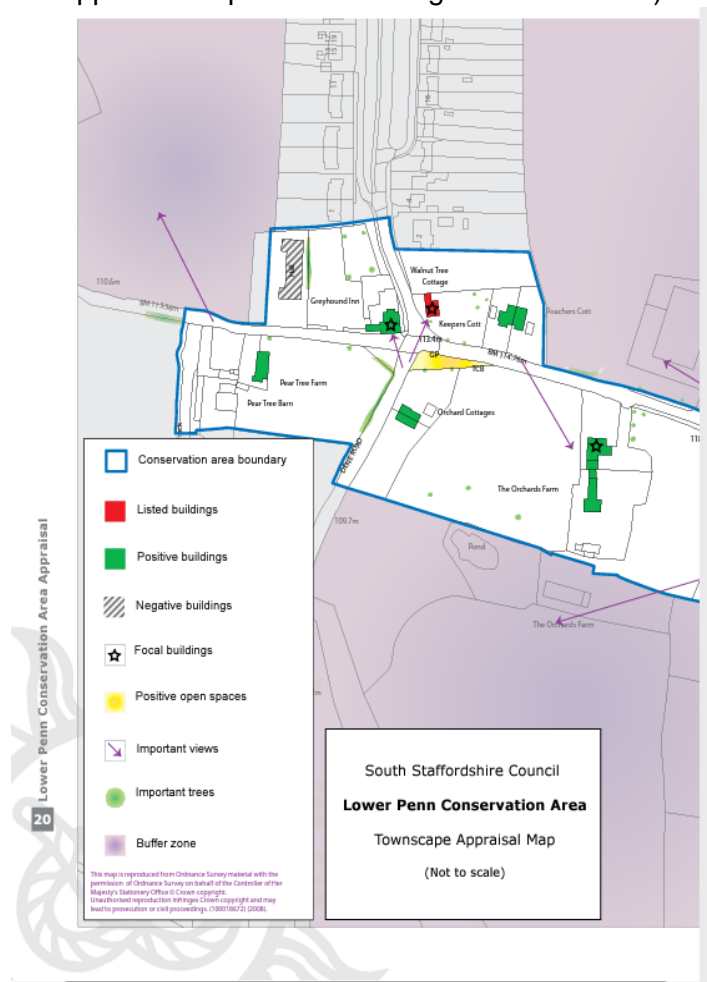
The route along Market Lane directs traffic through the Lower Penn conservation area (see diagram of the conservation area below) and onto the junction at Market Lane, Springhill Lane, Dean Road, Greyhound Lane. This is already a problematic junction, with constant tailbacks

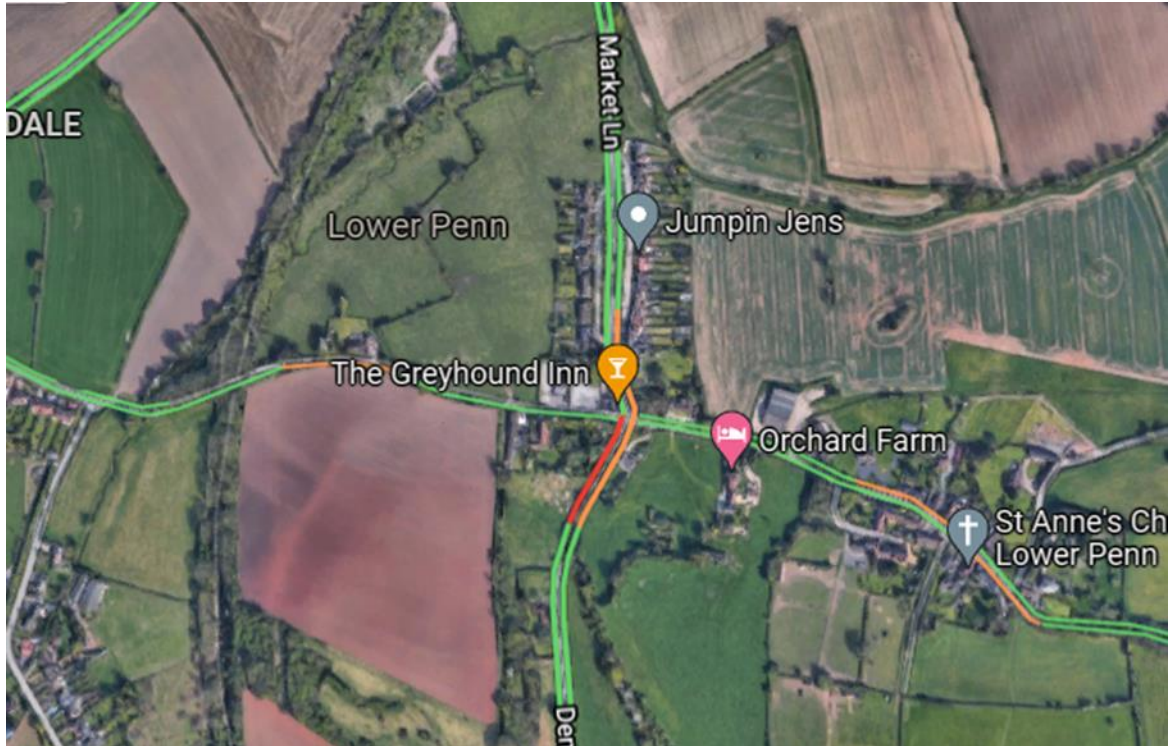
during busy times and complaints have been made by residents, via parish council meetings, on the traffic issues at this junction. This is a route regularly used by road users of Langley Road to travel towards Wombourne, Kingswinford and Stourbridge.

Two of the “key issues” identified under ‘**South Staffs District Council Lower Penn Conservation Area Management Plan**’ include:

- Maintenance of the rural character;
- Volume of traffic through parts of the Conservation Area;

The volume of traffic through the conservation area will increase considerably if 390+ houses are built on one of the adjoining roads to the village conservation boundary and may also have a detrimental affect on the listed building that is shown to be near to the cross roads. (See below the appraisal map below showing the cross roads)





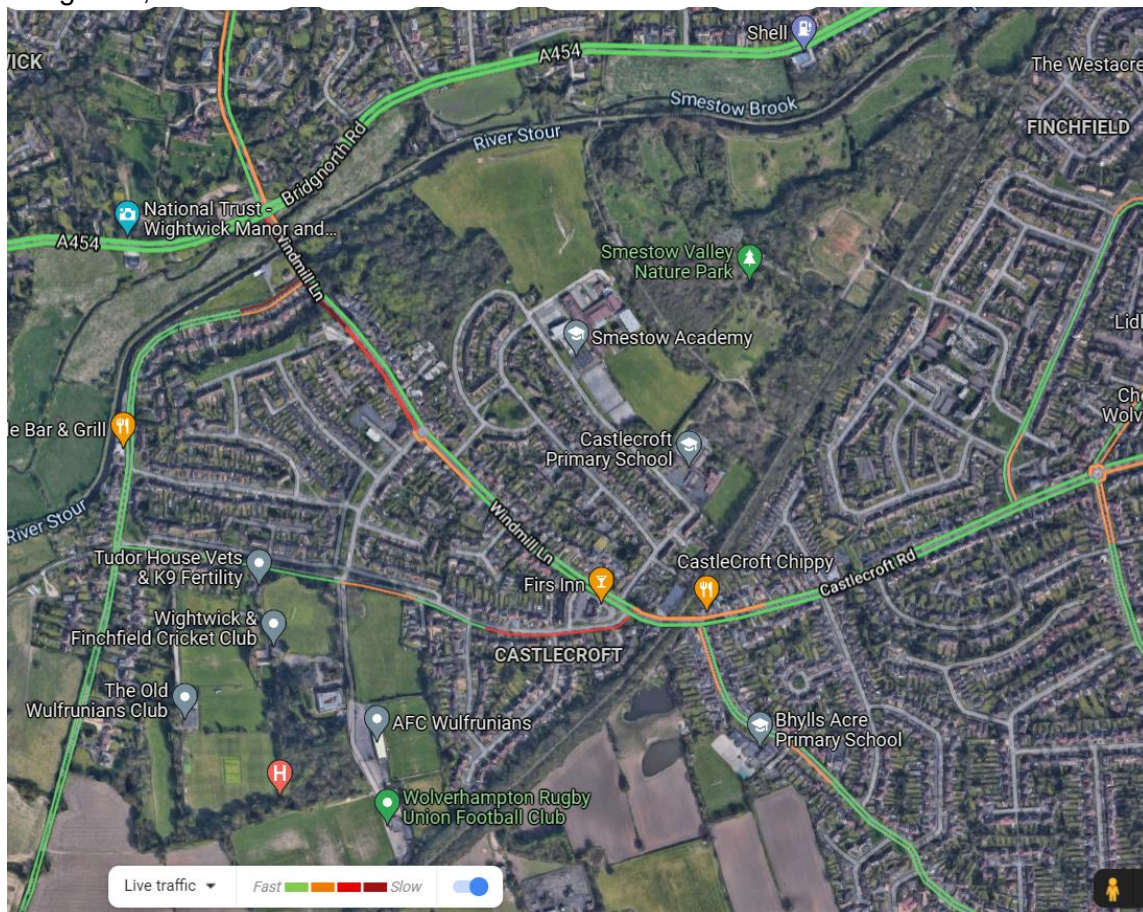
This is a screenshot of google maps, slow traffic at the junction of Market Lane, Dene Road, Greyhound Lane and Springhill Lane. Traffic flow highlighted in red denotes slow. Screenshot taken at approx. 5pm on 8 Dec 2021



Both of these photographs are taken on the approach to the crossroads in the centre of Lower Penn, within the conservation area, both of these lanes will see a further increase in traffic.



Route 2. Radford Lane – this area is also subject to flooding (refer to photographs in the flooding report) and this route will lead to the junction at Windmill Lane and Wightwick which suffers from capacity issues as this is the most direct route from Langley Road West towards Bridgnorth, Perton and Codsall.



Above is a screenshot of google maps highlighting slow traffic on the route from Radford Lane towards the Bridgnorth Road / Windmill Lane / Wightwick Junction. Screenshot taken at approx. 5pm on 8 Dec 2021

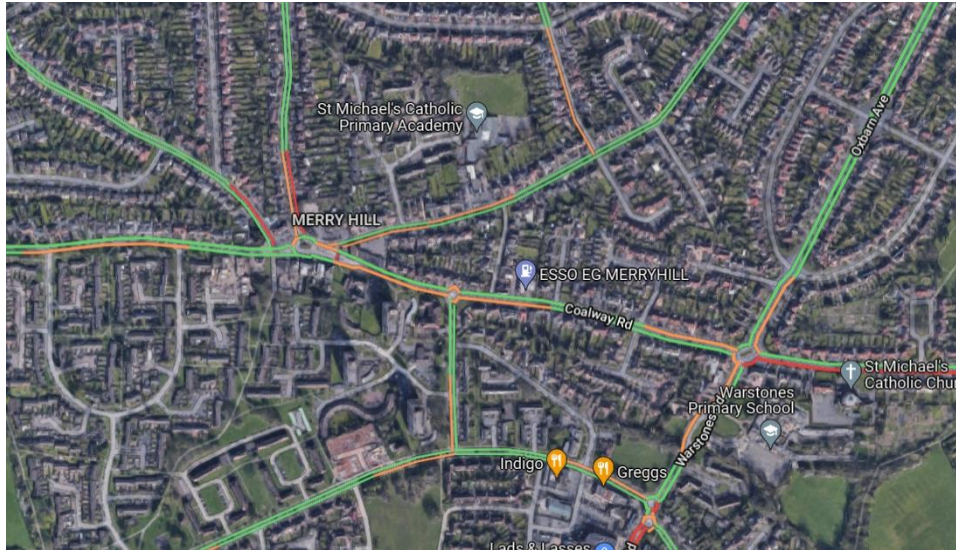
Route 3. Langley Road to Dimmingsdale – the bridge at Dimmingsdale has also been subject to accidents and a recent repair led to closing of the canal and towpath access.

<https://canalrivertrust.org.uk/news-and-views/news/drivers-urged-to-slow-down-on-historic-bridges>



The Langley Road route West will also forge traffic past a Grade II listed property. The listing specifically mentions the garden walls and urns. This property has already been subject to repair of the garden walls due to heavy goods traffic pertaining to the quarry excavation, and thus further damage from construction vehicles is a concern.

Travelling towards the east, the Langley Road enters Merry Hill a busy but small shopping and residential area.



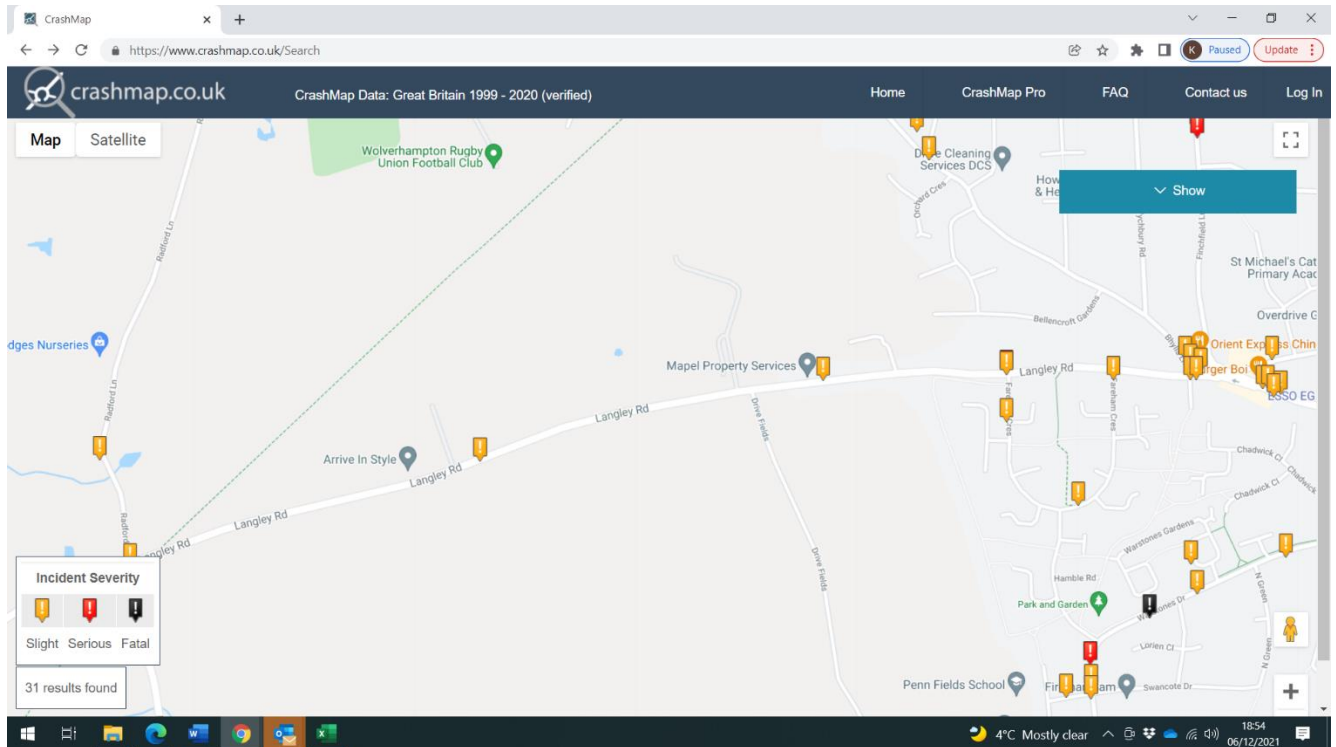
The above image shows the congestion in and around Merry Hill and the routes outwards from the site to the East.

All of the above images were recorded on the 6 December 2021 at approx. 5PM.

Langley Road is subject to a 40 mph speed limit for the majority of the road. The road is reduced to 30mph on the approach to Merry Hill to the east. There are documented issues with speeding on this road. Prior to lockdown there were patrols by local community speedwatch volunteers, along with regular mobile speed camera vans organised by the police service as a result of the speedwatch results.

Langley Road was sadly the vicinity of a fatal traffic accident in July 2006.

Over the past 10 years there have been 31 records of accidents in the area surrounding the proposed site in Langley Road. Data confirmed via [Crashmap.co.uk](https://www.crashmap.co.uk)



The Langley Road is a minor rural road regularly used by runners, cyclists and horse riders and any increase in traffic, especially construction traffic could have safety implications. There is a footpath along one side only of the Langley Road, this is a narrow footpath and offers limited lighting. The footpath alongside the road is already dangerous for families to use, including small children, because of the narrow path and speeding traffic.

Some residents of Langley Road have reported difficulties pulling out of driveways at peak times due to excess speed. The Langley Road narrows at the railway bridge travelling towards the West and does not allow the side by side passing of HGV vehicles.

Langley Road has horse paddocks on either side and as the road is used by horse riders, an increase in traffic could pose them a hazard. I refer to a report sent to the Save the Lower Penn Green Belt Group by a resident of Langley Road (see at the footer of this report)

As detailed within our report on sustainability 3.10 Langley Road doesn't have any close access to public transport, no links to buses, trains or trams. The only public transport available is a voluntary community transport service which only offers ad-hoc essential travel to doctors, dentists, clinics or hospitals. Residents have issued complaints via the Lower Penn Parish Meetings on the lack of access to this service. This assures reliability on car use and hence 390+ houses will instigate an increased level of traffic.

As there are no employment opportunities within the Langley Road site it can be assumed that each member of the household that works will be commuting away from Lower Penn to their site of work. This will not only increase traffic and pollution but will also have a detrimental impact on climate change and is encouraging residents to live in an area that encourages commuting. This doesn't comply with South Staffordshire's Climate Change Strategy 2020 (strategic planning responsibilities) pertaining to reducing car use.

Site 582 has allowed for one major route in and out, which is the access from Langley Road, we however request that consideration is given to the emergency route. Although the developers plan seems to show the route out of Bellencroft Gardens as an emergency route, a highways study would need to be carried out on the suitability of this route. It is currently a narrow residential cul-de-sac, which would not allow for easy access for emergency services and opens out onto Bhylls Lane which is a busy minor road with regular traffic congestion.

Conclusion

Our report on traffic and highway safety concludes that the Save the Lower Penn Green Belt Group strongly objects to housing on site 582 Langley Road on the basis of lack of infrastructure and road safety. Issues highlighted include speeding, number of current accidents, lack of access to local services hence reliability on cars, no public transport, excessive traffic through the conservation area, excessive traffic along rural routes used for horse-riders, cyclists and runners, the unsuitability of the road network and the increase in car usage leading to an impact on pollution and climate change.

Below is a document sent to the Save the Lower Penn Green Belt group by a resident of Langley Road on the use of Langley Road at Site 582 by horse riders.

'HORSES KEPT ON LANGLEY ROAD, LOWER PENN, WV4

Between Merry Hill in Wolverhampton and Langley Hall in Lower Penn, there are no less than SIX properties where horses are kept.

One of the establishments is a livery yard, and the others are all privately owned, with several horses being ridden and driven out on the highway.

Langley Road has a speed limit of 40mph from the junction with Drive Fields going westwards. The speed limit is regularly exceeded and Enforcement Officers regularly deploy their Camera Surveillance Van.

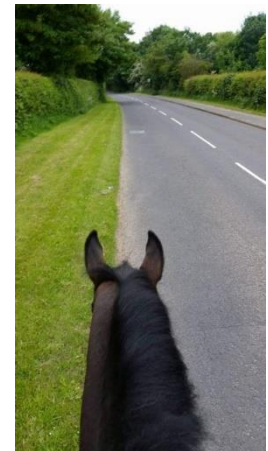
A Community Speedwatch Group carries out occasional monitoring sessions.



Over the past 50 years the volume of traffic has been increasing year on year, and only by careful timing has it been possible for horses to leave their fields for exercise and road training.

To enable horses to gain access to the local system of Bridleways and Permissive Routes, they must first travel along Langley Road and face the traffic with all the dangers that it brings.

Besides the excessive speed of vehicular traffic, riders and carriage drivers have to cope with car drivers with little or no knowledge of how much space a horse needs.



Lower Penn Parish is traditionally an area enjoyed by horse owners, and the danger to horse riders and carriage drivers on our roads should be kept to a minimum.

Any increase in vehicular traffic from new housing developments in the village and local area would be detrimental to not only horse owners, but to all pedestrians, runners and cyclists etc., many of the latter being residents from Wolverhampton and the West' Midlands.

Tony Gregory
Eversleigh
Langley Road



8. Summary of Flood risk and drainage assessment of Site 582 by Ms K Richards

We object to the site 582 Langley Road on the basis of Flood risk and the need for significant new structure or network reinforcement of the surface water and sewer network. All reasons and evidence are set out in the report in Appendix 4

At Appendix 4 is a report on the flooding in and around Site 582. In summary the report concludes that there is strong evidence already available from the Strategic Flood risk Assessment and Water Cycle Study demonstrating that the Langley Road site Ref 582 has a red rating and therefore does not currently have the wastewater infrastructure / sewerage capacity to accommodate the additional flows and is highlighted as an area where significant new infrastructure or network reinforcement will be required. As this local plan is supposed to be "infrastructure led", and the reasons cited for building on the urban fringe is to allow access to current infrastructure facilities, it is proven within this study that the infrastructure is NOT in place to service the Langley Road site.

The supporting data within this report includes photographs and statements from local residents demonstrating that the area in and around the Langley Road Site Ref 582 is already subject to substantial flooding and thus would not be suitable for further development exacerbating these flooding issues.

The report also demonstrates that the County Council has given assistance to the parish to alleviate flooding and drainage issues and thus is aware of the flooding issues already present in Lower Penn. By allowing further building in an area already documented as a flood risk would surely be deemed as irresponsible of a public body.

The recorded minutes from the Parish Council also demonstrates the continued issues with flooding in and around the Lower Penn Parish and therefore again citing reasons for objection.

Guidance from the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. As it has been demonstrated that Lower Penn Parish as a whole suffers from flooding, any development could increase the flood risk both on Site 582 and the vicinity.

There is enough evidence above to mitigate removing this site and furthermore negating the inclusion of neighbouring sites within Lower Penn, as preferred options within the Local Plan. I conclude objecting to the site 582 Langley Road on the basis of Flood risk and the need for significant new structure or network reinforcement of the surface water and sewer network.

Site 582 Langley Road is a green belt site and has been put forward as a preferred option because of its re-classification as urban fringe and the potential of access to current infrastructure. As the current infrastructure is not sufficient, I furthermore do not believe that exceptional circumstances exist to justify the removal of site 582, or any further sites within Lower Penn, from green belt.

9. Proximity to services and sustainable transport.

In Lower Penn where infrastructure is already stretched, additional housing will put an increased strain on local services including schools, roads, and healthcare. **Public transport doesn't currently exist** aside from the community transport service which is a voluntary service and only offers ad-hoc essential travel to doctors, dentists, clinics or hospitals.

Primary and Secondary schools are already at or near capacity and there is not the capacity to accommodate the additional children from Site 582.

In accordance with the Education Act (EA) 1996 Section 14(1), Staffordshire Country Council has a statutory duty to secure sufficient primary and secondary school places, through working with schools and other partners and in order to understand the impact of a development such as Site 582 on the education infrastructure in publicly funded schools, an analysis will need to be undertaken using:

- pupil number on roll
- school capacity
- pupil projections during Local Plan period or otherwise
- committed developments and housing allocations in an emerging Local Plan as advised by LPAs on an annual basis
- any other relevant factors

This has not been carried out for Site 582 despite it scoring favourably with regards to proximity to schools.

A pupil product ratio (PPR), which is in effect a pupil to dwelling ratio, needs to be applied to each application, which is based upon an assessment of children resident in new housing in the area. The standard pupil product ratio (PPR) for calculating the number of mainstream pupils attributable from new housing development is **0.03 children per school year group per dwelling.**

We can calculate based on 390 houses that the new housing estate will be contributing 15.6 children aged 3 and 81.9 children aged 4-11. **This would be a further 97 children for Bhylls Acre Primary school.**

For the 11-16 secondary school this would mean an additional 58.5 pupils. If these children are to be schooled in the nearest South Staffordshire secondary school in Wombourne these will need to be bused through to Wombourne which conflicts with the South Staffordshire climate change emergency and sustainability criteria.

This increase in the number of children doesn't take into consideration the increase in the number of children as a result of the increase in windfall houses locally.

The Staffordshire Education Infrastructure Contributions Policy details the minimum specification required for a suitable school site at Appendix G and the last line states '*The provision of adequate parking on the school site for both staff and visitors.*' There is no room for parking at Bhylls Acre School unless the playing area to the rear of the school is utilised for parking.

The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 1996 at two miles for under-eights and three miles for those who have attained eight years. These distances are measured by the shortest available walking route. In excess of these distances Staffordshire County Council must fund 'free' school transport as would be the case for the 58 pupils in the 11-16 year old age group if they're schooled within South Staffordshire.

Walking to school is actively encouraged by South Staffordshire Council - see below council website extract:

Active & Sustainable School Travel - '*The benefits of walking, cycling and scooting the journey to school are well known. Teachers tell us that pupils who travel actively will arrive brighter and more alert, ready for learning as well as generally happier.*'

Sustainable travel to schools is not possible with the closest primary school (Bhylls Acre) near capacity (202 spaces allocated out of 208 – source Ofsted) meaning the bulk of the 97 children that site 582 is forecast to generate will have to access schools in Wombourne instead, as is the case for the closest secondary school in the South Staffs remit Wombourne High which is 3.4m miles away (a 1hr 12 minute walk) and via country roads with poor footpaths and limited lighting. Consideration has not been made in respect of sustainability with increased traffic travelling via minor roads two or four times daily for pick up and drop offs.

Bhylls Acre although in South Staffordshire borders Wolverhampton and this in itself brings challenges of safeguarding contacts across two councils without the burden of more pupils.

Many schools in the area have oversubscribed nurseries and Blakely Heath for example would need to have two forms in one year group and utilise mobile classrooms or build more to accommodate additional pupils, this would not be conducive to a positive learning environment and furthermore does not demonstrate utilisation of existing infrastructure.

Wombourne Parish Council quote in their response that 'residents of Lower Penn are being expected to use infrastructure in neighbouring villages which will mean our services will become even more stretched'. This statement is correct, Lower Penn residents already use the services

in Wombourne, which are not accessible by foot due to their proximity and additional houses will increase this burden.

Site 582 identified as a preferred site does not currently have roads built to accommodate traffic created by an additional 390+ houses and new roads will have safety and access concerns as well as a detrimental effect on the landscape

There is no infrastructure in place, Langley Road is a minor road and any new roads off it will unsafely increase traffic at already burdened junctions for example by 'Merry Hill' shops/Bhylls lane which has regular queuing and by entrances that are not designed to accommodate such traffic flow, (for example near Drivefields and Bellencroft Gardens) as well as forcing traffic down narrow country lanes to reach the services of doctors, schools, shops, police, fire in nearby Wombourne that they are unable to access in the immediate vicinity as previously discussed or as a commuter route through to Telford and Bridgnorth.

Langley Road is already subject to traffic that often exceeds the speed limit and as such it would benefit from traffic calming measures, not additional flow leading to the higher likelihood of accidents. The construction traffic and their heavy loads are also likely to cause damage to the roads and houses. Recent quarry traffic caused cracks in walls and there would also be disruption to residents during the build.

There is no direct bus route from Langley Road to Wombourne to access police, GP or other critical services.

Accessing GP surgeries at present can result in a two week wait which will only get worse with an increased headcount and although the surgeries cannot cap patient numbers they would require additional GPs and rooms to provide an adequate service without threat to life. The closest hospital is 4.1 miles away but is under Wolverhampton authority or Russells Hall which is 5.5 miles away and under Dudley authority, nothing falls under South Staffordshire within close proximity and as such residents cannot access ambulance patient services easily.

The closest dedicated Police station was Wombourne but this was closed due to cut backs. The service now operates out of the Civic Centre at Gravel Hill but is not a station that public can walk into and access. Lower Penn due to its location is often not well attended by police when needed and consideration will need to be given to capacity of the force if more residents are located away from their hub.

10. Summary of Ecological report on proposed Langley Road development site 582, November 2021 by Dr Kate Tobin, Prof Ian Trueman and Dr Lynn Besenyei.

We do not support development of this site due to the ecological reasons set out in the in the Ecological report found in Appendix 3

At Appendix 3 is an Ecological report on the proposed Langley Road development site 582 carried out by Dr Kate Tobin, Prof Ian Trueman and Dr Lynn Besenyei.

The report considers Landscape connectivity, protected bird and bat species, species diverse hedgerows and mature oak trees, the gun battery habitat, and the landscape sensitivity. The summary of the report is below;

Landscape connectivity and protected bird and bat species

The site forms part of an important ecological network connecting the urbanised area of Wolverhampton with open countryside in South Staffordshire. The South Staffordshire Railway Walk Local Nature Reserve provides a critical pathway for wildlife in and out of the urban area. The proposed site is playing a strategic role in supporting this species diversity at the point where the railway walk meets the open countryside. There is a high diversity of protected bird and bat species in the immediate area of the site. Many of these species are of UK level importance to conservation. Some of these recorded species are currently suffering a sharp decline in numbers.

The field ponds are supporting a range of species, including nationally important bats such as the lesser horseshoe bat. The habitats used by these bats will require protection from disturbance and light pollution. The fields on the site are also providing valuable foraging and potential nesting habitat for lapwing, a UK red list species.

Species diverse hedgerows and mature oak trees

As reflected in the Staffordshire Biodiversity Action Plan, ancient and species diverse hedgerows are of considerable conservation importance and should therefore be protected from damage or removal. At this site they are providing linear linkages between the railway walk and the wider countryside. There is a good collection of mature standard oak trees, several over 200 years old.

Gun Battery habitat

The extensive natural regeneration of vegetation over seven decades at the gun battery is providing shelter and habitat for multiple species and requires further study.

Landscape Sensitivity

The Landscape Sensitivity Assessment (2019) assesses the sensitivity of the wider landscape parcel SL28 as Moderate. It is notable however that the sensitive features referred to in that report – ‘intact hedgerows and hedgerow trees’, ‘little change in field pattern since the late 19th century’, ‘priority habitat deciduous woodland along the disused railway line...local nature reserve’ and ‘local heritage features’ are all present at the proposed site.

Conclusion

The importance of the Green Belt at this location needs to be considered on a landscape scale. The potential impact on a significant wildlife corridor within the regional landscape should be examined, particularly due to its position at the boundary between two authorities. The site is known to be well used by a number of rare species which are protected at national level. In conclusion we do not support development of this site due to the sensitivities discussed in this report.

11. Nature Report by Dr M Holland & Jan Holland November 2021.

Introduction

In October 2021, a request was placed on the Save the Lower Penn Greenbelt Facebook page asking if residents of Lower Penn would identify the animals and birds they had seen in their gardens. There was a good response and a total of nineteen different species were identified which could form the basis for a survey.

It was decided to survey those living in roads adjacent to proposed developments on green belt land. These roads were Springhill Lane, Radford Lane and Langley Road although it was recognised that certain parts of Bhylls Lane, Castlecroft Road and Windsor Gardens might also be affected by activity on the green belt.

Residents in Springhill Lane, Radford Lane and Langley Road were asked to say if they had seen any of the nineteen species in the questionnaire within the last month.

The Survey.

In order to make comparisons between the three roads easier the answers for each species were divided by the number of residents who responded in each location and expressed as a percentage. The results were plotted as a bar chart and a pie chart. To see if the three roads gave similar answers the answers (distributions) were compared using Smirnov's test.

Results

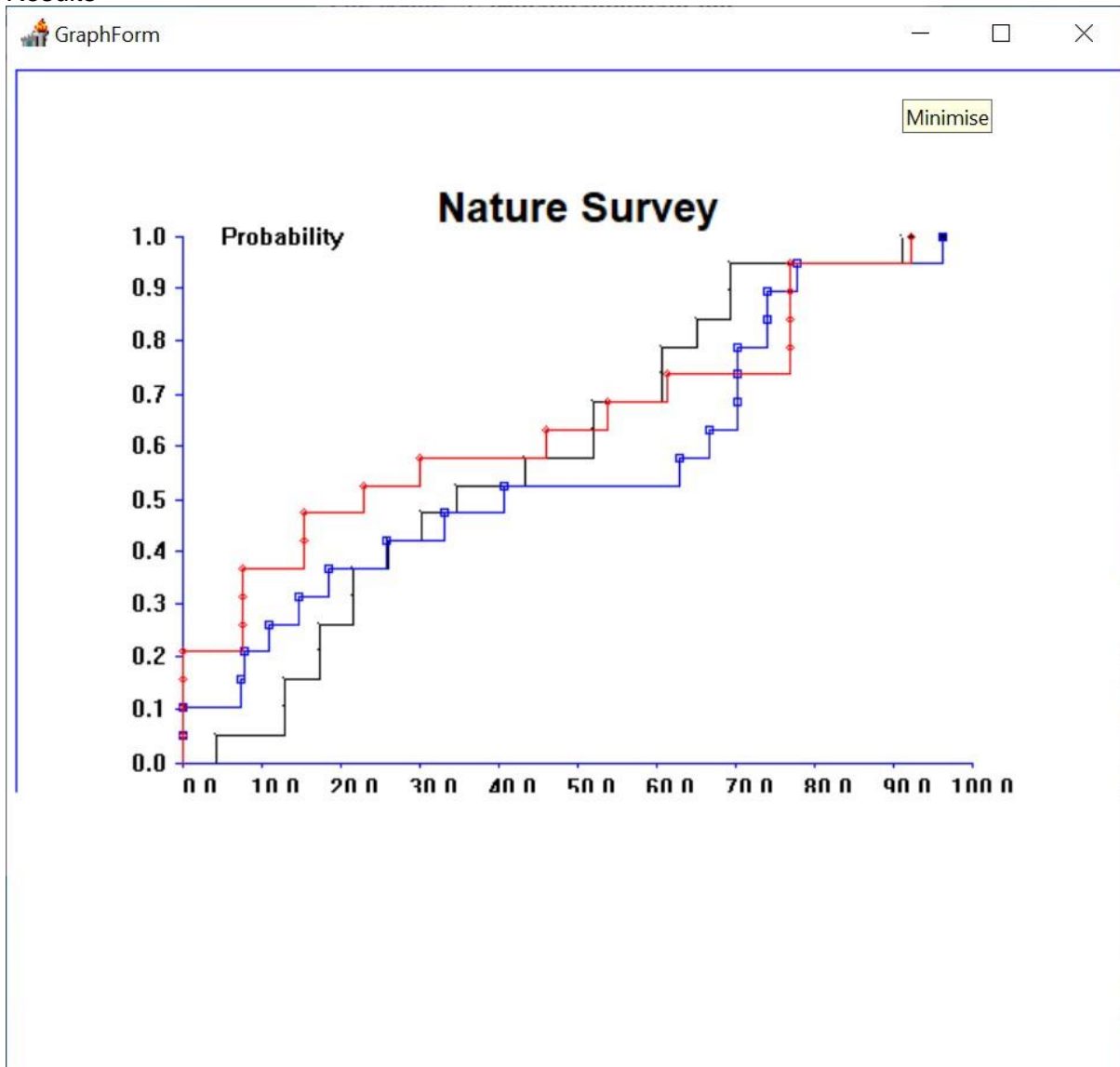


Figure 1 Cumulative probability plot for the three roads

Black Langley Road

Blue: Radford Lane

Red: Springhill Lane

If there were different answers for the three roads one would expect the distributions to be separated vertically. Some vertical distance is seen but Smirnov says for a difference over 19 observations (species) to be statistically significant, it must exceed a probability of 0.44 at the 95% confidence level. None of these distributions approach this limit so we can say that the residents in the three roads were giving similar answers.

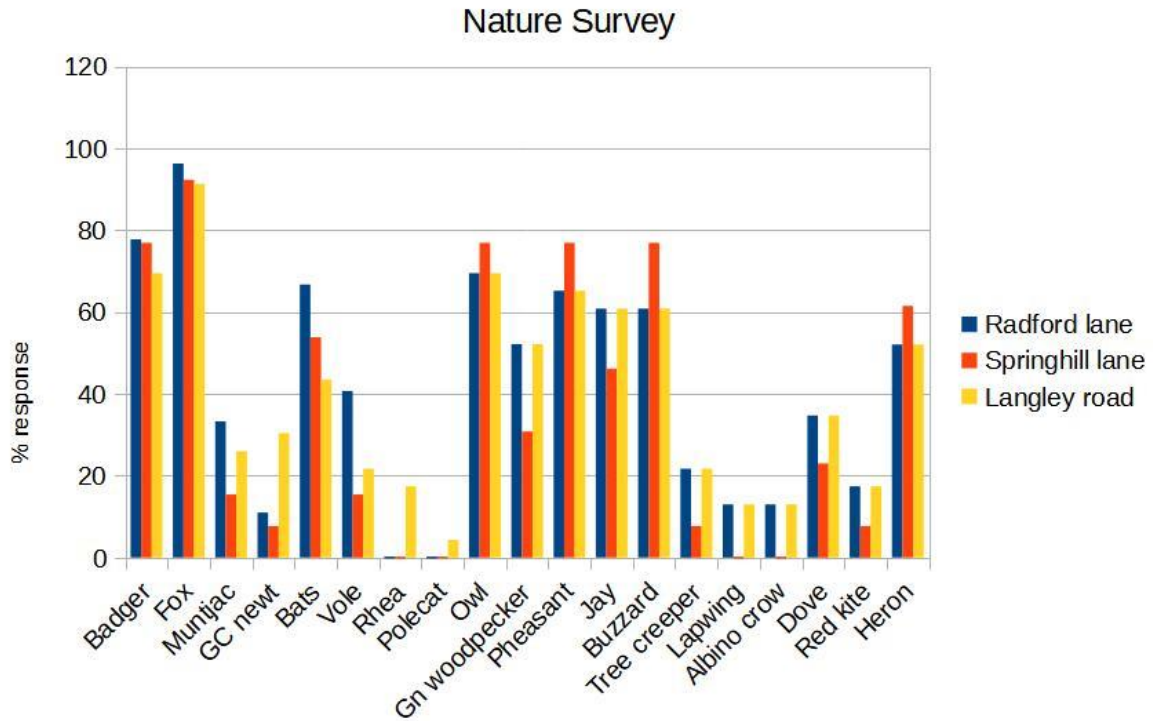


Figure 2 A bar chart showing the responses by road for the 19 species surveyed.

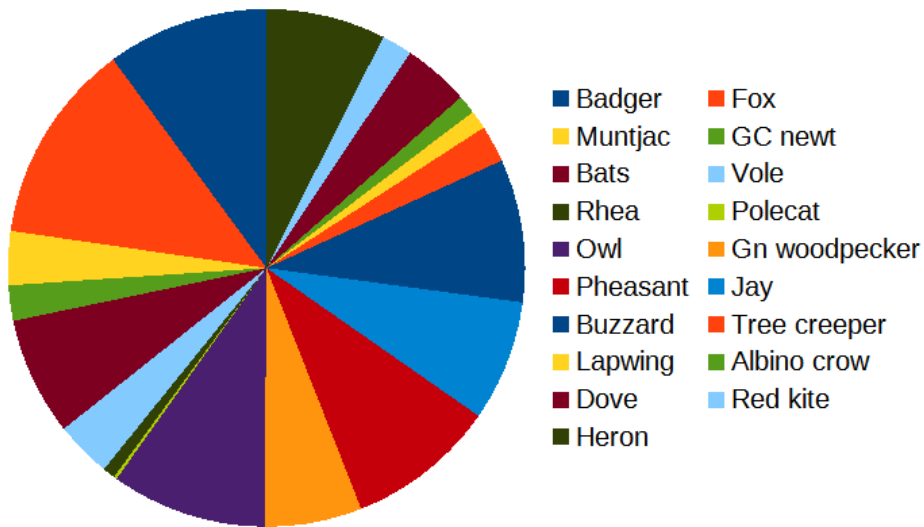


Figure 3 A pie chart showing the distribution of the 19 species surveyed.

A survey of badger activity in November 2021

Badgers frequently come from the market garden (on South Staffordshire land), through the hedge which forms the county boundary to forage in the front garden before continuing to forage along Bellencroft Gardens.

In April 2021 4 badgers were regular visitors two adults and two young. It was decided to monitor badger activity to get a baseline in case the setts were destroyed as a prelude to the proposed development on the Langley Road site.

A wildlife camera was installed on 5th November. It was set up to photograph activity in the hours of darkness between 4pm at night and 6am in the morning with an interval of 30 seconds between successive exposures.

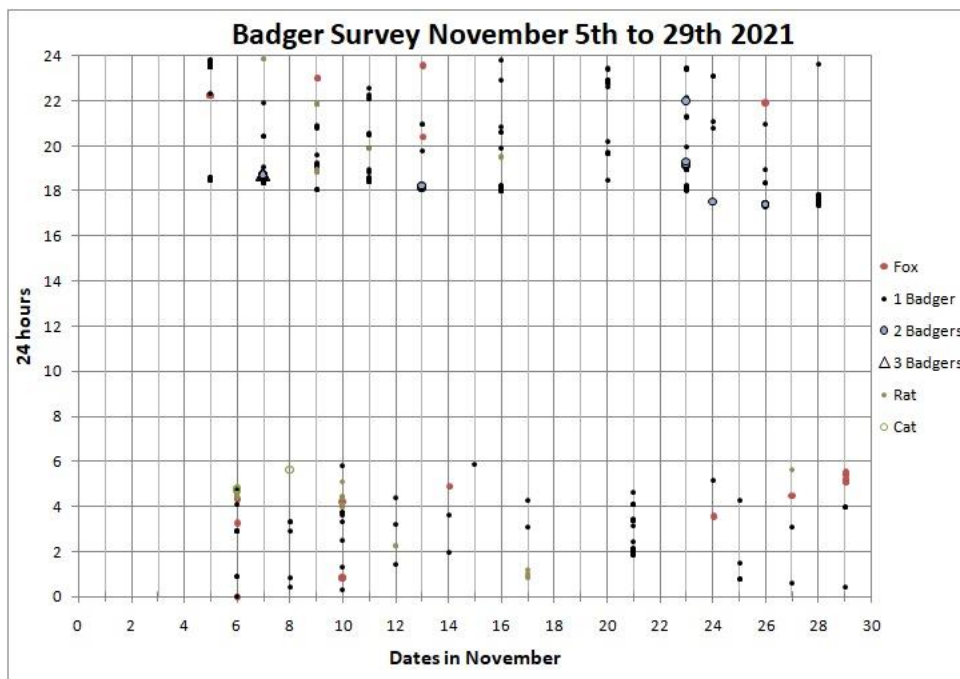


Figure 4 Badger activity in November 2021

Figure 4 shows activity between the hours of darkness. During daylight hours the camera was inactive. The wildlife camera photographed badgers, foxes, rats and cats. Each data point on the graph may record several photographs. It is difficult to determine if adjacent photographs are of the same badger or two different ones. However two or more badgers appeared in certain photographs as shown in the key. It is clear that there was considerable and daily badger activity during the hours of darkness. The family of four badgers has not been seen but the parents still come to forage and the youngsters may have sett up families of their own and go elsewhere,

Conclusions

All the roads at risk from development of their adjacent green belt land demonstrated a wide variety of species locally. All three roads were consistent in their observations of the species. All the observations recorded have been entered into the Staffordshire Ecology Database.

Some objections to the proposed development at Langley road

The site is on Green Belt land which is supposed to be protected from development. There are protected species on this site, this must be recognised and steps taken to ensure their well-being before any development takes place.

Badgers. There are at least two setts in the proposed development area and the site is also used for foraging by badgers from sites adjacent to the Langley Road area. Badgers have been recorded by residents in all three roads surveyed, Langley Road, Springhill Lane and Radford Lane so there may well be more than two setts in the proposed Langley Road housing development, Badgers are protected so their setts cannot be destroyed. A new housing development will have to survey the setts on the site, take account of this and reserve space for them. Badger activity can now be monitored so as to assess any damage to the badger population.

Bats. These have been recorded in all three areas of the survey. Over 60% of residents in Springhill Lane recorded them but only 40% of residents in Langley Road. We know the derelict greenhouse near Langley Road is a roosting site for them so there should be more sites around to support the numbers seen in the Springhill Lane area. The derelict greenhouse is in the proposed Langley Road housing estate. Bats are a protected species so this roosting site must be conserved also the landscape features such as field boundaries, hedges and ponds that they use for navigation.

Great Crested Newts. There are two ponds on the site, one near the entrance from Castlecroft Road and another south west of this by the projected access road to the proposed battery charging unit. Both these ponds are capable of supporting breeding colonies of newts although the water quality is better in the second one. Furthermore, the land adjacent to these ponds is suitable for foraging and hibernation. This would enable newts to colonise the surrounding area. Newts have been seen by the residents of Langley road so it is clear that they range over the whole of the proposed building site.

Muntjac deer are protected as being a naturalised species. They live on the railway walk but have been seen foraging in Langley Road so they use this site for their activities.

The Gunsite. This WWII gun battery site has been derelict for seventy years and is now the subject of a Historical Environment Record. (HER 59631 MST 23544) in the area located at SO8764 9713. It was used to protect the airfield at Perton and also west Wolverhampton. This site is unique to the West Midlands as no other site as complete as this exists with infrastructure so it should be preserved. The gun battery lies within the proposed Langley Road development site but the gun battery has been derelict for 70 years and there may be ecological matters to consider here. Seventy years of dereliction allows substantial natural regeneration to occur. This type of habitat is unusual and has the potential for significant nature conservation value. The cover provided by the vegetation will provide valuable habitat for a diversity of birds, mammals and invertebrates.

12. Summary of Response to South Staffordshire Council's Sustainability Appraisal 2021 by Dr Kate Tobin.

We believe that the development is unsustainable for the reasons set out in the sustainability appraisal presented in Appendix 8.

At Appendix 8 is a report on the Sustainability Appraisal by Dr Kate Tobin relating to in and around Site 582. In summary the report concludes;

- The appraisal fails to make any meaningful assessment of climate change mitigation and so underplays the real impact that large green belt developments such as Site 582 would have on CO2 emissions in South Staffordshire. This fails to meet the objective of the SEA directive: to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- Site 582 is shown to be completely unsuitable in terms of climate change adaptation due to the acknowledged surface flooding problems
- It is also clear from this sustainability appraisal that this site would not be sustainable in terms of access to hospitals, GPs, leisure centres, train stations, bus stops or shops. The lack of local infrastructure would lead to car dependency.
- The Staffordshire catchment secondary school at 6km is not within the target distance of the site (1.5km), so the site should not have been assessed as a major positive.
- There are no major employers locally so residents at this proposed site would have 'unreasonable' sustainable access to employment opportunities' and be dependent on cars to travel to their place of employment.
- The sensitivity of the adjoining Local Nature Reserve to development has not been acknowledged.
- The significant heritage asset on the site has not been acknowledged.
- In conclusion the sustainability appraisal has highlighted the unsustainable nature of any development at this site.
- The local plan aims 'to locate development in more sustainable locations with access to existing services, including public transport options.' This proposed site does not meet this aim and should therefore be rejected.

13. Site opportunities.

South Staffordshire has already given up green belt land for the West Midlands Rail Freight Interchange after being forced to do so by central government. The total area covered by the Proposed Development site is 297 hectares. The Secretary of State acknowledged that development on this green belt site would be classified as inappropriate development however permission was granted to remove this land from the green belt to serve the Black Country, southern Staffordshire and Birmingham conurbations. Should this green belt

land have instead been converted into housing it would have amounted to 11,880 dwellings (assuming 40dph as per the Urban Capacity Report)

The West Midlands Rail Freight Interchange was forced on South Staffordshire to service the West Midlands conurbation as such South Staffordshire has already sacrificed significant green belt land under and should not be asked to contribute a further 4000+ houses under the Duty to Cooperate, specifically when the West Midlands housing requirement is unproven.

Not only should South Staffordshire not be offering up further green belt under the Duty to Cooperate, sites which have previously been designated within South Staffordshire as potential industrial land should be considered for housing such, as Royal Ordnance Factory (ROF) Featherstone.

ROF Featherstone is a former Royal Ordnance Factory located in Locality 3 to the west of Featherstone village, which was identified for B1 and B2 employment use in both the 1996 Local Plan and reaffirmed in the adopted the Core Strategy in 2012 subject to further studies being carried out. The site remains derelict and despite having policy support in the Local Plan, has not come forward for development. In September 2012 an application was approved subject to a Section 106 agreement for B1 and B2 uses but was subsequently withdrawn. ROF Featherstone is 36 hectares and as such could accommodate 1440 dwellings.

Although we have not assessed these sites for their suitability other sites where industrial planning is being considered or has been granted and might be suitable for housing include the following;

Hobnock Road, Essington	4.9 hectares	196 dwellings
Paradise Lane, Slade Heath	3.13 hectares	125.2 dwellings

14. Nolan Principles of Public Office applied to the Local Plan and Housing Strategy by co-authors Dr Arko Sen and Mr N McDonald

Standards and Equality perspectives that apply to the Local Plan and Housing Strategy work.

The National Planning Policy Framework guided the trajectory of the Local Plan review and the housing strategy work. The objections, observations, conclusions and favoured positions stated here respond to these but it is important to remember that Local Planning and other activities undertaken by Local Authorities have to comply and objectively demonstrate compliance to other important regulations, standards and legislation that protect people's rights (eg. Equality).

Nolan Principles of Public Office applied to the Local Plan and Housing Strategy

The Nolan Committee was established in 1994 in response to concerns that the conduct of some politicians was unethical in 'cash for questions' and other matters. The many failures of public offices demanded the establishment of minimal standards to be observed by those in public office.

In any arena, where public decisions can result in the creation of substantial wealth, it becomes especially important to ensure that the Nolan Principles are not found wanting in the arrival of key decisions or through the dispatch of duties. Consider, for example, the relevant fact that overnight there can be a rise in the capital value on a site by millions of pounds where Green

Belt status is extinguished in favour of residential use through a Local Plan Option decision or allocation.

It is important that the documentation, responses and collation, categorisation, assessments and evaluations of this Consultation Process too are seen within the light of Nolan.

The Nolan Principles should not only be applied but must be seen to be consistently and constantly applied at every stage of the Planning and Consultations by Elected Members, Planners and the Inspectorate too.

For reference here are the Nolan Principles:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

At this point, it seems that some of Nolan Principles are to be considered as not having been fully met. This is an important issue for Officers and the Inspectorate to consider.

For instance, to be a professional is to be objective through the use of the universally accepted practices and tools of a profession to arrive at a decision. Objectivity means that it would be normal for people with the same evidence to arrive at the same or similar decision.

The flow of decisions or decision-tree that results in the South Staffordshire District Council choosing to simply accept the Government's required housing target and offer 4000 dwellings to the West Midlands conurbation under the Duty to Cooperate, plus a further uplift of 1153 dwellings to provide flexibility within the plan are absent.

The use of Section 36 Freedom of Information exemptions as shown in Appendix 5 means that the decision making process cannot be placed under thorough and transparent scrutiny. Remember, 'accountability' demands that holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this happens. The fact that some Freedom of Information requests concerned with the process have not been answered shows that the principles of accountability and openness have not been fully met.

The following quote from the Tribunal in *Foreign and Commonwealth Office v Information Commissioner (EA/2007/0047)* which accurately summarises the position of various Tribunal decisions: “we adopt two points of general principle which were expressed in the decision in *HM Treasury v the Information Commissioner EA/2007/0001*. These were first, that it was the passing into the law of the FOIA that generated any chilling effect, no Civil Servant could thereafter expect that all information affecting government decision making would necessarily remain confidential Secondly, the Tribunal could place some reliance in the courage and independence of Civil Servants, especially senior ones, in continuing to give robust and independent advice even in the face of a risk of publicity.” (para 26)

There has been a failure in Leadership to ensure that the Consultation Process, Documentation and Options were and are accessible for all stakeholders and that the most democratic means to develop the plan was chosen.

Equality Impact Assessments Non-conformance

The equality impact assessment (EqIA) is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

The obligation to produce an Equality Impact Assessment has not been fully met in the application of the Local Plan Review. The statements made in the Equality Impact Assessment have not been made on full and proper consideration of the residents affected by the Protected Characteristics and how these people will be able to engage with the Local Plan consultation process.

How have or will Blind or Partially Sighted people address the Housing Strategy and Local Plan Review?

Access to the documentation was made available electronically and at a few public buildings. Several well-educated Information technology literate individuals - who professionally, regularly and actively extract information from web-sites - attempted to navigate the Local Plan site. All found the exercise unduly cumbersome and unfriendly to the potential user. The index of documents to be considered was overwhelming and not categorised in terms of usefulness.

Given these problems how would people suffering from learning difficulties enter the Local Plan site and use the information?

Also many elderly residents who do not own computers or smart phones are prevented from fully engaging or participating in the consultation process.

With the poor provision of public transport across rural South Staffordshire how would people with poor computer literacy and physical disabilities easily get to see and comment on the Local Plan documents?

The Equality Impact Assessment did not consider these Protected Categories fully and properly.

South Staffordshire District Council have stated that they have been relying on The Review magazine to publish news pertaining to the Local Plan however a large proportion of the community of Lower Penn haven't seen this magazine for years and the surrounding residents in Wolverhampton who are also effected by the proposed developments have never received

this magazine. Paragraph 16 (indent c) of the NPPF (2021) reinforces the need for Local Plans to be shaped by: "...proportionate and effective engagement between plan makers and communities, local organisations, businesses..." As The Review Magazine has been shown to be ineffective in publishing the Local Plan due to problems with the magazines delivery how did the Council continue to reach 'hard-to-reach' groups?

Appendix 11 of this objection report references failings in the public consultation approach which places members of the public, community pressure groups, and other key stakeholders at a considerable disadvantage when trying to respond to the Preferred Options Stage (November 2021) public consultation including;

- Confusing wording of questions within the Local Plan
- Confusing Local Plan website
- No public consultation comments form
- Highly confusing portal forming a barrier to effective community engagement

15. SSSC response to the Ministry of Housing, Communities and Local Government (MHCLG) Planning for the Future White Paper and changes to the current planning system consultation.

South Staffordshire Planning Department produced a report in response to the Government consultation on the Planning for the Future White Paper, authors Kelly Harris (Lead Planning Manager) and Ed Fox (Strategic Planning Team Manager). Included at Appendix 10 to this report is Appendix B to the SSSC response which states "*we view the Duty to Co-operate as a fundamentally flawed instrument for addressing unmet housing needs and strongly support the governments aim in the White Paper to remove the Duty to Co-operate*".

As 4000 houses are proposed by SSSC under the duty to cooperate we question how SSSC can propose to carry through this policy when the SSSC planning officers believe it to be fundamentally flawed. This is another reason why we object to the policy of providing 4000 houses under the duty to cooperate.

16. Appendices

Appendix 1 Assessment of Housing Proposal: Lower Penn by Gerald Kells

ASSESSMENT OF HOUSING PROPOSALS: LOWER PENN

For Lower Penn Green Belt Action Group/Lower Penn Parish Council

Gerald Kells

30 Oct - 13 Nov 2021

1. Introduction

I was asked by the Lower Penn Green Belt Action Group and Lower Penn Parish Council to review the housing need and supply situation in South Staffordshire in relation to the proposed Local Plan allocations by including the need for additional housing to meet wider needs in the Black Country.

I was asked to specifically appraise the broad justification for releasing land North of Langley Road at Lower Penn to provide 390 houses on the edge of Wolverhampton (Site 582 in the Plan). I undertook a site visit on 3 November 2021 and was able to see much of the site and observe it from various surrounding locations.

There is also a current application for a battery storage facility on land to the West of the adjacent substation (21/00440/FUL). As it is not part of this site, I have not reviewed it in detail.

As well as looking at the 2021 Consultation Plan, I have also taken into consideration the most recent Strategic Housing and Employment Land Availability Assessment (SHELAA 2021) as well as the landscape, historic and Green Belt Assessment undertaken to support the plan and the 2019 Strategic Housing Strategy and Infrastructure Delivery Report which underpins the choice of Option G for housing delivery which has been adopted into this plan¹.

I have taken account (with their permission) of previous work undertaken for the Campaign to Protect Rural England (West Midlands Regional Group) to assess housing need and supply in Birmingham and the Black Country and those reports are included as Appendices (6) and (7).

¹ Documents at <https://www.sstaffs.gov.uk/planning/the-evidence-base.cfm>

2. Summary Findings

Below is a summary of my findings in this report, which suggest:

- a. that the housing numbers in South Staffordshire, particularly the uplift of 4,000 to meet Black Country need is not justified and
- b. that, for this reason and wider sustainability reasons, the exceptional circumstances given for the removal of Site 582 on the Langley Road from the Green Belt do not exist.

a. Housing Numbers

1. The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country that is untested. Without them no new allocations are needed.
2. The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brownfield regeneration.
3. The level of housing supply both in the Black Country (and wider conurbation) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
4. Accelerated changes to retail and office provision, particularly in centres following COVID may increase the housing land available in the Black Country.
5. Even if this level of housing is required from the Black Country South Staffordshire is overproviding by 1153 homes, so does not need this housing allocation

b. Sustainability of Site 582

6. The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.
7. The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
8. The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.
9. The site would impact on the landscape and amenity of people round the site
10. There are potential flooding and water issues that need further investigation on the site.
11. The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Walk Local Nature Reserve and the Smestow Nature Reserve
12. It is not clear that the site is adequately served by local services and, although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.
13. There are heritage assets in terms of a World War II battery which have yet to be properly examined.

My report considers:

- housing need and supply in South Staffordshire and the Black Country and Birmingham,
- the implications of the Strategic Housing Market Assessment (SHMA) for South Staffordshire,
- the justification for the distribution of housing in the plan,
- specific site issues on site 582 (Langley Road)

My report also includes some suggestions for comments in response to the local plan questions, although other work, including the ecological and flooding reports by local residents may also be used to inform the answers to those questions.

3. Housing Need and Supply

a. Need in South Staffordshire

The local housing need for a local authority is established through the demographic household projections of the Office for National Statistics. The Government then requires the authority to apply a Standard Methodology which includes an additional uplift based on the affordability of the area as measured by the ratio of median house prices and wages.

The most recent ONS Housing Projections are for 2018². However, both these and the previous ONS2016 Housing Projections are considerably lower nationally than the ONS 2014 Projections so the Government insists on Councils continuing to use the 2014 Projections even though there is good reason to believe that the more conservative estimates both of population growth and household growth in ONS2016 and ONS2018 are more likely to be correct. This impacts little on South Staffordshire itself but severely on both Birmingham and the Black Country.

These, themselves, do not (using the Standard Methodology) meet the overall politically-driven national target of 300,000 dwellings per annum so the twenty largest cities have a further 35% added to their total including Birmingham and Wolverhampton which I discuss further on.

In the case of South Staffordshire itself the difference between the Projections is not very significant. The ONS2016 and ONS2018 projections would be higher but would exceed the Government's cap on 40% increase above the existing plan.

The results are set down in Table 1. This suggests that the local plan figure for South Staffordshire itself is robust and because of the high affordability uplift represents a figure significantly higher than the base-line demographic need (25% or 816 dwellings).

The Plan uses the ONS2014 figure, then adds a further 750 based on delivery in the period 2018-2021, giving a total of 4881 for housing need within South Staffordshire.

Notably the 2020 Strategic Housing Market Assessment (SHMA Para 5.4) assumes the use of the 254 2018ONS figure, not the Government's preferred figure of 245, but admits that as this is above the demographic need-based figure of 209, saying: *'if these 254 homes are built, the population will be larger than projected.'* In other words, even the Standard Methodology figure implies South Staffordshire will accommodate growth from other areas, most probably from the Black Country.

2

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/householdprojectionsforengland>

South Staffordshire	ONS2014	ONS2016	ONS2018
Demographic Need	195	203	204
Standard Methodology (2020-2030 base and 2020 affordability rates)	243 (25% uplift)	252	254
Local Plan 40% Cap (based on 175 dpa)	245	245 (24% uplift)	245 (25% uplift)
Demographic Requirement (2021-2038: 17 Years)	3315	3451	3468
Plan Requirement (2021-2038: 17 Years)	4131	4165	4165

Table 1: ONS Housing Need for South Staffordshire Summarised

b. Birmingham and Black Country Overspill

The South Staffordshire Plan goes on to increase that figure by 4,000 to account for assumed overspill housing from the Conurbation, principally the Black Country. This is more contentious and I discuss in this section the question of whether that overspill figure is justified.

According to the Plan this figure was set in 2018 following the GBHMA Strategic Growth Plan (Para 4.8) which estimated the short fall across the whole area (mainly Birmingham and the Black Country) to be 28,000 dwellings by 2031 and 61,000 by 2036³. However, as the South Staffordshire Plan itself acknowledges (Para 4.11) that overspill has since dramatically reduced.

But it is important to stress that this provision would be under the Duty to Cooperate provisions of the planning system, in which a local authority can ask neighbouring authorities to accept some of its overspill need. There is no requirement for the receiving authority to agree to this. And it would seem that there is a strong reason for reluctance by South Staffordshire to accept any additional housing given the impact on Green Belt and the 'exceptional circumstances' required for its release.

I also note that this figure of 4,000 homes, up to this point, been referred to as being 'tested' by South Staffordshire. What that meant in practice is unclear. Sites have been allocated to meet it but I can see no specific logical case put forwards for why the level of housing being accepted should be that high.

As set out further on in this report the Plan could provide just under 1,000 homes for the Black Country based on already allocated sites and a more realistic windfall assumption. This would avoid the removal of Green Belt sites which require 'exceptional circumstances' to be released.

3

https://www.birmingham.gov.uk/downloads/download/1945/greater_birmingham_hma_strategic_growth_study

Without a clearer justification for the figure of 4,000 it is hard to conclude that condition has been met.

Birmingham

One critical reason for the reduction has been the over-estimate of housing need and under-estimate of housing capacity which underpinned the Birmingham Plan in 2014 (See Detailed Update of Birmingham's Housing Position in Appendix 2). There are two reasons for this.

The first is that, unlike South Staffordshire, the ONS2014 housing projections seriously over-estimate need in Birmingham compared to either of the updated ONS projections. Under the ONS2018 figures, the demographic need would be lower than the plan provision and the Standard Methodology figure only just above it (See Table 2).

Secondly, the supply of houses, particularly of windfall homes, has dramatically out-stripped the Birmingham Plan where the windfall assumptions were excessively conservative, based on the low-levels of building in the recession not the longer-term trends.

In fact, since 2017 when the shortfall was established, the capacity in Birmingham has increased by 13,942 or 27%, according to the Combined Authorities 2020 Update Report⁴.

⁴ Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Housing Need and Housing Land Supply Position Statement (July 2020)

Standard Methodology Housing Need (2020-2030 Base, 2020 Affordability)	Official Local Plan Need	ONS2014 Capped + 35% (Birmingham and Wolverhampton Only)	Standard Methodology ONS2014	Standard Methodology ONS2016	Standard Methodology ONS2018	Demographic Need 2018	Official Local Plan Provision
Birmingham Plan	4550	4829	5000 (Capped to 3577)	3631 (Capped to 3577)	2582	2350	2555
Black Country (Consultation Plan)	4004	3981	3741 (Capped to 3711)	2947	3324	3000	2518
Total	8554	8810	8741	6578	5906	5350	5073

Table 2: Standard Methodology, Comparison of annual figures for Birmingham and the Black Country based on 2020 Affordability Rates

This is not surprising because since 2016 windfalls have averaged 1822 dwellings per annum, and consistently above 1000, while the authority is still assuming only 600 windfalls a year and has not updated its approach in line with the evidence. Even updating that assumption to a modest 1000 dpa would add 5,815 to the supply up to 2031 and more beyond. The majority of those are flats. However, 29% are houses and 62% outside the City Centre⁵.

Table 6: Change in housing capacity (2011-31) by Local Authority 2017 (SGS baseline) to 2019¹⁴

LPA	2017 SGS	2019	change	%	LPA	2017 SGS	2019	change	%
Birmingham	51458	5400	13942	27%	Sandwell	19930	14824	-5106	-26%
Bromsgrove	5099	5335	236	5%	Solihull	15717	17273	1556	10%
Cannock Chase	4615	4969	354	8%	South Staffordshire	3493	4090	597	17%
Dudley	17918	17514	-404	-2%	Stratford on Avon	16713	16624	-89	-1%
Lichfield	10973	11287	314	3%	Tamworth	4495	5267	772	17%
North Warwickshire	9060	9071	11	0%	Walsall	10879	12155	1276	12%
Redditch	7488	7329	-159	-2%	Wolverhampton	13816	14244	428	3%
					Total	191654	205382	13728	7%

However, this was then complicated because the Government announced on 16 Dec 2020 in its response to consultation on its proposed planning reforms, that instead of adopting the heavily criticised new housing algorithm it previously proposed instead of the current standard methodology it would instead stick with the current calculations but add 35% to the largest twenty cities, an arbitrary figure designed purely to meet its political target⁶.

But in the same statement the Government caveated this increase, saying it should specifically be met within those cities because 1. that is where the services are, 2. there is a 'profound structural change' likely that will release land for housing and 3. it helps meet climate change ambitions.

And the real-world change in our cities is visible for all to see. There has been a significant shift in retail behaviour (accelerated by the COVID pandemic) which has seen high streets contract and vacant units in many other retail centres. The move towards increased home-working has also been accelerated by the pandemic potentially leading to smaller floor space requirements for future office developments. These effects are still in their infancy and hard to quantify, but support the view that there is likely to be more dynamic change in our cities which will support (and indeed rely on) a continued flow of windfall housing development opportunities on brownfield sites.

⁵ https://www.birmingham.gov.uk/downloads/file/19174/shlaa_2020_final_report, Page 30,

Windfalls.

⁶ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
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Unfortunately, at present many planners are simply adding the 35% to the existing figures and coming out with increased shortages at the other end of the calculation. Given that the 35% is added to an already inflated ONS2014 figures (albeit capped in Birmingham's case), this appears completely irrational. Taking into account both the need and supply issues in Birmingham there seems no reason why the city should not meet its own housing needs. The overspill appears dubious.

Black Country

However, despite this underlying improvement in housing supply across the conurbation, and particularly in Birmingham, South Staffordshire has not reduced its contribution to meet the GBBHMA shortfall (4,000 homes).

This is because the emerging Black Country Plan sets a shortfall of 47,837 homes (by the later date of 2039). Some of that shortfall is being targeted at Green Belt sites in the Black Country, mainly Walsall, but the Plan assumes 28,239 will be provided in neighbouring authorities (including South Staffordshire).

But I would question the basis for the degree of overspill set out by the Black Country Authorities. As the report I did for West Midlands CPRE examining their Urban Capacity Report of May 2021⁷ shows (Appendix 1), this shortfall is predicated on a number of questionable assumptions which a number of parties, including CPRE, are challenging through the Black Country Plan process. Moreover, the approach has been questioned not only by the West Midlands Mayor, but also senior Black Country politicians including, for example, the Leader of Dudley Council.

As with Birmingham the use of the ONS2014 Housing Projections artificially increases the need. On the same calculation the ONS 2016 figure is 15,580 less and the ONS2018 figure is 7,258 less. Furthermore, if you remove the 35% uplift for Wolverhampton you reduce the figure by 5,130. Taken together using the latest 2018 projections along with removing the 35% uplift would reduce the need by 12,483 or for the lowest 2016 projections by 19,646.

In fact, the 2016 figure may well be the most accurate because the 2018 figures rely on the new recording methods from the NHS to identify internal migration patterns between local authorities within England. Moreover, as these numbers are all based on the Standard Methodology, they all add additional homes to the actual demographic need.

And taken alongside the most up-to-date demographic figures (ONS2018) this would suggest just over 5,300 homes were needed a year across both the Black Country and Birmingham (See Table 2) and even with the SM affordability add on only 6,000. However, the official Government calculation is for 8,800 homes. Over twenty years that amounts to need-inflation of between 56,000 and 70,000 homes. Without that housing inflation there would be little need to build on the Green Belt anywhere, even without any increase in windfalls in the conurbation.

⁷ <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>

And not only is the need exaggerated in the Black Country. The work I did for CPRE suggests the supply is being under estimated. My calculation suggests at least 5,897 windfalls should be added to the supply, including an allowance for some larger windfalls in line with past trends. Including that figure, as well as removing the 35% uplift, would adjust the supply equation by significantly more than the houses proposed in South Staffordshire.

Moreover, as with Birmingham, there is reason to believe that what the Government refers to as 'profound structural change' is likely to impact on the Black Country. Indeed, the greater weakness of the Black Country centres suggests both that they are more likely to contract and more important that housing is introduced to those centres to support their future prosperity.

Although the Government has said using different lower housing figures requires strong justification, the level of over-estimation and the direct impact on Green Belt, both inside the Black Country and in surrounding areas, justifies, in my view, a case for lower housing figures.

Given the extent of that discrepancy, around 25,000 over the plan period, reducing the deficit in the Black Country to 22,000, with potential surplus in Birmingham, the case for allocating Green Belt land in South Staffordshire (and elsewhere) is seriously weakened.

It should also be said that the use of the shortfall is not simply a theoretical exercise. In practice it creates a fixed and, in many cases, wholly-unrealistic brownfield capacity, which allows the release of Green Field (in this case Green Belt) sites in poorly located areas. Those releases themselves influence the market to reduce provision on brownfield sites.

And as the 16 December 2020 Government statement rightly points out they are generally in areas with less access to services and where there is likely to be much greater reliance on private transport, increasing the impact on both congestion and climate change.

Moreover, the 16 December 2020 Statement reiterates the Government's intention to repeal the Duty-to-Cooperate mechanism under which local authorities are obliged to consider their next-door neighbour's need, albeit it there is no clarity as to any replacement.

Lastly, it is important to consider that before either the Black Country or South Staffordshire Plan are adopted, we may have more up to date demographic evidence in terms of the 2020ONS Population figures, as well as updated baseline figures based on the Census which, if they confirm the lower housing need in the last two ONS projections could have implications for the overall housing need.

c. Housing Supply in South Staffordshire

The first thing to note about the supply in South Staffordshire is that the Plan significantly over-supplies housing in the Borough (even including the Black Country overspill) by 1153 homes (13%) (See Table 3). This oversupply is hard to justify. There is no evidence put forwards that suggests housing in the authority is not being delivered.

Minimum Housing Supply (South Staffordshire Plan 2018-2038)	Plan	Plan Plus increased Windfalls	Only Allocated and Safeguard Land/Increased Windfalls
Tier 1	3980	3980	2041
Tier 2	1707	1707	1337
Tier 3	651	651	570
Tier 4/5	288	288	288
Areas adjacent to neighbouring town and cities	2958	2958	
Windfalls	450	1500	1500
Total	10,034	1,1084	5736
Above Need (with Black Country Overspill)	1153 (13%)	2303 (26%)	-3145 (-35%)
Above Need (without Black Country Overspill)	5553 (106%)	6603 (137%)	855 (18%)

Table 3: Based on Summary of Minimum Housing Provision in South Staffordshire Plan

According to the SHELAA *'It is also important to note that in the monitoring period this statement is based on (2007-2017), only one planning permission for 10 or more dwellings has lapsed meaning that it would not be appropriate to apply a blanket non-implementation rate to sites of 10 or more dwellings.'*

The SHELAA does suggest that sites under 10 dwellings have sometimes not been completed within 5 Years. However, these would in most cases be windfalls and since the past windfall rate is calculated based on completions, there seems little justification for discounting, especially as the current windfall allowance (as discussed further on) is considered conservative by South Staffordshire Council themselves.

Moreover, the Plan assumes these are 'minimum' figures, partly because the assessments are in many cases based on generalised density assumptions. In other words, there may well be room for increasing delivery on some sites.

According to the Plan (Para 4.18) this is justified because it *'will help the plan to meet the national policy requirement to respond to changing circumstances in the plan period.'* However, this seems a weak justification given the level of over-supply, and that the Plan is already heavily over-supplying for its own need and that all the evidence is that the need in the conurbation is likely to be over-estimated and the supply under-estimated. Moreover, it does not seem consistent with the Council's own climate goals.

The second issue is the under-provision of Windfalls against the Authority's own evidence. The SHELAA gives a table of windfall provision in the Borough. This covers the period 2000-2016.

Windfall Allowance Options

Gross completions all sites 2000 – 2016	4235	265 pa
Gross windfalls	3273	205 pa
Windfalls less completions on former residential land	2211	138 pa
Non-residential land windfall sites >10 dwellings	1496	94 pa
Non-residential land windfall sites >10 dwellings excluding colliery site and large scale conversions	1002	67 pa
Non-residential land windfall sites <10 dwellings	715	47 pa

Table 4: Windfall Completions, South Staffordshire (From 2021 SHELAA)

It can be seen that, even relying only on small windfalls, the Plan figure of 30 dpa is below the level achieved. If one adds in larger windfalls, excluding one-offs the level of windfall supply significantly increases.

There is a further source of supply on former residential land, but Para 5.60 of the SHELAA specifically excludes consideration of this. That policy position is consistent with previous versions of the Government’s National Planning Policy Framework but the 2021 Version (Para 69), only suggests local Plans ‘*should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*’ It no longer excludes such sites from the windfall calculation. The previous position, as adopted by South Staffordshire, has always been questionable, given that some residential infill will happen (indeed, in some cases will be desirable) and so will contribute in reality to supply.

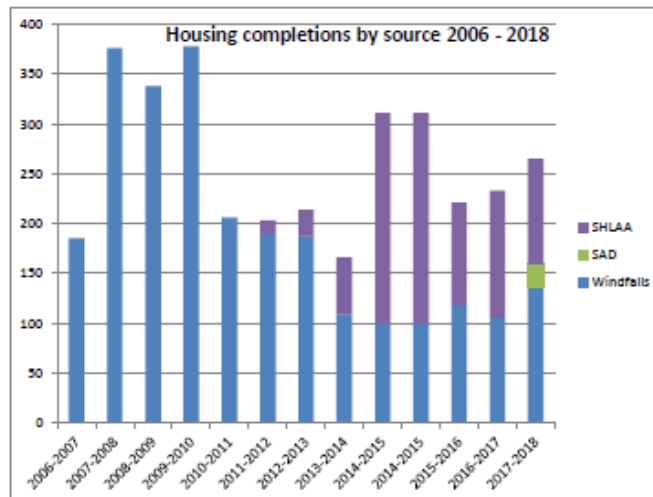


Table 5: Housing Completions, South Staffordshire (From 2021 SHELAA, 5 Year Land Supply)

In other words, the assumption in the Plan of only 30 dpa of windfalls seems not merely conservative, but highly unlikely. There appears to be a justifiable historic supply of 47 dpa from small sites (which is the way the figure is usually calculated in Plans) as well as up to 67 dpa from large sites (114 dpa) and up to 138 dpa if one considers all residential sites.

It seems that a minimum windfall assumption of 47 dpa seems easily justified. This would amount to 705 dwellings over the plan period, 255 extra homes (using 15 years, assuming windfalls in the first two years are already in the planning system). However, a more realistic figure would be 100 dpa which has been exceeded in every year since 2006 (see page 27 of the SHELAA) which would amount to 1500 over the plan period. This would increase supply over the plan period by 1050.

In Table 3 the final column demonstrates that if one includes a more realistic windfall provision one can provide more than enough housing for the needs of South Staffordshire and make a more reasonable contribution to Black Country Need of 855 homes.

There are some further assumptions in the SHELAA in relation to the yield from each site. In some cases, there is specific site information which justifies the number of houses on each site. However, where that is not the case the SHELAA uses assumptions about how much of the land will be developable and what density will be achieved. In the case of sites above 2 hectares, for example, only 60% of the gross land is assumed will be developed. While these may be reasonable for the purposes of that exercise, they allow for the assumption that minimum housing delivery may be exceeded.

Lastly in terms of supply it should be noted that Policy SA3 – Strategic development location: Land North of Linthouse Lane, gives the capacity of the whole site area released from the Green Belt as 1976 homes, of which only 1200 are anticipated to be provided within the Plan Period.

However, that assumes that delivery of housing on that site (as on others) reflects past delivery rates achieved in the past ten years (2007-2017) as is explained in the 2021 SHELAA (Para 5.47).

The Council goes on to say in the same paragraph of the SHELAA that it will review these assumptions with relevant stakeholders prior to the submission of the Local Plan Review, to ensure that they reflect the most up-to-date market trends.

Should housing delivery on that site exceed expectations a further 776 homes would be added to the supply, further reducing any deficit and providing further comfort that the overall supply figure could be reduced elsewhere if that site remains in the plan.

The SHELAA includes land for 71,329 homes which is either suitable or potentially suitable, and land for 27,591 homes which is considered unsuitable (whether because its location is not close to a local service centre or because it is open space, local nature reserve or other designations or reasons). I have not considered all the sites but I am aware that most will be greenfield sites (given the nature of South Staffordshire) so I do not consider there is likely to

be significant additional urban supply within the Borough itself which could alleviate the need for housing in South Staffordshire.

d. Conclusions on Housing Need and Supply

Having considered the overall position in regards to Need and Supply, I conclude that the Standard Methodology figure should be considered a robust assessment of need in South Staffordshire and amounts to 4131-4165 dwellings over the plan period (4881 including housing supply from 2018). This would include some 700 additional to demographic need. Given that there are 2628 on allocated sites (Table 8) and a further 1500 are likely to come forward as windfalls, this would drastically reduce the amount of Green Belt land required. I see no reason to increase it.

I do not consider the additional 4,000 to meet housing need in the Black Country (and more widely the conurbation) is clearly justified. Given that delivery in Birmingham suggests significantly greater supply in the urban area than is being allowed for and given the overestimate of real need (perhaps by 20,000) and underestimate of supply (perhaps by 5,000) in the Black Country, the level of overspill and the amount South Staffordshire should accommodate seems to me unproven. Specifically, the use of the 35% uplift in Wolverhampton to justify the shortfall seems contrary to Government Policy. The figure of 4,000 should be removed from the Plan and, if it deemed necessary, a policy included for an early review of the Plan when more up-to-date information is available.

I also consider that, even if the Black Country overspill is accepted, the supply in South Staffordshire is excessive. Not only are there 1153 homes (13%) in the supply above the need (with the Black Country overspill included) and 5553 (106%) above the need (without the Black Country) but a further 1050 can be reasonably expected to be delivered on windfall sites over the plan period creating an oversupply of 6603, (137% above the need generated within South Staffordshire) and, even with the Black Country contribution 2303 (26%). I also note that a further 776 homes may come forwards on the Linthouse Lane site if it goes ahead and delivery there is faster than assumed.

Lastly, it is worth pointing out that within the ONS demographic calculations there are already assumptions about migration and it is reasonable to assume, given the nature of South Staffordshire, that some, if not much of the growth assigned to South Staffordshire will already come from out-migration from the neighbouring conurbation, particularly Wolverhampton and the Black Country (See SHMA discussion below). This suggests that at a policy level the numbers-driven approach currently being adopted will accelerate that process.

This would, on the logic of the Government's 16 December 2020 Statement, be against good planning because it would direct housing 1. away from where services are, 2. away from where there is likely to be 'profound structural change and 3. towards locations which will undermine our climate change objectives, of which the Lower Penn site would be just an example.

4. SHMA/Underlying Housing Evidence

As well as the housing calculations the Council commissioned HDH Planning to update the Strategic Housing Market Assessment (SHMA) in 2020. The report gives a detailed breakdown of housing characteristics within the Borough.

The report includes, for example, evidence about commuting patterns from the 2011 Census (Table 1.1). Although 20.7% of people in work commute within South Staffordshire, of the rest 45.8% commute to the Black Country 23.9% to Wolverhampton and 5.9% to Birmingham.

In terms of migration Table 1.3 shows that 45% of people who left South Staffordshire in 2018 moved to Wolverhampton, Walsall or Dudley based on ONS projections and 49.5% moved to South Staffordshire from all the Black Country authorities, with Wolverhampton, Walsall and Dudley the three highest scorers.

Table 1.4 goes on to include a comparison of average land registry house prices showing prices in South Staffordshire are higher than the Black Country across the board, with an average in 2019 of £257,051 compared to £185,042 (Walsall), £191,279 (Dudley) and £167,010 (Wolverhampton).

The introduction to the SHMA concludes that it is still correct to include South Staffordshire within the GBBCHM (Para 1.28). However, it can also be deduced from this evidence that new homes provided in the South Staffordshire Green Belt, especially adjacent to the Black Country boundary, are likely to predominantly attract residents from the Black Country who will then, if they are working, commute back into the Black Country. The price distinction suggests those most likely to be drawn out of the Black Country are those who can afford more expensive properties, whether working or retired, and that this is likely to contribute to greater social polarisation within the Black Country.

Figure 2.1 of the SHMA compares the age range of people in South Staffordshire between 2013 and 2018 and confirms a significant aging of the population which may also explain the estimated reduction in household size between 2011 and 2016 compared to a level figure for the West Midlands and England (Table 2.1). Fig 2.3 goes on to show a greater number of households with two adults but no dependent children.

At the same time the level of unemployment is unsurprisingly lower than the average (Figure 2.4) and Occupational Groups generally higher than across the West Midlands (Table 2.2) with qualifications also higher (Figure 2.5) as well as individual and household incomes (Figures 2.6-2.8). This affluence is reflected in larger house sizes (Table 2.8) with more owner-occupiers (Figure 2.10).

Figure 3.1 goes into more detail, considering the distribution of house prices across South Staffordshire. The area around Lower Penn, while not in the highest bracket, is in the next down (£250,001 to £300,000). Further tables consider the cost of houses across both the private and rented sector. They culminate in Figure 3.10 which sets out the affordability of

properties across different groups and not surprisingly shows that it is among lone parents and those households needing 4 bedrooms that houses are least affordable.

The SHMA goes on to consider the impact on South Staffordshire of the projected growth from the Plan, including the overspill 4,000 homes for the Black Country. Table 5.1 shows the dramatic increase in population from 2018-2038 rising from 112,125 to 129,908. Of the 17,783 additional people 3,872 would be 60-75 and 7,403 over 75. In other words, 11,275 additional people, or 63%, would be over 60, comprising over a third of the population. Not surprisingly this would lead to a rise in one person households.

The SHMA goes on to consider the implications of such a population increase on the size and tenure of housing required and also identifies the potential for increased need for specialist accommodation.

In relation to housing need and supply my conclusion from this snapshot is that South Staffordshire's position as an affluent neighbour to the Black Country means it is likely to remain a location which draws in more wealthy people from the sub-region.

Given the level of potential demand it is hard to see why new housing provision, particularly in the wealthier areas of South Staffordshire would reduce prices or alter the profile of those leaving the Black Country for South Staffordshire.

Taking account of the doubts I raised in earlier sections about the genuineness of the overspill issue in the Black Country (explicitly accepted by the SHMA writers who adopt the ONS2018 calculations) I would be concerned that the provision of additional housing in South Staffordshire will not address local affordability issues (something also tacitly admitted in the SHMA which requires a much higher allocation to provide enough affordable houses) but will increase socially and environmentally unsustainable out-migration into the District from the Black Country.

5. Distribution of Development

A number of options were considered for the distribution of development in South Staffordshire in the Spatial Housing Strategy of October 2019 of which Option G was chosen which was classed as Infrastructure-Led Development with a Garden Village area of search beyond the Plan Period.

At that time South Staffordshire had only committed: *'to continue to test a contribution of up to 4,000 dwellings towards the unmet needs of the wider GBHMA'* (Para 5.11)

The approach to those Options appeared reasonable, but only if one assumed the need for such a high level of additional housing. As set out in Table 3 above, the requirement to identify additional land was entirely driven by the West Midlands Conurbation overspill issue.

Following that Strategy, the site selection process was then set out in a Site Selection Topic Paper. The Plan itself then modifies this approach, among other things increasing housing around Cheslyn Hay, Great Wyrley and Penkridge and reducing housing on the Western edge of the Black Country on the basis that Dudley has lower levels of unmet need.

A further question then arose as to whether to locate more development in the Open Countryside area outside the Green Belt. However, that would generally fare worse in terms of sustainable development.

It is also noteworthy that, although the site is in the Lower Penn area abuts the South of Wolverhampton District, given the two much more significant sites immediately North of Wolverhampton (2,400 homes), and given that there are no other urban extension sites further South in South Staffordshire, it seems rational to consider the justification for the site at Langley Road is principally to support housing needs in Dudley.

However, Dudley on its own does not need to release any Green Belt. The 2014ONS Standard Methodology calculation is 635 dpa or 12,065 over the 19-year Plan Period. 13,235 houses are allocated in Dudley in the Black Country Plan, of which 1,117 are on Green Belt leaving 12,118 homes provided, more than the SM requirement (See Table 3 of the Black Country Plan Preferred Option).

It is only because the Black Country housing requirement is calculated as a whole that a short-fall is created across the four boroughs rather than individually, even on the current calculation.

It should also be noted that Lower Penn is itself designated a Tier 5 Village. In other words, it is assumed not to have the facilities to support housing development. In as much as site 582 is being promoted it cannot be assumed to be for the benefit of South Staffordshire need, or be assumed to be supported by services in Lower Penn, but is being entirely promoted as a site serving the Black Country need.

In terms of the sites remaining on the edge of the conurbation, the contribution South Staffordshire might have made to the Seven Cornfields site has been removed, as has the

Black Country element of that site. There are two other major sites, one just north of the M54 at Coven and one at Wednesbury on Linthouse Lane, which is adjacent to another proposed site on farmland in Wolverhampton District. Both are significantly larger than the Lower Penn site (1200 homes at Coven, 1976 at Linthouse Lane including 1200 during the Plan Period).

All three sites play a similar role to sites within the Black Country boundary and I do not consider that any additional sites should be found in the Green Belt in the Black Country to replace them. Anyway, my evidence suggests this is not needed. The Boundary is, itself, tightly bounded to the conurbation, except in Walsall where considerable and controversial sites are also being considered.

I have not undertaken a comparative assessment of all the allocated (or rejected) sites in the SHELAA. However, I note that the Lower Penn site is the most modest of the urban extension sites and, therefore, makes the least contribution. Given that removing it would leave South Staffordshire with a healthy oversupply of 763 homes (9%) or 1,913 (22% with a higher windfall allowance), even on the supposition that it should take 4,000 homes from the Black Country and with no other consideration, I think there is an obvious case that its removal from the Green Belt should be considered unjustified, and that 'exceptional circumstances' do not exist, even before considering any site-specific issues.

6. Lower Penn Site Issues

Site Assessment: (Site 582)

I have based my site assessment on my observations during the site visit of 3 November 2021. It is not a technical assessment but I do suggest areas where further work may be of assistance. Richborough Estates have previously produced an indicative site map which I also considered. However, there is no guarantee that this layout will be the one adopted.

The number of houses proposed on the site is given as 390. That would tally with the default assumptions in the SHELAA of 60% development at 35 dwellings per hectare for sites adjacent to the Urban Area. (18.52 hectares, 11.11 hectares developable, 389 homes).

There are a number of alternative sites which were considered in and around Lower Penn. It has been suggested that residents need to choose between those sites. My analysis of housing numbers does not support that. Removal of this site does not require an alternative site. Furthermore, I do not believe any of the other sites in Lower Penn are better, although equally, as considered later, I am not convinced that the promoted benefits of this site (mainly educational) are as clear cut as is suggested.

a. Green Belt

The first and most important question is whether exceptional circumstances exist to remove that site from Green Belt.

In terms of its role in the Green Belt, the underlying assessment by LUCS (Appendix 3) identifies it as having a strong rating in regards to Purpose 1: preventing urban sprawl and Purpose 3: encroachment into the countryside, as well as Purpose 5: the impact on urban regeneration (the last is not tested for individual sites but generally assumed in the assessment criteria). It is not unusual for a site to fit these purposes and not the Purpose 2: Merging of Neighbouring Town and Purpose 4: Setting of Historic Towns for obvious reasons.

It is scored as Medium-High overall, while the area surrounding it is scored as having a High Impact.

The reason for this site being given a lower rating appears to be that existing housing backs onto the site. However, it is also the case that the site does not contain any clear boundary between it and the surrounding Green Belt. Even the tree cover which extends to the electrical sub-station is not the boundary of the site. It is, therefore, unclear to me why its harm is not considered holistically as part of that wider parcel rather than separately.

I would be concerned about the impact of the release of this site from Green Belt and without a clear boundary the further risk of development extending further into the countryside.

b. Sustainability Appraisal

Further justification for the release of this site is the conclusions of the Sustainability Assessment (which relies most widely on the Council's Green Belt and Landscape Assessments as well as the views of the Highway Authority.)

The site is one of ten sites included in and around Penn and Lower Penn and they are compared in Appendix B of the Sustainability Appraisal. The choice of site 582 as opposed to other sites is justified largely on the positive score attributed to Education Provision.

I would certainly agree that all of the proposed sites around Lower Penn appears to be undesirable in terms of sustainability criteria. However, as set out above I do not consider the exceptional circumstances for Green Belt release are proven in terms of housing need, so there is, in my view, no need to choose between sites.

I therefore, considered specifically issues related to this site, based on the appraisal and my own observations.

Flooding and Water Issues: The site slopes down towards the North. At that point there are what appear to be pools of surface water. I am told that this water is actually rising from below and forming on the surface. The Assessment refers to fluvial and pluvial flooding risk. It is also in a Groundwater Source Protection Zone. While the area of the pooling is identified in the Masterplan as open space, an extension to the school is considered onto the land immediately above it and housing on the land to the West. I have been provided with photographic evidence from residents which suggests flooding can be more extensive on the site.

It seems to me that while evidence provided by residents (including photographic details) suggests there may be substantial issues with flooding in parts of the site further detailed assessment by a hydrologist may be helpful in determining the extent of the issues relating to flooding and water issues.

Landscape: The site would be largely shielded from view from Lower Penn and the surrounding countryside by the ridge of land and the tree cover which stretches between Langley Road and the South Staffordshire Railway Footpath. However, the furthest west field would be visible, although this is identified as open space in the Richborough Masterplan. The removal of vegetation at the gun emplacement site might compromise this.

The site would be highly visible from the surrounding properties on Langley Road, Bhylls Road and surrounding streets, it would be on a prominent slope. While it would not be visible from the South Staffordshire Railway Footpath there are informal paths along the top of the railway cutting which follow the boundary of the site from which it would be highly visible.

It seems to me that further detailed assessment by a landscape specialist may be helpful in determining the extent of the issues relating to landscape impacts.

Ecology: When I visited the site I observed pheasants, and also evidence of a badger sett. There are a number of areas with extensive tree cover and I notice that the Ecological Survey for the battery application suggests there may be bats in the area along the South Staffordshire Railway Footpath. As well as the standing water there are also areas of shrubland which could provide habitat for wildlife and would be cleared by the proposals.

The Lower Penn Green Belt Action Group have undertaken an ecological study of the area which I have seen and which identifies a number of protected species, but it seems to me that further detailed assessment by an ecological specialist may be helpful in determining the extent of the issues relating to biodiversity impacts.

Furthermore, the role of the site as part of a natural corridor along the railway line, including the Smestow Nature Reserve, should be explored so it is not considered in isolation.

Transport: The Highways Officers do not raise any issues in relation to Highways Access. The Masterplan suggests this would be from Langley Road. However, they also designate two Emergency Access points from Bellencroft Gardens. If this access was open to general use it might lead to rat-running on unsuitable roads, but it is not clear how this would work in practice. The battery proposal construction phase previously relied on access from the Castlecroft Road although I understand this may have been amended. I would not consider Castlecroft Road a suitable for access to the housing site.

I would be concerned that although the site is adjacent to the Urban Area it is unclear whether there will be pedestrian and cycle access. It is also unclear if there would be links to the South Staffordshire Railway Footpath which would require step-down access from the site.

Assuming pedestrian access only onto Langley Road it appears that there would be a significant deterrence to walking and cycling. The site would also not be well connected to Public Transport. The nearest bus stop would be 850 metres from the entrance to the site at Fiveways (Bus Number 15 Wolverhampton - Merry Hill). Although it would have a reasonable service. There is no nearby metro or rail station.

If there was access to Castlecroft Road it would link to the Bus Route 3 (Fordhouses to Castlecroft), although this might require use of an unlit footpath.

Services GPs/Shops/Leisure Facilities: The nearest convenience shop would be the Co-Operative Store at the same location at the Number 15 Bus stop. The nearest GPs Surgery would be the Castlecroft Medical Centre, which would be a lengthy walk from the site and I do not know whether they are currently oversubscribed. New Cross Hospital is a significant 7.4 km away and the nearest leisure centre is in Wombourne, 4km away.

Education: This is given as principal reason for the site being adopted in the Site Appraisal Document with says: *The site also raises a major positive effect against the Education criteria in the Sustainability Appraisal (SA), reflecting its close proximity to facilities in the Black Country urban area. (Para 5.25.6).*

The site is next to the Bhylls Acre Primary School. However, it would potentially dramatically increase the intake to that school. The Richborough Masterplan identifies an area for extension of that school. It should be noted that this is on the slope down to the standing pools beyond the school's playing grounds and its suitability for development might need to be established.

And other issues would need to be fully considered if the school were increased, in particular whether there would be adequate parking for staff and visitors and whether increased parking issues would arise during pick up and drop off.

The nearest secondary school would be the Smestow Academy which is potentially within walking distance if there is pedestrian access onto Castlecroft Road. However, it seems to me more likely that the majority of children would access it by car. I understand it is suggested that pupils might be bused to Wombourne High School, a significant distance away, which does not seem to be an option which would justify a high sustainability score for education.

Overall, I think it has to be accepted that the immediate location of the Primary School, is a positive aspect of the site, however, it is unclear from the Plan, which does not, at this stage, include specific policy details of how the major sites will be developed, whether an extension to the school could be funded or is practical. The statement in the plan for Site 582 that education along with other provision will be: *'delivered in line with the relevant development plan policy standards'* seems to me inadequate at this stage to ensure the sites inclusion.'

In other words, the weight given to the educational benefits is in my view currently overstated and should be further tested if it is relied on (as it heavily is) by South Staffordshire to justify the use of this site.

Heritage: The Sustainability Appraisal identifies the site as being adjacent to the Wolverhampton and Kingswinford Railway, which is now the railway path. It does not refer to the presence of a World War II Gun Battery (presumably to defend Wolverhampton) adjacent to the current access road to the electrical sub-station. This is clearly evidenced by a pillbox and lighting structures.

However, much of the site is covered in shrubland. It is included in the Staffordshire County Council HER Monuments Full Report of 08.09.2020. It currently is not listed but Historic England have said they would reappraise this if it came under threat, i.e., if the land were cleared as proposed in this development. This is an omission which raises the potential impact on heritage of the site.

AQMA: The Sustainability Appraisal notes the proximity to the AQMA for Wolverhampton, which follows the Borough Boundary. It can, therefore, be assumed that the air quality issues would not be significantly different on site.

Employment: According to the Sustainability Appraisal all the sites in this cluster are located in or adjacent to areas with 'unreasonable' sustainable access to employment opportunities. This suggests residents would need to travel further to access work than other sites.

c. Overall Comments on Site 582

As set out in the sections on housing numbers I do not consider there is a need to allocate this site to meet either South Staffordshire's need or need emerging in the Black Country.

The site is considered in the site assessment to be the best site to develop in the Lower Penn area. This is chiefly based on the educational score. I have concerns that this claim is

overstated as set out above. In particular, I understand there are limited spaces available and I have concerns about the practicality of providing additional educational facilities to support the site. I am also concerned about the omission of information related to heritage assets on the site. Further investigation seems to me needed to address potential issues relating to landscape, biodiversity and the water issues on site.

Although the site is next to the Urban Area, I am concerned that in practice it will be very car dependent with a lack of some local facilities.

I am also concerned that there are several areas where, on the face of it, there appear to be issues with the site which might need further investigation, notably ecology, flooding and heritage.

Lastly, I note its designation as 'Medium-High' in terms of Green Belt designation. However, I cannot see a clearly defined boundary with the Green Belt beyond the site, which is designated as 'High' and if it were included in that package rather than being only considered on its own, I feel the designation might be reviewed.

As stated above I am not of the view that an alternative site in the Lower Penn area would be preferable, nor that an alternative site need be provided. However, I do consider the advantages of this site appear overstated.

Appendix 2 letter from Rt Hon Christopher Pincher MP, Minister of State for Housing dated 8th October 2021.



Department for Levelling Up,
Housing & Communities

Rt Hon Gavin Williamson CBE MP
House of Commons
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Our Ref:11885097

 October 2021



Thank you for your letter of 13 July, on behalf of your constituent Nigel McDonald of Langley Hall, Langley Road, Wolverhampton, West Midlands, WV4 4XU, regarding planning reform.

I can confirm that the standard method is only the starting point in the process of planning for new homes and does not provide a housing target. Local authorities will still need to consider the constraints they face locally to assess how many homes can be delivered in their area in setting their own housing targets when preparing their Local Plan.

On the topic of the duty to co-operate, the duty is a statutory requirement on councils, local planning authorities and county councils, and other public bodies to work together constructively, actively and on an ongoing basis in relation to planning for strategic cross boundary matters during plan preparation. However, the duty to co-operate is not a duty to agree; and any re-distribution of housing need from one authority to another must be agreed upon by the authorities directly affected and must be deliverable. Councils will have to demonstrate to an independent inspector how they have met the duty to co-operate at examination. Failure to demonstrate compliance will mean that plans submitted by councils will not pass the examination process. As part of our 'Planning for the Future' White Paper we proposed removing the Duty to Cooperate. We are considering the responses we received to this consultation and will share our response soon.

Ultimately, Inspectors act independently of Government. The Planning and Compulsory Purchase Act 2004 requires the Inspector to carry out an independent examination of the plan to test its soundness. Soundness is defined in the National Planning Policy Framework and includes positively prepared which expects plans to seek to meet the area's objectively assessed needs and be informed by agreements with other authorities. Inspectors carry out their role in line with national policy and legislation. In reaching their conclusions, Inspectors consider the evidence put before them by the local planning authority who prepared the plan and all those who made comments on the plan.

Existing policy for Green Belt protection will remain. Green Belt land will be included within 'Restricted' land designations and thus more stringent development controls will apply.

Our manifesto commitment was clear that we would protect and enhance the Green Belt, and our proposals do nothing to change that. Green Belt will be included when considering the constraints an area faces. The proposed new standard method for calculating housing requirements will take land constraints into consideration, including the Green Belt.

Once again, I appreciate how important planning reform is for colleagues and their constituents, and I am grateful to you for writing to me. I will be in touch with more information on the progress of this work, and we will publish a full Government response to the White Paper ahead of introducing legislation.

I trust this information is of help to you and Mr McDonald. Thank you for writing in on this important matter.

*Yours Ever & Thank you for
contacting me
Chris*

RT HON CHRISTOPHER PINCHER MP

Appendix 3 Ecological report on proposed Langley Road development site 582, November 2021 by Dr Kate Tobin, Prof Ian Trueman and Dr Lynn Besenyei.

Ecological report on proposed Langley Road development site 582, November 2021

Dr Kate Tobin, Prof Ian Trueman and Dr Lynn Besenyei

Summary

Landscape connectivity and protected bird and bat species

The site forms part of an important ecological network connecting the urbanised area of Wolverhampton with open countryside in South Staffordshire. The South Staffordshire Railway Walk Local Nature Reserve provides a critical pathway for wildlife in and out of the urban area. The proposed site is playing a strategic role in supporting this species diversity at the point where the railway walk meets the open countryside. There is a high diversity of protected bird and bat species in the immediate area of the site. Many of these species are of UK level importance to conservation. Some of these recorded species are currently suffering a sharp decline in numbers.

The field ponds are supporting a range of species, including nationally important bats such as the lesser horseshoe bat. The habitats used by these bats will require protection from disturbance and light pollution. The fields on the site are also providing valuable foraging and potential nesting habitat for lapwing, a UK red list species.

Species diverse hedgerows and mature oak trees

As reflected in the Staffordshire Biodiversity Action Plan, ancient and species diverse hedgerows are of considerable conservation importance and should therefore be protected from damage or removal. At this site they are providing linear linkages between the railway walk and the wider countryside. There is a good collection of mature standard oak trees, several over 200 years old.

Gun Battery habitat

The extensive natural regeneration of vegetation over seven decades at the gun battery is providing shelter and habitat for multiple species and requires further study.

Landscape Sensitivity

The Landscape Sensitivity Assessment (2019) assesses the sensitivity of the wider landscape parcel SL28 as Moderate. It is notable however that the sensitive features referred to in that report – ‘intact hedgerows and hedgerow trees’, ‘little change in field pattern since the late 19th century’, ‘priority habitat deciduous woodland along the disused railway line...local nature reserve’ and ‘local heritage features’ are all present at the proposed site.

Conclusion

The importance of the Green Belt at this location needs to be considered on a landscape scale. The potential impact on a significant wildlife corridor within the regional landscape should be examined, particularly due to its position at the boundary between two authorities. The site is known to be well used by a number of rare species which are protected at national level. In conclusion we do not support development of this site due to the sensitivities discussed in this report.

1. Geographical landscape context

The landscape scale connections between areas for wildlife have been increasingly recognised as important for the conservation of biodiversity.

A network of three major green and blue corridors, formed by Smestow Valley Local Nature Reserve (LNR), the Staffordshire and Worcestershire Canal and the South Staffordshire Railway Walk, runs south from urban Wolverhampton towards Wombourne, where it connects with the Wom Brook Walk Local Nature Reserve.

The Langley Road site is closely linked to this important ecological network as the line of the South Staffordshire Railway Walk forms the north-western boundary of the site.

The site holds a strategic position in the landscape with its close proximity to the edge of the Wolverhampton conurbation to the north-east, so the site forms a green wedge, linking the urban area to the wider area of the South Staffordshire countryside to the south and west. The new development would inhibit connectivity at the pinch-point on the northern point of this wedge at Bhylls Lane/Castlecroft road (Appendix 1).

1.1 Conclusion

This green wedge plays an important role in the ecological networks at landscape level and a significant role in a corridor for biodiversity between Smestow Valley LNR, South Staffordshire Railway Walk LNR and the wider countryside of the Lower Penn area.

The importance of this area for transboundary connectivity is recognised in the recent Black Country Plan 2021, which highlighted the National Habitat Network Connection in this area between the two authorities in their Local Nature Recovery Opportunity map.

2. Green Belt context

The South Staffordshire Green Belt Study 2019 lists the five purposes of green belt land. The parcel of land at the Langley Road site, S59, is rated as 'strong' in its role for both purpose 1 and purpose 3 – to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Therefore, the Green Belt here is performing well for these two key purposes.

The adjoining South Staffordshire Railway Walk is a Local Nature Reserve and as such is an 'absolute environmental constraint' for development (Green Belt Study 2019). The impact of a proposed new development directly adjoining approximately 360m of this feature must be

considered. We therefore disagree with the 'Biodiversity and Geodiversity' impact assessment in the Sustainability Appraisal 2021, which appears to have completely discounted this adjoining LNR wildlife corridor (Appendix B150). This is contrary to the Preferred Policy Approach NB1, as set out in the Local Plan.

The Green Belt Study 2019 notes that *'the expansion of Wolverhampton into this sub-parcel (S59b) would increase the urban influence upon surrounding Green Belt land and would not create a stronger Green Belt boundary than the existing boundary'*. We agree with this statement as the proposed new boundary to the south-west is currently largely open, with scattered trees. This would not form a strong defensible boundary against further development creep towards the wider countryside beyond, and towards the Lower Penn Conservation Area.

The Green Belt study assigns harm ratings to the site should the land be developed. These are considered to be 'high harm' for the western half of the proposed site and 'moderate to high harm' for the eastern half of the site.

Development at this site would additionally have a significant impact on the visual dimension of openness which the Green Belt presents at this point to residents in the adjoining conurbation.

2.1 Conclusion

The site is rated highly against Green Belt purposes and high levels of harm would follow from its loss from the South Staffordshire Green Belt. The impact on the Local Nature Reserve has been understated in the Sustainability Appraisal. The proposed new boundary to the open countryside would not be defensible.

3. Historical context

Historical records from the 1843 Penn Tithe map indicate that the field boundary pattern has remained almost completely unchanged since this time. There was no parliamentary enclosure in Penn (Staffordshire Archives), so the field system is pre-enclosure. The fields were in arable use at the time of the 1843 tithe map.

The 1887 Ordnance Survey map, 1:2,500 scale, shows the location of multiple trees along the field boundaries.

The Great Western Railway Company built the Wombourne Branch Railway after World War 1. This runs across the north-west edge of the proposed site. The line closed in 1965, becoming a Local Nature Reserve in 1992.

The 1887 map records an 'old marl pit' to the south of the site. This is also the location where a gun battery was stationed in 1939 during the Second World War to defend Wolverhampton. The gun battery is recorded at www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MST23544&resourceID=1010.

3.1 Conclusion

The field system here is pre-1845 and worthy of conservation.

4. Ecological importance

The site is a mixture of pasture and arable fields separated by hedgerows.

4.1 Hedgerows

Hedgerows along the field boundaries identified on the 1843 map have been surveyed. Three were found to be woody species diverse and therefore of nature conservation value. The pre-Parliamentary enclosure field system means that the hedgerows are regarded as ancient and are deemed 'important' under the Hedgerow Regulations 1997.

The nine hedgerow woody species recorded were:

Oak *Quercus robur*

Hawthorn *Crataegus monogyna*

Holly *Ilex aquifolium*

Elder *Sambucus nigra*

Blackthorn *Prunus spinosa*

Field maple *Acer campestre*

Hazel *Corylus avellana*

Ash *Fraxinus excelsior*

Dog rose *Rosa canina*

In addition, there were several significant hedgerow trees – mostly oaks of varying ages including specimens between 200 to 300 years old, which are detailed on the 1887 map.

Greater Stitchwort *Stellaria holostea* was recorded in one of the hedgerows. This is a species remnant of a woodland field layer and further evidence of the great age of the hedges.

The Staffordshire Biodiversity Action Plan defines this part of Staffordshire as the Southern Parklands. The plan sets an objective to maintain and restore the extent of hedgerows, including individual, isolated hedgerow trees and isolated veteran trees by 2026. Ancient and diverse hedgerows have a specific habitat action plan and are also a UK BAP priority habitat.

There is a large badger sett associated with the hedgerow network. This is an old well-established sett. A subsidiary badger sett has also been identified in fields to the west of the

site. Badgers have protection under The Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981.

4.2 World War 2 Gun Battery Area

The gun battery area appears to have been left undisturbed since the end of World War 2, allowing substantial natural regeneration to occur. This type of habitat is unusual and has the potential for significant nature conservation value. The cover provided by the vegetation will provide valuable habitat for a diversity of birds, mammals and invertebrates. It is advisable that the site is surveyed.

A rare plant, *Calamagrostis epigejos* (wood small-reed) has been found on the site. It is close to the edge of its range in the West Midlands and becomes very scarce further north and west.

4.3 Field ponds

The north of the site slopes down to two shallow field ponds. These appear from satellite images to have been ephemeral in the past, but have increased in size and may have become permanent in recent years. It has been reported by local residents that there was a drain allowing water to discharge from this point into the Railway Walk LNR, but this has been blocked in recent years. This may account for the recent increase in size and permanence of these ponds. The hydrology and ecological value of these field ponds need further investigation.

4.4 Birds

Lapwing have been recorded in 2020 and 2021 on the site (Staffordshire Ecological Record) (Figure 1). Lapwing *Vanellus vanellus* is listed as Near Threatened on the IUCN Red List for birds and is decreasing at a moderately rapid rate. It is also on the UK Red List for birds and is protected under the Wildlife and Countryside Act 1981.



Figure 1. Lapwing on the site (O'Hara 2021)

A search was undertaken of the National Biodiversity Network (NBN) atlas for bird species records in a 0.5 km radius of the centre of the proposed site. The 27 bird species that have been recorded are shown in Appendix 2, along with further bird species from the Staffordshire Ecological record. Most of the bird records were from the railway walk at the north-western boundary of the site. Three species are UK BAP species (in addition to Lapwing):

Reed bunting *Emberiza schoeniclus* on the UK Amber List

Herring gull *Larus argentatus* on the UK Red List.

House sparrow *Passer domesticus* on the UK Red list.

All three are protected by the Wildlife and Countryside Act 1981

Natural England describes the railway walk as having 'a substantial resident bird population...which is largely characteristic of woodland or open farmland'.

<https://designatedsites.naturalengland.org.uk>

Within a 1km radius of the site there are records of the following additional species:

Yellowhammer *Emberiza citronella*, UK BAP species, UK Red List

Bullfinch *Pyrrhula pyrrhula*, UK BAP species, UK Amber List.

Woodlark *Lullula arborea*, UK BAP species.

Hen Harrier *Circus cyaneus*, UK Red list

Redwing *Turdus iliacus* UK Red list

Fieldfare *Turdus pilaris* UK Red list

4.4.1 Use of the ponds by birds:

Lapwing have been photographed at the more southerly of the two ponds (Figure 2). Shallow field ponds are important habitats for breeding lapwing. Moorhen have nested on these ponds (Figure 3). A local resident confirmed that 'it's a real wildlife haven particularly around May - lots of swallows darting over it' (O'Hara 2021 pers.comm.)



Figure 2. Lapwing at the more southerly of the two ponds on the site (O'Hara, 2020)

Figure 3. Moorhen chicks on a nest on the more northerly pond (O'Hara 2021)



4.5 Bats

Eight bat species have been recorded by Ecorecord utilising the Smestow valley LNR/Railway walk corridor within the Wolverhampton conurbation.

<i>Myotis daubentonii</i>	Daubenton's bat	
<i>Myotis nattereri</i>	Natterer's bat	
<i>Myotis mystacinus</i>	Whiskered bat	
<i>Nyctalus noctula</i>	Noctule bat	UK BAP species
<i>Pipistrellus pipistrellus</i>	Pipistrelle bat	
<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle	UK BAP species
<i>Plecotus auritus</i>	Brown Long-eared bat	UK BAP species
<i>Rhinolophus hipposideros</i>	Lesser Horseshoe bat	UK BAP species.

Three of these UK BAP species were recorded along the railway walk adjacent to the northern boundary to the site.

The Lesser Horseshoe bat is of regional and national conservation importance, being at the Eastern edge of its restricted UK range here. It is on the IUCN Red List as Near Threatened at European Level, with the population trend decreasing.

All bats are protected under the Wildlife and Countryside Act 1981 – thus it is an offence to injure, disturb or kill them, or destroy or alter their habitat. All European bat species are protected under the EU Habitats Directive.

Bats require areas to forage for insects and to drink water. The hedgerows on the site provide linear habitat for these bats as they are known to use these features to fly along, to navigate by and to traverse the countryside. The ponds to the north of the site are important sources of water. The mature trees provide roosting sites. The copse of trees to the south of the site is being used by bats for roosts.

Species such as the lesser horseshoe bat are photophobic species and show pronounced reactions to artificial illumination at night. Thus, any housing development with street lighting and household lights will pose a significant threat.

4.6 Close to the site

The rare *Orchis mascula* (early purple orchid) has been recorded previously on the South Staffordshire railway walk. It would be threatened by a housing estate close by.

4.7 Conclusion

The hedgerows are regarded as ancient and are deemed 'important' under the Hedgerow Regulations 1997 and worthy of protection. There is a wide range of protected and priority species associated with the site, reflecting its position in a wider ecological network. These species and associated habitats demonstrate the value of this site for nature conservation.

Appendix 1. The wildlife corridor along Local Nature Reserves from urban Wolverhampton towards Wombourne (<https://magic.defra.gov.uk>). Arrow indicates position of site



Appendix 2 - NBN Atlas bird records within 0.5km of the centre of the proposed site
(Mostly British Trust for Ornithology records)

Sparrowhawk *Accipiter nisus*

Long-tailed tit *Aegithalos caudatus*

Swift *Apus apus*

Grey heron *Ardea cinerea*

Buzzard *Buteo buteo*

Black-headed gull *Chroicocephalus ridibundus*

Rock dove *Columba livia*

Woodpigeon *Columba palumbus*

Carrion crow *Corvus corone*

Blue tit *Cyanistes caeruleus*

House martin *Delichon urbicum*

Reed bunting *Emberiza schoeniclus* – UK BAP

Robin *Erithacus rubecula*

Brambling *Fringilla montifringilla*

Swallow *Hirundo rustica*

Herring gull *Larus argentatus* – UK BAP

Great tit *Parus major*

House sparrow *Passer domesticus* – UK BAP

Coal tit *Periparus ater*

Chiffchaff *Phylloscopus collybita*

Magpie *Pica pica*

Dunnock *Prunella modularis*

Tawny owl *Strix aluco*

Additional bird species from a 1km radius of the site (Staffordshire Ecological Record and NBN)

Kingfisher *Alcedo atthis* UK Amber List

Hen Harrier *Circus cyaneus* UK Red List

Yellowhammer *Emberiza citronella* UK BAP, UK Red List

Hobby *Falco subbuteo*

Woodlark *Lullula arborea* UK BAP

Bullfinch *Pyrrhula pyrrhula* UK BAP, UK Amber List

Green Sandpiper *Tringa ochropus* UK Amber List

Redwing *Turdus iliacus* UK Red List

Fieldfare *Turdus pilaris* UK Red List

Barn Owl *Tyto alba*

Appendix 4 Flood risk and drainage assessment of Site 582 by Ms K Richards

The following report compiled on behalf of the Save the Lower Penn Green Belt Group consists of information and data from the Strategic Flood risk Assessment and Water Cycle Study, The Lower Penn Parish Council Minutes, and photographic evidence and statements compiled from local residents. The information contained in this report includes a portion of the data gathered to date, and demonstrates the **unsuitability of the land** on Langley Road, Lower Penn for development **on the grounds of flood risk**.

Evidence from the Strategic Flood risk Assessment and Water Cycle Study

I have considered the document Strategic Flood risk Assessment and Water Cycle Study (SFRAWCS), presented as evidence to support the South Staffordshire Local Plan, and have identified the following evidence to support the Save the Lower Penn Green Belt Groups objections with regards to **site 582 Langley Road and the surrounding area as being a flood risk**.

I have taken excerpts from the SFRAWCS document (shown in italics), highlighting points for consideration pertaining to the Langley Road site and commented throughout with further observations as evidence for objection.

2.1.6

Strategic Flood Risk Assessment and Water Cycle Study – Level 1 Flood Risk Assessment (2019) and Phase 1 Water Cycle Study (2020) have been finalised. These studies will support the application of the flood risk sequential test to site selection and informed by Severn Trent modelling will help ascertain if upgrades to the water treatment plants and associated sewage infrastructure will be required as a result of growth proposals.

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2.2 Growth in Southern Staffordshire Each Council provided their current assessment of potential Objectively Assessed Housing Need (OAN) for their Local Plan period and is shown in Table 2-1. Where a range has been specified for housing need, the larger value is used for the assessments throughout the WCS to represent a “worst-case” scenario. Table 2-1 Summary of OAN for housing Local authority Housing need per annum Local Plan period Total housing need from 2018 to end of Local Plan period Stafford 500 2018-2040 11,000 South Staffordshire 254 2018-2037 4,826 Lichfield 481-556 2018-2040 10,582-12,232 Tamworth 177 2018-2031 2,301 Cannock Chase 284-423 2018-2036 5,112-7,614

It should be noted that since this study was commissioned South Staffordshire have now agreed to make a 4000-dwelling contribution towards meeting the unmet need arising from the wider Housing Market Area. This will need to be factored into any future Phase 2 work.

The SFRAWCS report is based on a lesser number of houses than is proposed under the local plan as it doesn't include the duty to cooperate numbers, hence the **evidence from the SFRAWCS at this stage is incomplete** and a further study with the full sites and numbers needs to be undertaken.

6.3 Methodology

Severn Trent Water were provided with GIS shapefiles of potential sites, as well as a list of potential development sites including housing numbers or employment floor space of each site. Using this information, they were asked to assess each site using the range of datasets they hold. The following red/amber/green traffic light definition was used to score each site/growth area: Comments were also received on each site.

Capacity available to serve the proposed growth	Infrastructure and/or treatment work upgrades are required to serve proposed growth, but no significant constraints to the provision of this infrastructure have been identified	Infrastructure and/or treatment upgrades will be required to serve proposed growth. Major constraints have been identified.
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RAG ratings were used to indicate where proposed development may have a detrimental impact on the performance of the existing public sewerage system taking into account the size of the development proposals. A red RAG score given by STW may reflect the presence of sewer flooding, CSO spills or pollution events in the vicinity of the site, on the assumption that an increase in wastewater flows from development would make those occurrences more likely in the future. It also takes into account the size of the site, with larger sites more likely to exacerbate existing issues in the network. **A red assessment does not reflect a “showstopper” and STW have a statutory duty to serve new development under the Water Industry Act 1991 – but they highlight areas where significant new infrastructure or network reinforcement will be required.** An amber assessment indicates where further modelling may be required to understand local capacity in the network, and a green assessment indicates that no constraints have been identified. Sites that fell below STW's threshold for the size of development were not assessed. Typically, this may be a development of less than ten properties, or in an area of low risk. It should be noted that this assessment does not replace appropriate assessments or modelling as part of developer engagement with the sewerage undertaker, evidence of which should be demonstrated to the LPA as an application progresses through the planning process.

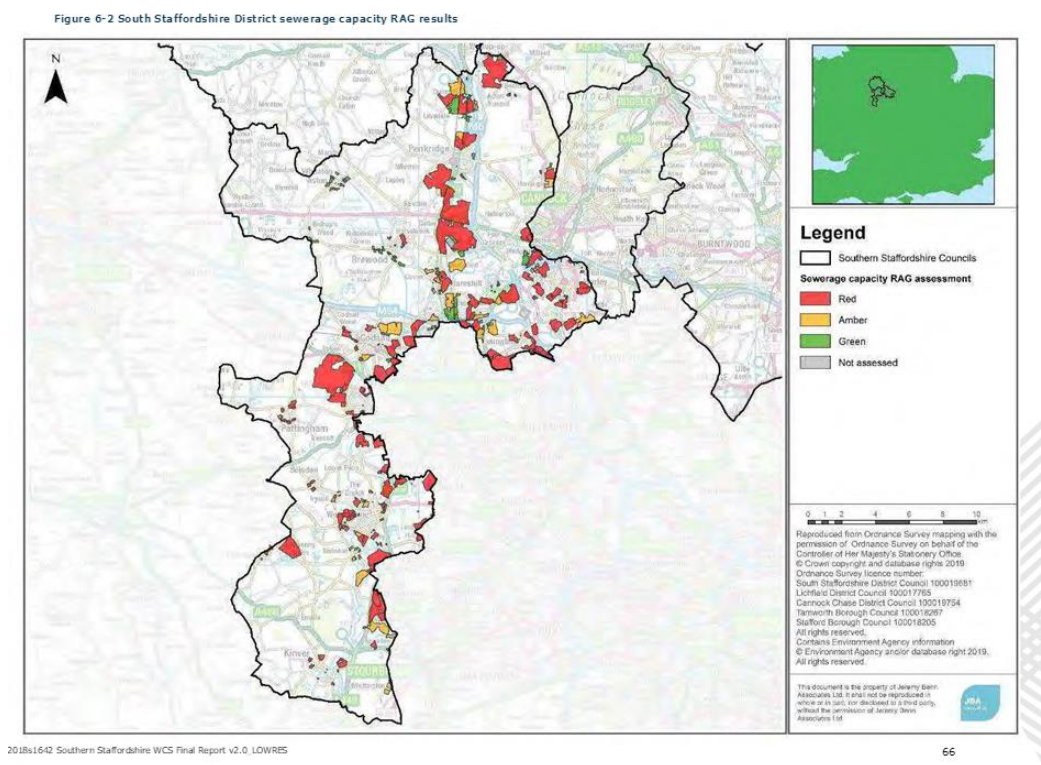
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6.5.2 South Staffordshire District

A red rating was given by STW to the majority of sites in South Staffordshire District. **This reflects the large number of houses in a limited area that does not currently have the wastewater infrastructure to accommodate the additional flows. Further analysis would be required by Severn Trent for all sites to**

confirm their feasibility. 2,433 houses need to come forward from South Staffordshire District's sites to assess to meet the housing need, **therefore all of South Staffordshire's housing need could be met by green sites,** however engagement between the Council and STW would be needed to determine where infrastructure upgrades could be possible to accommodate the necessary growth from amber and red rated sites, if required.

The **Langley Road site has been given a red rating (see map below 6.2) and therefore does not currently have the wastewater infrastructure / sewerage capacity to accommodate the additional flows** and is highlighted as an area where significant new infrastructure or network reinforcement will be required. As this **local plan is supposed to be "infrastructure led", and the reasons cited for building on the urban fringe is to allow access to current infrastructure facilities,** it is proven in this study that the infrastructure is **NOT** in place to service the Langley Road site.



As part of the recommendations of the SFRAWCS report, it states

11.8 Recommendations

Table 11-3 Recommendations from environmental constraints and opportunities section

Action	Responsibility	Timescale
The Local Plans should include policies that require development sites, where a pathway exists for surface water to a site with an environmental designation, to adopt SuDS to manage water quality of surface runoff.	SSCs	Ongoing
The Local Plans should include policies that encourage development sites, where no obvious pathway exists to a site with an environmental designation, to consider the adoption of SuDS to manage the cumulative impact of development within the catchment (unless it is not reasonably practicable to do so).	SSCs	Ongoing
In partnership, identify opportunities for incorporating SuDS into open spaces and green infrastructure, to deliver strategic flood risk management and meet WFD water quality targets.	SSCs STW SSW EA	Ongoing
Developers should include the design of SuDS at an early stage to maximise the benefits of the scheme	Developers	Ongoing
Work with developers to discourage connection of new developments into existing surface water and combined sewer networks. Prevent connections into the foul network, as this is a significant cause of sewer flooding.	SSCs Developers	Ongoing

Note the recommendations of the SFRAWCS report and notably the last point in the above table. *‘To discourage connection of new developments into existing surface water and combined sewer networks. Prevent connections into the foul network, as this is a significant cause of sewer flooding’*. This would seem to suggest no benefit for the new development being alongside urban fringe from a basis of the infrastructure of surface water, sewer or foul networks. (sustainable drainage systems – Suds) In fact the opposite as this is a significant cause of sewer flooding. Thus no benefit for building on urban fringe and notably the green belt site 582 Langley Road from a Suds basis.

Flooding / Drainage issues raised during Parish Council Meetings

There is regular flooding of roads and houses within Lower Penn notably; on Market Lane, at the junction of Market Lane and Langley Road, throughout Langley Road, on Greyhound Lane and on various locations along Radford Lane. This list of roads is not exhaustive and does not include all of the flooded sites within Lower Penn. There is also an ongoing issue within the Parish of Lower Penn of drains becoming blocked. The county council will have records of flooding and drainage issues as there are regular requests for drains to be cleared throughout varying roads within Lower Penn and this has been funded by County Council as noted during Parish Council Meetings. Councillor Victoria Wilson has assisted

with the flooding and drainage issues and will be well aware of the problems within the parish attributable to flooding.

Below are excerpts of flooding issues reported within the parish just over the last 12 months and noted in the minutes of Lower Penn Parish Council Meetings. Although this only includes the last 12 months there is historical data to show issues with flooding going back some years.

Monday 11 October 2021 . Market Lane - Flooding - The County Council will be installing raised kerbs to help alleviate the flooding problems down the lane and it was agreed to keep this issue under observation.

September 2021 - Market Lane - Flooding - Cllr Mrs Southall reported that gullies had been cleaned early in August but that as the drain outside 44 Market Lane is on private land, the County Council is unable to address the problem. However, the County Council will be installing raised kerbs to help alleviate the flooding problems down the lane and it was agreed to keep this issue under observation.

July 2021 - Flooding – this was caused by blocked drains along Springhill Lane which had already been reported by Cllr Williams. Cllr Mrs Taylor agreed to follow this up with County Cllr Mrs Wilson.

June 2021 - Blocked Gullies: County Cllr Mrs Wilson to follow up the gully that is blocked by boulders. Cllr Williams advised that there were numerous blocked gullies along Springhill Lane and he would send the locations to Mrs Wilson.

March 2021 - 108 Springhill Lane: a major blockage has been found in the gully outside this property and County Cllr Mrs Wilson reported that the Council was looking at the best way to resolve this problem.

February 2021 - COUNTY COUNCIL REPORT Flooding Scheme: County Cllr Mrs Wilson said that the Council was working on a flooding scheme and she hoped that both District & County Councils could work together along with the relevant Water Authority to alleviate some of the problems being experienced. The Chairman reiterated that relevant forms had been distributed to those residents experiencing flooding issues.

December 2020 - Flooding Survey: this had been sent to all councils and the Chairman confirmed that this had been forwarded to all residents in Lower Penn who have been affected by flooding issues.

November 2020 - Flooding Market Lane/Radford Lane County Cllr Mrs Wilson reported that she is hoping for an update in December and Cllr Mrs Taylor agreed to speak to residents in Market Lane about the issue.

October 2020 - Flooding Market Lane/Radford Lane Several incidents of flooding have occurred over the last few weeks and County Cllr Mrs Wilson be asked for an update on her list recently sent to the Cabinet Minister for Highways.

September 2020 - Flooding Market Lane Cllr Mrs Taylor reported that recent flooding issues were being made worse by overgrown verges, gutters and weeds

and Cllr Reade agreed to ascertain whether it was the District or County Council's responsibility for these areas.

Data, statements and photographs gathered by the Save the Lower Penn green Belt Action Group and Lower Penn Parish Council and Local Penn Parish residents documenting flooding within Lower Penn.



The above photograph was taken by Kerrie Richards, a resident of Langley Road, in spring 2020. It shows the view from the footpath at the top of the Railway Walk and shows the proposed area for housing.



Tony Gregory – Resident of Langley Road

“This is our stable yard. Every time there is heavy rain, water from the proposed development site finds its way (usually over three or four days) onto our land. Meanwhile, the gardens of some 15 homes facing onto Langley Road are underwater for weeks in the autumn and winter (and sometimes in the summer!!). The proposed housing development, along with roads and paved areas that it would bring, can only make matters worse. Much worse!”



Photos taken on the 16.2.20

“You can see the flow down the ramp with rainwater running across the gardens. Rain falling on the proposed housing development site 582 finds its way over a number of days across the gardens of some 15 houses, including ours before reaching our field and stable yard. We have lived at our house for 53 years, and this has become a common occurrence, getting worse, year on year.



It is not unknown for flooding to take place during the summer months too.

It should be noted that a burial ground planned for land in the area of site 582 Langley Road did not proceed due to the high water table in the area.”

Tony Gregory, Eversleigh, Langley Road



“We are quite keen birdwatchers and have seen some more unusual birds feeding in the wet areas – lapwing, plover and little egret particularly as well as swallows, swifts, herons and nesting coot, moorhen and mallard. I think there are some really good birdwatchers in the Friends of the WEC group who may have seen more. We have reported the aforementioned species via the Staffs Wildlife Group”

Helen O Hara – Resident,
Langley Road.



This is a view of the proposed development land 582 Langley Road to the rear of Bhylls acre school.

Photograph taken by Helen O Hara – Resident, Langley Road.

"My back garden when it floods down the fields at 84 Langley Road."
Darren Broadbent, Resident, Langley Road





Local resident Michaela Kyle Battison – Keeps horses on the paddocks on Langley Road. The above four images showing the level of surface water and flooding on the field adjoining the proposed development site for houses on Langley road.

“This water originates from the actual proposed development site and comes across to the field where I graze my horses.”

<https://1drv.ms/v/s!Ao4ZNpEmFdf3g10p5omCVfdcRmew?e=pLz3nP>

The above is the link to a video taken by the above resident **showing underground springs coming to the surface.**

Below – a statement from a Lower Penn resident. (name withheld for privacy purposes)

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*“Water flows down from the field into both ponds as they only are separated by a small strip of raised land, and water can be seen flowing through this after rain. Last year the owners added some extra drains into the northern pond as the blockage meant it flooded their small road - these are above the waterline most of the year though. **I suspect there is a spring/aquifer somewhere in the fields, as water occasionally bubbles up seemingly from nowhere!**”*



The above two photographs were sent by Caroline Smith of The Tudors on Langley Road. The flood that damaged their house happened in February 2020.

“Flood happened Feb 20 and we had to live in the house in a mess till we were able to move into the caravan which was end of Feb 21. We moved back into house June 21. Because of covid everything took longer so we had to live without carpets furniture etc downstairs until finally Builders could start work and we were able to have hardstanding put down for a caravan which we were in from Feb 21 until June 21. I can't explain how stressed we were. This was the result of the last flood and we are just getting straight before christmas.” Caroline Smith, The Tudors, Langley Road.





Pictures above and to the side are of flooding, provided by Caroline Smith of The Tudors, on Langley Road. February 2020. This shows flooding of their garden and neighbouring fields.

“The field ones to the side of our house are of our

access to the fields that we own. The small side paddock which is flooded is owned by the people that live at the croft. When it rains the water travels sideways across from where they want to build new houses. Our land doesn't actually cause the problem. When the rain reaches the croft Paddock it then drains over to us and over a period of days eventually reaches further down Langley Rd causing more flooding all the way down to Tony Gregory.” Caroline Smith, The Tudors, Langley Road

Photograph below courtesy of Sarah Tee taken on Radford Lane 31 October 2021

The link below was sent by a resident on Langley Road.

<https://www.facebook.com/groups/2342833909375703/permalink/2584703165188775/>

Flooding on Radford Lane – February 16th 2020 - below is a screenshot taken from the video, however you can see that the whole breadth of the lane is completely flooded.



Below is a condensed version of the response by a resident on the planning portal in response to the battery development. Although these comments are in response to the Battery site adjacent to the proposed residential site 582 Langley Road, the points are still relevant.

John Rowley (Objects)

Comment submitted date: Thu 07 Oct 2021

4. Protection for migratory birds and other wildlife.

Two hundred metres from Castlecroft Road along the proposed access track, there is a large natural Pool. In 3.1 of the Landscape and Visual Impact Assessment (LVIA) document which accompanies application 21/00440/FUL, this Pool is referred to dismissively as 'a body of water'.

In fact, this body of water is a refuge for many water-fowl and migratory birds which follow the Smestow Valley route to by-pass the West Midland conurbation. I have seen oyster-catchers and lapwings here.

The Pool is a significant feature of the Local Nature Reserve along the Leisure Walk. It is effectively part of the Smestow Valley Local Nature Reserve which starts at the Wolverhampton boundary at Castlecroft Bridge.

5. Flooding of the Railway Walk.

The former GWR line is a popular Leisure Walk. It featured in The Guardian's top-ten favourite Railway Walks. Thirty years ago a water main was laid under the Walk. The original GWR drainage system was damaged. Heavy rain leads to flooding of the Walk. It becomes very muddy and discouraging for the leisure walker or cyclist.

The field around the Pool mentioned above once drained into the railway cutting, probably by agreement with GWR in exchange for permission to build the new railway in the 1920s. There is a drainage pipe from the field and under the farm track. Beyond that there is a rough channel of rocks to guide water from the field

down the embankment to the drainage ditch beside the former railway line. **The pipe has been blocked for the last four years. This has allowed the Pool to develop.**

The Pool is important for migrating birds and for alleviating flooding on the Railway / Leisure Walk.

Heavy construction vehicles will drive over the drainage pipe as they access the Battery Storage Site.

If, as a result of the movement of heavy traffic, the drainage pipe becomes unblocked what efforts will be made to prevent water flooding the Railway Walk.

Should the pipe be broken so that water from the Pool discharges onto the Railway Walk 30 feet below, who will foot the bill to make the Walk accessible to all.

6. Flooding of Castlecroft Road at the entrance to the proposed access road.

After heavy rain water collects in a broad pool at the entrance to the farm track off Castlecroft Road. Pedestrians have to take care not to be splashed by passing traffic. It is a route for parents and children going to Bhylls Acre School. **Clearly the existing drains are not capable of coping with more frequent and heavier rain.**

Heavy construction traffic will make the problem of flooding even worse.

The Water Company when it laid the water main under the Walk some thirty years ago was not required to make good the drainage system. Will the developer be required to repair damage to the drainage system should the proposed access be allowed.

National Policy Planning Framework (NPPF) - flooding

Government policy and guidance – as it is proven by the evidence above that this area and the surrounding areas are a flood risk, note should be taken of the guidance below published within the NPPF.

159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Conclusion

The Save the Lower Penn Green Belt Action Group objects to Site 582 Langley Road being selected as a preferred option on the grounds of flood risk.

There is strong evidence already available from the Strategic Flood risk Assessment and Water Cycle Study demonstrating that the Langley Road site Ref 582 has a red rating and therefore does not currently have the wastewater infrastructure / sewerage capacity to accommodate the additional flows and is highlighted as an area where significant new infrastructure or network reinforcement will be required. As this local plan is supposed to be “infrastructure led”, and the reasons cited for building on the urban fringe is to allow access to current infrastructure facilities, it is proven within this study that the infrastructure is NOT in place to service the Langley Road site.

The supporting data within this report includes photographs and statements from local residents demonstrating that the area in and around the Langley Road Site Ref 582 is already subject to substantial flooding and thus would not be suitable for further development exacerbating these flooding issues.

The report also demonstrates that the County Council has given assistance to the parish to alleviate flooding and drainage issues and thus is aware of the flooding issues already present in Lower Penn. By allowing further building in an area already documented as a flood risk would surely be deemed as irresponsible of a public body.

The recorded minutes from the Parish Council also demonstrates the continued issues with flooding in and around the Lower Penn Parish and therefore again citing reasons for objection.

Guidance from the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. As it has been demonstrated that Lower Penn Parish suffers from flooding, any development could increase the flood risk both on Site 582 and the vicinity.

There is enough evidence above to mitigate removing this site and furthermore negating the inclusion of neighbouring sites within Lower Penn, as preferred options within the Local Plan. I conclude objecting to the site 582 Langley Road on the basis of Flood risk and the need for significant new structure or network reinforcement of the surface water and sewer network.

582 Langley Road is a green belt site and has been put forward as a preferred option because of its re-classification as urban fringe and the potential of access to current infrastructure. As the current infrastructure is not sufficient, I furthermore do not believe that exceptional circumstances exist to justify the removal of site 582, or any further sites within Lower Penn, from green belt.

Report written on the 4 December 2021 by Ms Kerrie Richards, Member of the Save the Lower Penn Green Belt Action Group.

Appendix 5: Freedom of Information request response pertaining to the Local Plan



Record of the qualified person's opinion Freedom of Information Act 2000 Section 36

The public authority	
1. Name of the authority	South Staffordshire District Council
The qualified person	
2. Name (<i>see Notes below</i>)	Lorraine Fowkes
3. Job title	Director- Legal & Governance
4. Subsection of s36(5) under which qualified person is authorised (<i>see Notes below</i>)	36(5)(o)(iii) [Monitoring Officer]
Information on which opinion was sought	
5. Brief description of the information requested	<p>1) Dates and times and attendee details of all meetings held between officers and councillors and between councillors themselves relating to the formulation/development of the emerging Local Plan and the SSHID. Along with copies of all records and notes taken at the meetings, minutes relating to any decisions made in these meetings.</p> <p>2) Dates and times and attendee details of all meetings held between officers and councillors and between councillors themselves relating to the formulation/development of Option G of the SSHID along with copies of all records, notes and</p>

	<p>minutes taken at the meetings relating to any decisions made in these meetings.</p> <p>3) Minutes, records, notes, names of attendees and dates of meetings between councillors themselves and councillors and officers at which the latest Council Plan was formulated.</p>
6. Information was	shown to qualified person
Submission to the qualified person	
7. Date opinion sought	6 October 2021
8. Subsection(s) of s36(2) on which opinion was sought (see Notes below)	<p>36(2)(b)(i) [inhibition of free and frank advice]</p> <p>36(2)(b)(ii) [inhibition of the free and frank exchange of views for the purpose of deliberation]</p> <p>36(2)(c) [prejudice to public affairs]</p>
9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur	<p>SSDC site allocation and development decision making is member led in that all members of the Council save the Leader (and former Leader the late Brian Edwards) are involved in the formulation of the plan.</p> <p>Officers provide advice on the plan and process and members can give their views on proposals to impact the direction of travel of the plan.</p> <p>Since 2017 there have been 31 meetings ranging from Q & A sessions to workshops to presentations regarding the local plan and SSHID. Each meeting starts with a reminder from the relevant cabinet member that what is discussed is confidential.</p>

	<p>The formulation of the local plan has been a drawn out process and is a continuing one.</p> <p>Officers offer their professional opinions on matters and members provide their feedback. This feedback is considered by officers as the plan is developed.</p> <p>The issue of where housing development should take place within South Staffordshire has been controversial and remains so.</p> <p>I am aware that historically there have been high profile campaigns against development. I am aware that in respect of the current local plan there has been a campaign in respect of it. One such campaign alleges that the Council plan to build thousands of houses in the green belt. There are at least 10 action groups who, by forming a group, all feel strongly about matters.</p> <p>Given the emotive and controversial nature of the plan I am of the opinion that disclosure of who said what to who about what at the meetings would inhibit—</p> <p>(i)the free and frank provision of advice from officers of the council to members, or (ii)the free and frank exchange of views by officers and members for the purposes of the formulation of the plan.</p> <p>In my view disclosure of the information sought would inhibit the ability of officers and members to express themselves openly, honestly and completely, or to explore extreme options, when</p>
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providing advice or giving their views as part of the process of deliberation. In my view inhibiting the provision of advice or the exchange of views may impair the quality of decision making by the council.

Disclosure of the detail of the discussions i.e. who said what to who about what would inhibit free and frank discussions in the future. The loss of frankness and candour would damage the quality of advice and deliberation and lead to poorer decision making.


This is even more so given that no final decisions have been made as yet.

If the opinion of the detail of what has been said to who about what were to be disclosed to the public [which is what happens when a disclosure under FOI is made] then it is likely that the member concerned would become the target of hostility

I am also of the view that disclosure would also prejudice the effective conduct of public affairs.

In my view officers and members need a 'safe space' to develop ideas, debate live issues, and reach decisions away from external interference and distraction.

If the opinion of the detail of what has been said to who about what were to be disclosed to the public [which is what happens when a disclosure under FOI is made] then it is likely that the member concerned would become the target of hostility.

	I am also aware that there has been full public consultation at various stages of the process. The Council has adhered to the planning regulations, and this means all persons and organisations have the same opportunity to appraise the proposals and make comments on them at the appropriate time.
10. Counter arguments put forward	None
11. Any other factors taken into account	The Council is aware that historically and recently the issue of the local plan has been controversial and high profile.
The qualified person's opinion	
<p>12. <i>(see Notes below)</i> The qualified person's opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000</p> <p style="text-align: center;">36(2)(b)(i) / 36(2)(b)(ii) / 36(2)(c)</p> <p style="text-align: center;">would occur for the reasons given above.</p>	
13. Date opinion was given <i>(see Notes below)</i>	13 October 2021
14. Qualified person's signature <i>(see Notes below)</i>	

Appendix 6 Birmingham Update on Housing 2021 For West Midlands CPRE by Gerald Kells

BIRMINGHAM UPDATE ON HOUSING 2021 For West Midlands CPRE

by Gerald Kells

June 2021

Introduction

I was asked by West Midlands CPRE to review the housing need and supply situation in Birmingham. They are concerned that the shortfall in Birmingham's housing may be overestimated. This was 'established' as 37,900 at the Birmingham Plan Inquiry (See TP48 of the Birmingham Plan) and adopted in the published plan in 2017.⁸

I represented West Midlands CPRE at the Birmingham Plan Inquiry in 2014 and at the time we raised a number of concerns about the methodology for estimating housing the requirement. Most notably on the supply side we questioned the assumptions about a continued fall in household size, and on the demand side, the low levels of windfall (unallocated) sites assumed in the plan.

The Evidence supporting the Plan pre-dated the Standard Methodology for calculating housing need. It relied heavily on a study by Peter Brett Associate which utilised the 2012 ONS housing projections. Those projections have since been updated three times, with the issue of household size playing a role in establishing what some would argue are more realistic assumptions in the 2016 and 2018 figures, although the Government still requires the use of the ONS2014 figures.

In 2018 a GL Hearn report on the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) sought to update the situation. However, notably it relied on received assumptions from local authorities on issue such as the level of windfalls. A statement on the current need and supply situation across the GBBCHMA was produced in July 2020.

⁸ [Adopted Birmingham Development Plan 2031 | Birmingham City Council](#). The recent Black Country housing figures are also predicting a shortfall up to 2036 but this report does not address that issue in detail.

The most recent Strategic Housing Land Availability Assessment (SHLAA) was provided for Birmingham City in March 2021 along with a 5 Year housing land supply statement.⁹

Need

The table below shows the most up to date Standard Methodology calculations for annual housing need in Birmingham based on 2021-2031 using the 2020 affordability ratio. What is noticeable is the reduction in household need in both the 2016 and 2018 ONS projections, reflecting the changes in assumptions which have led to lower household formation.

It should also be noted that while both the 2016 and 2018 projections give similar national household numbers, the 2018 projections distribute housing very differently, partly because of changes to the way NHS registrations are calculated. This redistribution increases need in many rural authorities but reduces it in many urban areas such as Birmingham.

Annual	Demographic (ONS 2021-2031)	Standard Methodology (2020 Affordability)	Local Plan Figure	Capped Standard Methodology (40% above plan)	35% add on
ONS 2014	4550	5000	2555	3577	4829
ONS 2016	3304	3631	2555	3577	4829
ONS 2018	2350	2582	2555	2582	3486

A further issue with the projections has been highlighted in University Cities, such as Coventry and recently examined by the Office for Statistics Regulation, where NHS registration of students may be skewing the demographic need upwards. While this is unlikely to be as pronounced in Birmingham it may also impact on the reliability of the figures.

The Local Plan figure was based on earlier calculations which put the overall need for Birmingham at 89,000 (4450 dwellings per annum up to 2031). The plan only allows for 51,100 homes and so on adoption it was assumed there was a shortfall of 37,900.

This overall need would fall to 72,620 (ONS2016) and 51,640 (ONS2018) even including the standard methodology adjustment to demographic need. The theoretical twenty-year shortfall would fall from 21,520 to 540.

And it can be seen that the current local plan figure is above the 2018 demographic need figure for ONS2018 and under ONS2016 there is a shortfall of approximately 1200 dwellings per annum. It is only under the 2014 assumptions that the shortfall rises to 2700.

⁹ See [5 Year Land Supply 2020 to 2025 | Birmingham City Council](#)

Under the standard methodology capping system currently the 2014 and 2016 figures are both capped.

At the same time, in its planning statement of 16 December 2020 the Government (in an attempt to fulfil its politically adopted figure of 300,000 dwellings per annum nationally) has somewhat arbitrarily increased the figure by 35% for the twenty biggest cities outside London.

It can be seen that in the 2014 case this is consistent with the demographics but the more recent data suggests it is not.

Supply

According to the 2020 SHLAA Birmingham currently has a supply of 44,835 homes (including an assumed 4,185 windfalls.) If you add the completions since 2011 (22,694) that leads to a supply of 67,529, an increase of 16,429.

It is not surprising that the supply exceeds the planned figure. According to the 2021 5-Year Land Supply Report in the last three years there have been 11,135 dwellings completed against a requirement of 8,200 dwellings, an oversupply of 2935.

And the 2020 GBBCHMA update reports that the overall 2011-31 shortfall is now estimated to be 2,597 across the whole market area, a fall of 13,728 since the SGS baseline was established in 2017. It goes on to say that Birmingham is by far the main source of this increase having identified capacity for a further 13,942 dwellings since 2017, a 27% increase and this is set out in Table 6 of that report.

A key element of this has been the delivery of windfall sites which has exceeded the levels set out in the Birmingham Plan. At the Plan Inquiry we argued that a windfall rate of 1000 per annum would be consistent with the evidence, and would in fact be lower than the average of 1500 over the last ten years (which was anyway skewed downwards by the recessionary years after 2006).

The level of windfalls since has justified our position. The supply of windfalls has exceeded expectations and the completion of windfalls has remained above 1000 per annum since 2016 (average 1822 dpa). Moreover, although the apartment market has provided the majority from 2016/17-2019/20, 29% have been houses and 62% have been in location outside the city centre suggesting a simplistic assumption that it is all 'city-centre apartments' is wrong.

If that windfall rate was maintained 18,220 more homes would be provided on windfall sites in Birmingham over the next ten years up to 2031. Unfortunately, the SHLAA continues to adopt the figures from the Birmingham Plan Inquiry which the Inspector himself

acknowledged were likely to be exceeded.¹⁰ So the SHLAA only allows for 4,185 dwellings in the next ten years, which is astonishingly less than the completion rate for the two years 2018/19 and 2019/20. Even an assumption of a modest 1000 dpa would increase supply by 5,815.

And as we consider the period beyond 2031 this under-estimate of windfall supply is likely to increase further if there is on-going under-accounting for windfall supply. Not only is the supply in Birmingham likely to eliminate the remaining 'shortfall' of housing in the GBBCHMA up to 2031, it could well create a surplus at that point.

Post-COVID

When the figures come out one could well expect a dip in housing completions in 2020/21 given the impact of the pandemic. However, there is no reason to believe that house construction will not recover. Moreover, the impact of COVID has been to accelerate an already apparent trend away from retail spend on the high street towards Internet purchases. This has been reflected in high profile retail failures during the pandemic.

It is probably too early to postulate what the post-COVID reality for retail and leisure will look like or the extent to which firms which have relied on home-working will continue to do so post-COVID. As yet there appears to be more speculation than detailed analysis of the implications for land use. But, whatever the extent, one would expect some freeing up of space for housing and/or mixed development in town centres and perhaps at some out-of-centre locations.

This was certainly the Government's opinion when it published the 16 Dec statement justifying its approach to the uplift of 35% to housing in cities.¹¹

¹⁰ *Para 58 of the Inspector's report says: Alongside the identified sites, the 2014 SHLAA includes a windfall allowance for some 7,600 dwellings over the remainder of the BDP period. This figure is based on an annual allowance that is initially set some way below the lowest windfall completion rates of recent years, and then increases gradually over the period to reflect the expected recovery in the housing market. Nonetheless, the maximum annual allowance is less than a quarter of the highest level experienced before the 2008 financial crisis. The calculation of the allowance specifically excludes development of residential gardens. I am satisfied therefore that the overall windfall allowance is based on sound evidence and is realistic and achievable. Indeed, in practice it is likely to be exceeded.*

¹¹ *In addition, since we published the consultation, the way that the country lives, works and travels continues to change more rapidly than at any time since the war. This has implications, for example, on demand for commercial and retail floorspace in our cities and urban areas. We want our towns and cities to emerge from the pandemic renewed and strengthened - more beautiful, more healthy, more environmentally sustainable and more neighbourly places, with greater public and private investment in urban housing and regeneration.*

There is potentially a profound structural change working through the retail and commercial sector, and we should expect more opportunities for creative use of land in urban areas to emerge. Utilising this land allows us to give priority to the development of brownfield land, and thereby protect our green spaces

The Government has said it will abolish the Duty-to-Cooperate, effectively removing the option of decanting housing need to other local authorities, but the planning system continues to be reliant on this process.

The logic of the Government's approach would be to acknowledge the role that windfall development will need to play in cities such as Birmingham. But this cannot happen if windfall assumption remains so unrealistically low.

Conclusions

Under the standard methodology with the 35% uplift the housing need for Birmingham is significantly higher than the latest Government projections would suggest is justified.

Moreover, the assumptions about supply from windfalls which we criticised at the Birmingham Plan Inquiry have been proved to be justified.

This has already drastically reduced the pre-2031 shortfall across the Greater Birmingham and Black Country Housing Market, even with what appears over-exaggerated need.

Furthermore, the post-COVID world is likely to create opportunities for land to come forwards for housing or mixed-use development on current retail, industrial and leisure sites.

This could accelerate the release of brownfield land in line with the Government's general assumption about regeneration opportunities in the 16 Dec statement.

However, the planning system is hamstrung by the out-of-date numbers and the out-of-date Birmingham Plan case. So instead of policies to make this kind of urban regeneration happen it relies on the Duty-to-Cooperate to release green field and, in particular Green Belt land.

**Appendix 7 Black Country Plan Update on Urban Capacity Report to CPRE
West Midlands Region by Gerald Kells June 2021 (Oct 2021
Revisions)**



**Black Country Plan
Update on Urban Capacity
Report to CPRE West Midlands Region by *Gerald Kells*
June 2021 (Oct 2021 Revisions)**

1. Introduction

In March 2020 I reviewed the updated evidence for the Black Country Plan Review, published by the Association of Black Country Authorities (ABCA)¹² for West Midlands CPRE. In particular considered the Urban Capacity Study and Green Belt Review.

As well as the updated Strategic Housing Land Availability Assessments for the four boroughs (dated December 2019).

ABCA have now updated their Urban Capacity Study and new SHLAAs have been produced for 2020. This updates the situation with regards to housing need and supply.

According to their website a (Reg 18) consultation on a Draft Plan is timetabled for August - September 2021 and a (Reg 19) consultation in August - September 2022.

This paper reviews the updated housing assumptions, although it should be noted the position in relation to Green Belt evidence has not changed and so is reproduced from my earlier report. Moreover, the BEAR (Black Country Employment Area Review) will not be published until the consultation in August, which means that it is still hard to assess the assumptions in regards to the reduction in surplus employment land since the Issues and Options stage of the Plan.

I have also not considered the progress of all the adjoining local plans since my last report. The next stage of the consultation on the South Staffordshire Plan is expected in Autumn 2021 and because of the strong ties with the Black County it will be important that there is co-ordination in relation to any potential overspill. The controversial M54 Junction3 proposals north of Cosford have been removed from the Consultation Draft (Reg 19) Shropshire Plan.

¹² <https://blackcountryplan.dudley.gov.uk/t2/p4/>

2. Background

The four Black Country Boroughs, Dudley, Sandwell, Walsall and Wolverhampton are reviewing their Joint Core Strategy under the auspices of the Association of Black Country Authorities (ABCA).

In 2017 they produced an Issues and Options Report which I considered in a report for West Midlands CPRE in August 2017 which formed part of CPRE's submission.

At the time the Black Country Authorities claimed they needed roughly 78,000 homes and had a shortfall of 22,000 to 2036. This pre-dated the Government's Standard Methodology for establishing housing need. As I pointed out at the time it was not a figure which matched the economic analysis from Oxford Economics which assumed that the population would lose 6,000 households to job opportunities elsewhere.

There were elements of the supply side I found unsatisfactory. In particular, although there was an allowance for small windfalls, there was none for larger windfalls, even though changes in the economy and retail suggest these may well come forward in the plan period.

Moreover, while it was suggested the 22,000 short-fall could be reduced by the use of redundant employment land the figure of 10,400 homes which was given was not based on consistent data across the four boroughs.¹³

3. Black Country Call for Sites and the Green Belt

A call for sites was then sent out in July 2017 and closed in June 2019.¹⁴ Details of the responses for sites within the Black Country Boundary were set out in a note from ABCA and an interactive map was produced which shows all the sites, including a significant number in South Staffordshire and Cannock Districts, some of which I understand are going through the relevant local plan process in those districts and some of which are not.

The on-line map does not include sites in other authorities, for example, those identified in the M54 in Shropshire such as the Bradford Estate site north of Cosford at Jn3 of the M54. That proposal includes 3,000 homes identified as being to meet needs in the Black Country and 50 hectares of industrial land identified as meeting Shropshire's industrial land need.

To roughly gauge the extent of developer interest in the Green Belt I summed up the total area of sites based on the submitted data to the call for sites and got a figure of 2,399 hectares. A further 613 hectares is identified in South Staffs and Cannock. Leaving aside land identified for industrial use, the Black Country sites (or those crossing boundaries) added up to 45,364¹⁵ homes while the sites in

¹³ Para 3.16 of the Issues and Options Report

¹⁴ <https://blackcountryplan.dudley.gov.uk/t5/>

¹⁵ This is my calculation based on the housing numbers given for each site, and if not given, an assumption of 30 dwellings per hectare.

Cannock and South Staffordshire were 10,881 homes. In total nearly 3,000 hectares of Green Belt is identified or capacity for 56,000 homes.

Even discounting a significant number of sites, it can be seen that the level of development interest far exceeds the needs of the Black Country on any count.

This is, of course, a purely arithmetical exercise. It can be assumed that significant amounts of these sites will, and should, be discounted. Controversial sites, such as Seven Cornfields (site 180), straddling the boundaries of Wolverhampton, Dudley and South Staffordshire, for example, face significant opposition and are considered 'high risk' in the LUC Green Belt Study, which I consider later.

There are also sites in the largest area of Green Belt (round Walsall) which have a long-standing planning history and have significant amenity and nature conservation value or would lead to settlements coalescing. Significant areas there are also classified as 'high risk'.

It would clearly be preferable to accommodate the Black Country's growth within the conurbation itself rather than in the Green Belt at all. Work being currently undertaken by the West Midlands Combined Authority's Housing Delivery Group supports that approach.

Two of their six priority corridors are inside the Black Country (Walsall-Wolverhampton and Sandwell to Dudley) and four of their five priority town centres (Bilston, Dudley, Walsall and West Bromwich).¹⁶

4. Housing Need

It is against that background that the Black Country Councils have now twice reviewed their calculations in advance of publishing their plan. The most up to date data on housing supply and urban capacity¹⁷ was published in May 2021 from ABCA.

As stated above the level of need for 2016-2036 at the Issue and Options stage was set at 78,105 homes, including 2,689 homes for previous under-delivery. I have undertaken the standard methodology calculation of housing need for 2020-2039 (based on the 2014-based ONS household projections (2020-2030) and 2020 market housing affordability ratio) and added the 35% 'uplift' (MHCLG Dec 2020 policy statement) to Wolverhampton's total, which would result in a total requirement of 75,639.

Black Country Housing Need 2020-2039 (including affordability uplift) ¹⁸	Annual rate	With 35% extra for Wolverhampton	Plan Period (19 Years)	Plan Period (19 Years +35% for Wolverhampton)	Green Belt land Requirement based on supply figure of 37,481 ¹⁹ given in Urban Capacity Study.
SM ONS 2018	3324	3599	63156	68381	30900
SM ONS 2016	2947	3161	55993	60059	22578
SM ONS 2014	3711	3981 (4004 UCS)	70509	75639	38158

The figure in the Urban Capacity Study (the SM 2014-based ONS projection) is slightly higher at 4004 per annum, (76,076 over the 19-year period). I believe this is because it relies on a base of 2019-2029.

It is the Government which has perversely required Local Authorities to continue to use the outdated 2014 assumptions in local plan preparation; not because of specific evidence to support that, but to meet their national policy-driven housing targets.

This is partly on the assumption that post-recession, housing formation will increase if new housing completions increase, even though fiscal and economic constraint may stop that being the case.

¹⁶ For Committee Papers see <https://governance.wmca.org.uk/mgCommitteeDetails.aspx?ID=150>

¹⁷ <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>

¹⁸ See Calculation Tables in Appendix A

¹⁹ This is the supply figure given in the 2021 Urban Capacity Study but is not necessarily correct (see below).

Furthermore, in its statement of 16 December 2020, the MHCLG required a 35% uplift for the largest 20 cities, including Wolverhampton. The purpose of this is purely to reach the target of 300,000 dwellings per annum nationally. This increases the overall Black Country figure to 75,639 and creates a shortfall of 38,158 based on the Urban Capacity figure given in the latest Urban Capacity Study. It should be noted that not all local authorities are simply adding on the 35% and seeking to identify land to meet that need, because of the potential impact on Greenfield sites which would run contrary to the purport of the statement.²⁰

However, if one uses either of the more up to date household projections, 2016 ONS and 2018 ONS, the need is considerably lower.

The difference of 15,580 with 2016ONS is highly significant and represents the differences in assumptions on things such as mortality and migration, but also significantly an assumption that household size will not decline as rapidly as previously expected.

In the most recent ONS household projections for the UK (2018) the population reaches 72.4 million by mid-2043, an even slower growth rate than in the 2016-based projections, that is to say a reduction of 0.9 million in mid-2043. However, those projections also substantially alter the distribution of houses. A key reason for this is changes in the underlying NHS registration data which means the 2018 figures rely on only two-year trends. As a result, the Black Country shortfall with similar assumptions rises to 30,900, which is still 7,258 less than the ONS2014 figures, which remains significant in the context of potential Green Belt release.

The above needs to be seen in the light of the Oxford Economic Analysis which supported lower housing need in the Black Country. In other words, using the 2014-based housing projections are artificially increasing housing requirement figures, and causing proposals for the unnecessary release of Green Belt; most of the arithmetic shortfall disappears if the most recent projections are used.

Far from failing to meet genuine housing need, reducing the overall numbers could help ensure it was met where it occurred, i.e., within the Black Country and Birmingham conurbation.

It should also be noted that, while the National Planning Policy Guidance discourages the use of a methodology which results in a lower housing requirement, there are appeal decisions (e.g., Appeal Ref: APP/Y2620/W/20/3248468 Land off Beresford Road, Holt) where a Council has successfully argued that the 2014-based ONS household projection figures are not appropriate to use.

20 See Bradford District Local Plan, City of Bradford Metropolitan District Council – Draft Bradford District Local Plan 2020-38. para 3.5.27:

It is also clear that Government through its focus upon a housing uplift of 35% for the largest urban areas and cities is showing greater intent for the development in these types of locations rather than necessarily greenfield / Green Belt locations. At this point therefore the Council is not proposing to identify a further set of safeguarded land sites, however this decision will be in due *course reviewed in light of the outcome of the call for sites exercise and further work undertaken on the extent of growth options around strategic growth locations including urban areas and land to the east of Holme Wood through potential investment options in the form of the South East Bradford Access Road (SEBAR).*

Moreover, the use of outdated figures was criticised recently by the Office for Statistics Regulation who said: '*We recognise that ultimately ONS cannot control the decisions of policy makers but ONS should be vocal in speaking up against those who choose not to use the most up to date and comprehensive figures, where there is not a reasonable argument for them to do so.*'²¹

Given the potential impacts of over-estimating the housing requirement for the Black Country on sustainable land-use patterns and on the Green Belt it would seem appropriate for ABCA to explore options to adopt a lower housing total.

5. Housing Supply

In terms of supply the Urban Capacity Study concludes there is an overall supply now given of 37,481 homes.

Housing on Industrial Land

However, in reaching this figure they significantly reduce the anticipated supply from industrial land from 14,800²² to 3,826 on the basis that they consider 10,974 homes to be undeliverable from this source and some of that land may be needed for industrial use.

This is based on work undertaken in the BEAR (Black Country Employment Area Review). This has not yet been published, so it will not be possible to fully assess its assumptions until it is published along with the Plan.

However, one noticeable omission (carried forwards from previous updates) is Walsall where no surplus employment land is considered available for housing. The Walsall SAD suggests 75 hectares could be '*considered for release*', some 2,231 homes (at 35 dph and 85% use)²³. The Walsall 2018 SHLAA gives a figure of 2,500 homes. However, no figure is in the current SHLAA.²⁴

It seems unlikely that no land in the borough will be released from employment usage over this time but clearly there is uncertainty. The alternative approach (to allow for larger windfalls) is not taken up.

Windfalls

The position on windfalls appears inconsistent in the urban capacity work. The Urban Capacity Report refers to 557 house per annum from windfalls from the 'mid 2020s'²⁵ based on 5-Year windfall completions (but only for small sites (under 0.25 hectares)). This is a reduction from the figure of 640 given in the previous update. This does not appear to tally with the SHLAAs where the annual rate given for all the authorities added together is 499.

²¹ Review of population estimates and projections produced by the Office for National Statistics. [OSR publishes its review of population estimates and projections produced by the Office for National Statistics - Office for Statistics Regulation \(statisticsauthority.gov.uk\)](#) May 2021

²² This is higher than the figure in the Issues and Options of 10,400 and the 12,350 from the 2018 SHLAA in the previous update, I assume it may include sites not in current use or be based on the 2020 SHLAAs or may have different assumptions about density. The BEAR may in due course make this clearer

²³ Urban Capacity Study Para 2.10

²⁴Walsall 2018 SHLAA, Page 20

²⁵Urban Capacity Study Para 2.1.24

However, the background to this is not entirely consistent. Both Sandwell and Wolverhampton seem to use a figure of 9 homes or less, as opposed to 0.25 hectares in Dudley. Walsall uses either. The figures are also all based on 10-year averages from 2010-2020 rather than 2015-2020. This reduces windfall assumptions in all the Boroughs because it includes recessionary years when windfalls were lower. It is unclear how much this impacts on Walsall where the raw data tables are not included in the SHLAA but it is particularly pronounced in Wolverhampton where the early completion rates are generally lower.

Small Windfalls (from SHLAAs)	Definition	10-year Average (Brackets give previous 5-year supply from 2019 SHLAAs)	Number of years	Totals in 2020 SHLAAs	Suggested Totals (all for 16 years)
Dudley	<0.25 hectares	176 (189)	16	2816	2816 (3024)
Sandwell	<10 homes	108 (136)	16	2176	1728 (2176)
Walsall	<0.25 hectares or < 10 homes	97 (103)	2	97	1552 (1648)
Wolverhampton	<0.25 hectares or < 10 homes	118 (140)	14	1624 (14 x 116 assumes 2 lost to demolitions per annum)	1888 (2240)
Total		499 (568)		6866	7984 (9088)

When totaling up in the SHLAA Wolverhampton only includes 14 years of windfalls as opposed to 16 elsewhere starting in 2023-24. They also include a 'demolition' deduction, In the case of Walsall only 2 years are included in the SHLAA, but the Black Country Urban Capacity Study totals seem to assume more, although when I add the missing 15 years to the SHLAA data for Walsall I arrive at a figure of 7,902 rather than 7,807, which suggests Walsall is counting one less year.

Taking into account the apparent discrepancy in Walsall's figures 7887 windfalls appear to be included in the Urban Capacity Report calculations, whereas using the 5-year average would result in an overall figure of $577 \times 16 = 9,232$, a difference of 1345.

The other problem remains the question of larger windfalls. I cannot find data on this in the recent SHLAAs. Given that ABCA are reducing the amount of land currently in industrial use they assume will be available for housing and given also their approach to centres (see below) it seems to me that an assumption that larger windfalls will come forwards in the next twenty years has a sound basis. This could be estimated based on historic larger windfall provision.

The Housing Supply Background Report for the Options Stage said that, based on the number of large windfall sites not in industrial use which came forward in 2011-2016, a further 5,089 homes could come

from that source between 2026-2036 if the trend were to continue. However, they cautiously suggested half that rate and (after a small amount of other discounting), came up with a figure of 2,233²⁶.

That source of supply appears to have been excluded in this latest evidence, but there is no justification given for why such an assumption has not been continued with. Even at the same cautious rate, the figure would amount to 3,572 homes if one took the same 16-year period as for small windfalls.

Added to the discrepancy of 1,345 small windfalls, this would account for an additional supply of 5,897 homes from windfalls.

Demolitions

The position on demolitions is also inconsistent. Wolverhampton assumes the loss of two dwelling per annum, Dudley has identified 342 in total and Sandwell is assuming a loss of 20 per annum, 340 in total. The Urban Capacity Report only refers to the Dudley Housing.²⁷

The Urban Capacity Report then considers further supply that might come forward from policy initiatives in the urban area.

Discount Rates

The discount rate was originally set at 10% for sites with planning permission and 15% for other sites.

Those discount rates were based on the discounts accepted by the Inspector at the Examination of the current Black Country Core Strategy. However, that report was in 2010 based on an Inquiry undertaken when market conditions were very different and may not reflect current attitudes of developers. An adjusted figure could have been included, even as a sensitivity test.²⁸

In line with more up-to-date work (for example, the Black Country HMA Strategic Growth Study (GL Hearn) suggested 5% for sites with Planning Permission) and, by their own admission, the removal of many constrained industrial sites, they have reviewed the level of discounting and adopted a figure of 5% which appears more realistic.

They are also considering whether this should be reviewed further given both the impact of the recession on delivery during the previous plan and the potential to unlock more difficult sites in the period up to 2039. That is a welcome approach.

Density

The Urban Capacity Report then considers the possibility of increasing density. As it explains:

A density uplift assessment has been undertaken of all identified SHLAA sites which are unlikely to have gained planning permission by 2024 and which have an indicative capacity of 10 homes or more. Where the site is located within a Strategic Centre or Town Centre a minimum density of 100 dwellings per hectare (dph), net of open space, major roads and other uses, has been assumed, unless there are

²⁶ Paras 4.22-4.25

²⁷ Urban Capacity Study Para 2.1.13-2.1.14

²⁸ Inspector's Report by Nigel Payne, published in October 2010

*character constraints (e.g., listed building, conservation area, low density local character). Where a site is located outside a Strategic Centre or Town Centre a minimum density of 40 dph net has been assumed. This is because, in the majority of cases, improvements to accessibility can be made to ensure minimum access standards apply even where a site falls outside the 40 dph buffer. Where a site falls within the 45 dph buffer, as set out in Map 1 of Appendix 4, a density of 45 dph has been assumed.*²⁹

This results in an increase in 476 dwellings, although there are none included for Walsall who claim in their SHLAA that sites are likely to be allocated before the plan is adopted. This uplift is based on emerging policy proposals for the Black Country Plan, so it would seem logical that the increase is included in urban capacity calculations for the plan and that Walsall should seek to achieve densities in line with emerging policy on sites that might come forward earlier where possible.

Centres

Lastly the report considers the four strategic centres and reviews those of allocations. Again, there is relevant evidence still to come and the Centres Study is anticipated to be released with the Published Plan.

8,173 homes are already identified and a number of centres have area action plans in place which will expire before the end of the plan period. The prospect of a further 1,300 houses are identified as potentially coming from this source, with a significant uplift, although Walsall which recently adopted its Town Centre AAP does not identify any additional supply, although clearly this may need to be reviewed in the light of post-COVID retail contraction. Moreover, other smaller centres in Walsall (and the other three boroughs) may also contribute to housing supply.³⁰

The approach to town centres may need to be considered further when the Centres Study comes out but the comments, for example, on Walsall that the Walsall Town Centre AAP gives priority to main town centre uses and does not allocate specific sites for housing, other than two small sites, may not tally with the commercial reality of centres, especially post-COVID. Mixed use developments may be appropriate on existing retail sites which includes housing specifically support the viability of these centres.

Indeed, the economic realities in and around town centres that emerges post-COVID (as well as at other retail and leisure sites) may well increase housing supply beyond the levels identified in the Urban Capacity Study.

It is perhaps worth reiterating that the justification for the uplift of 35% in Wolverhampton (which currently works out at 5,130 houses in the Plan period) given by the Government is that much of it will be on exactly those kinds of sites. The Black Country might wish, as Bradford has done, to ringfence that need outside general housing need and consider how it could be accommodated in the urban core.

The report also suggests there may be some further land releases from urban open space but this is likely to be limited.³¹

Total Supply

²⁹ Urban Capacity Study, Para 3.1.18

³⁰ Urban Capacity Study Para 3.1.22-3.1.33

³¹ Urban Capacity Study Para 3.1.34

Taking all this into account the Urban Capacity Report suggests a capacity of 39,257 homes and conclude there is a shortfall of 36,819 homes (See Table 7 below).

There is also more potential for additional housing to be promoted in urban centres as redevelopment comes forwards (although this may partly coincide with larger windfalls).

In terms of densities, as well as increasing density to 35 dph an increase in densities at sustainable locations and for the highest density housing, including flats, could help to increase housing supply and meet specific affordable housing needs.

However, it seems to me that there is reason to believe the actual urban supply will be higher, and most particularly from small windfalls and from larger windfalls.

Table 7 Black Country Potential Housing Shortfall 2020-2039

<i>(no. homes)</i>	Existing housing supply 2020-39 (as of 2020)	Potential supply from density uplift	Potential extra supply from Strategic Centres (max est.)	Existing housing supply (2020) plus potential	Local Housing Need 2020-39	Potential shortfall 2020- 2039
Dudley	11,064	234	350	11,648	11,989	341
Sandwell	8,510	144	200	8,854	27,873	19,019
Walsall	7,807	0	0	7,807	16,568	8,761
Wolverhampton	10,100	98	750	10,948	19,646	8,698
Black Country	37,481	476	1,300	39,257	76,076	36,819

From Urban Capacity Study (page 31)

The level of discounting could also be reviewed on sites with planning permission, to ensure the 5% is not too high.

A very conservative estimate would be that supply could be increased by 5,897 (as set out above) based on an allowance for both small and large windfalls, but a further allowance for housing on the identified potential industrial sites in Walsall may not be included in this area of supply, albeit these may partly coincide with the larger windfall allowance.

On this basis, there is reason to increase the urban supply assumptions and for CPRE to support policy goals, such as higher density targets, to achieve this.

It would take more detailed work to put figures on the overall additional supply but it does not seem unreasonable at this stage to consider the shortfall to be closer to 25,000 homes, if one relies on the 2014 ONS household need figures, and perhaps only 15,000 if one relies on the 2016 figures.

Removing the somewhat arbitrary Wolverhampton increase of 35% would reduce the figures to potentially 20,000 (ONS2014) and 10,000 (ONS2016)

As well as reducing pressure on the Green Belt (and the countryside more widely,) a more realistic supply figure would encourage housing to be in sustainable locations and help reduce the need to travel.

6. Industrial Land Supply

The Urban Capacity Report also briefly refers to a shortfall of Industrial Land, which it now puts at 553 hectares (down from 563 in the previous report), although the evidence to justify this increase raises some questions in my mind (especially given the reduction in industrial land they now earmark for housing, which does not on the face of it appear to have been factored in).³²

An updated Economic Development Needs Assessment is due to be published in the Autumn when the Plan is put out to consultation, but at present there is no more detail to go on.

I assume this is still based on the 'SuperSEP' approach and is, therefore, relying on optimistic economic development assumptions for the sub-region.

One concern in terms of Industrial land is that while the Urban Capacity Study states that land in South Staffordshire could contribute to needs of the Black Country, they only consider 30-35% of the proposed Distribution Site at Four Ashes (80-100 hectares) to be relevant. This would seem conservative, but it also raises the question of whose need Four Ashes does serve, since it is not required for South Staffordshire's own need according to the SSDC 2018 Economic Development Needs Assessment³³. Moreover, Shropshire in their M54 Strategic Options Study do not seem to identify it as meeting their need.³⁴

Another assumption is in relation to the 90 hectares of additional land in South Staffordshire's own plan. The Urban Capacity Study suggests only 20 hectares of this could be considered as meeting need in the Black Country based on the 2018 South Staffordshire EDNA.

However, the shortfall of 67 hectares in South Staffordshire is based on past completions of employment land, which would also include any employment land meeting Black Country need (by definition). Given the very close links between South Staffordshire and Wolverhampton, with considerable cross-boundary commuting flows, the separation of the two in this way seems problematic. Indeed, of the four key sites identified in the South Staffordshire Site Allocation Document (SAD)³⁵, three are on the boundary of Wolverhampton.

Moreover, other sites that are being promoted in other neighbouring authorities would appear to be meeting Black Country need. As said above the M54 Jn 3 site, which includes 50 hectares of industrial land is specifically being identified by its promoters as meeting Black Country housing need but Shropshire's employment need.³⁶

A further 123 hectares is identified on other sites in that corridor, not including the Cosford airfield site which covers 250 hectares in total and, whose future is currently uncertain (due to future aviation and

³² Urban Capacity Study Para 3.2.1

³³ <https://www.sstaffs.gov.uk/doc/179880/name/South%20Staffs%20EDNA%20Final%20Report%2007%2009.pdf/>

³⁴ <https://shropshire.gov.uk/media/12921/m54-strategic-options-study.pdf>

³⁵ <https://www.sstaffs.gov.uk/planning/site-allocations.cfm>

³⁶ See the Representation by Bradford Rural Estates to the Consultation by Shropshire Council on Strategic Sites, Housing and Employment Need promoting land at Jn3 of the M54.

RAF operational needs). The M54 Strategic Options Study suggests an approach to its future is likely to be developed during the plan process. Notably, the approach of Shropshire Council is also based on an optimistic economic need assessment which they claim requires population growth above their demographic need.³⁷

I have not considered in detail other local authorities but it seems clear that, while the updated EDNA may assist, there seem to be a number of adjoining local authorities all promoting employment land which in the end meets the same need and that the success of one or the other is likely to come at the cost of the other. Without a more joined up approach to economic need assessment, I am dubious about the robustness of these figures.

The other issue in relation to industrial land supply is how much is needed for larger sites, either for logistics or manufacturing. In some ways this is a discrete element of industrial land supply which is most poorly considered at a sub-regional level.

I would suggest further consideration is given to the overall issue of employment land need in the Black Country when the updated EDNA is published.

However, my initial reading of the Urban Capacity Study report, as discussed above, leads me to have some concerns about the robustness of the analysis of employment land. Some of this may become clearer once the Plan is produced, but at this stage the figure of 553 hectares should, in my view, be subject to considerable scepticism.

7. Black Country Green Belt

The position that ABCA is taking on specific Green Belt releases will not be clear until the Black Country Plan is published. In ABCA's response to the Shropshire Strategic Sites Consultation, which preceded the release of the Urban Capacity Study, they set out a significant amount of their current thinking.³⁸ They referred to the level of outstanding need as now being 26,000 homes and 380 hectares of employment land up to 2038: both lower than in the Urban Capacity Report.

They also claimed to have fulfilled the NPPF requirements³⁹ and:

a) made as much use as possible of suitable brownfield sites and underutilized land;

b) optimized the density of development;

c) engaged with neighbouring authorities about whether they could accommodate some of this identified need, as demonstrated through the statement of common ground.

They went on to suggest that the two largest areas of Green Belt within the Black Country boundary, Walsall and Dudley, could provide 5,000 homes each based on Market Conditions although this conclusion did not seem to take account of the constraints that may exist in those areas.

³⁷ Urban Capacity Study Para 3.2.1

³⁸ See <https://shropshire.gov.uk/planning-policy/local-planning/local-plan-partial-review-2016-2036/evidence-base/>

³⁹ NPPF Para 137

At a meeting of WM CPRE with Dudley Council in 2020⁴⁰, it was confirmed that officers are currently reviewing the Green Belt sites put forwards in the Call-for-Sites consultation which are within the Black Country boundary, as well as other sites they themselves might have identified.

The sites they finally propose (not necessarily in the indicative proportions in the Shropshire letter), will be published when the Black Country Plan is put out for consultation in the Autumn.

In doing so they will need to take account of the Green Belt Study undertaken by Land Use Consultants (LUC)⁴¹. LUC have also done similar reviews elsewhere, including for Shropshire. These reviews seek to assess parcels of land within the Green Belt against the five tests set out in Paragraph 134 of the NPPF:

1. *to check the unrestricted sprawl of large built-up areas;*
2. *to prevent neighbouring towns merging into one another;*
3. *to assist in safeguarding the countryside from encroachment;*
4. *to preserve the setting and special character of historic towns; and*
5. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

LUC then considered the level of harm in removing them from the Green Belt. This, of course, is not by itself an assessment of whether the 'exceptional circumstances'⁴² required in a plan for Green Belt release exists, but sets out the relative merits of releasing parcels of land.

There may also be other considerations in regards to a specific parcel of land being released, for example ecological, landscape, sustainability or transport considerations, but those are dealt with separately.

It should, however, be noted that this approach to Green Belt Assessment, while it may be necessary, has limitations which are hard to overcome. Firstly, the parcels do not necessarily coincide with a specific development proposal. Secondly the impact of proposals may be cumulative. Thirdly the various tests do not necessarily marry up, so where parcels safeguard countryside they are less likely to prevent neighbouring towns merging and vice versa. Lastly, the fifth test is hard to assess in this way as it may depend as much on what is proposed as opposed to its exact location.

Another important thing to stress in this case the assessment is only for Black Country sites, so it does not compare alternative sites in other plans, such as the M54 Jn 3 Proposal, even though this is subject to a similar process as part of Shropshire's Green Belt assessment.

And, lastly, it is important to stress that the Green Belt within the Black Country boundary is not evenly spread. Walsall has by far the largest amount, with significant Green Belt in Dudley but much less in Sandwell and Wolverhampton.

⁴⁰ Attended by WM CPRE and representatives of local residents, 13 January 2020

⁴¹ <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4i/>

⁴² NPPF Paras 136-137

Table 2.1: Green Belt land within each of the Black Country Local Authorities¹⁷

Local Authority	Green Belt Land within each authority	Percentage of land covered by Green Belt within each authority	Percentage of Green Belt Land in England within each Authority ¹⁸
City of Wolverhampton	800ha	11.5%	0.05%
Dudley	1,770ha	18.1%	0.11%
Sandwell	820ha	9.6%	0.05%
Walsall	3,940ha	37.9%	0.24%

From LUC Green Belt Study (page 17)

In terms of approach to the first two tests, the LUC Green Belt Study defines the West Midlands Major Urban Area beyond most of the Green Belt to include towns such as Brownhills, but when it considers the merging of towns it excludes some significant settlements, for example, Pelsall, Boxwich and Codsall. While these are smaller settlements, their position means that development which doesn't directly link larger settlements can in combination have a similar effect.⁴³

In terms of the third test, the report acknowledges that there are degrees of countryside beyond simply the relation to the urban influence but suggests dealing with this would stray into landscape assessment.⁴⁴

In terms of the fourth test, the report suggests little connection to historic towns, with only a weak relationship to Lichfield from the Walsall Green Belt. However, this does mean that weight needs to be given to heritage assessments which may form part of decisions on whether individual sites with equal status in Green Belt terms are released.⁴⁵

Table 3.2: Brownfield Land Register for each Local Authority

Local Authority:	City of Wolverhampton Council ⁴⁸	Walsall Borough Council ⁴⁹	Dudley Borough Council ⁵⁰	Sandwell Borough Council ⁵¹
Total area (ha) in Brownfield Registers	311.27	62.42	57.69	454.84

From LUC Green Belt Study, Page 34

⁴³ See Maps on Pages 27 and 29 of LUC Green Belt Study

⁴⁴ Para 3.30, LUC Green Belt Study

⁴⁵ Para 3.31-3.39, LUC Green Belt Study

And, lastly, in terms of the fifth test, it is concluded that the relative merit of sites cannot be established, although it includes a table of land currently on the Local Authorities' Brown Field Registers and acknowledge the impact Green Belt releases will have on brownfield regeneration.⁴⁶

The LUC Green Belt assessment results in a number of maps setting out the results for each NPPF test, and finally, an overall rating of harm to the Green Belt of each parcel. This overall rating is represented in colour-coded maps.⁴⁷ Noticeably much of the land at the edge of Dudley is categorized as 'high' impact, as is much of the land between Walsall and its various satellite towns.

Land in green wedges is, in some case, given a low rating, even while it may act as part of an important green link, for example, between the Sandwell Valley and the outer edge of the conurbation.

The result of excluding small settlements can be seen, for example, in the higher harm given to parcels between Walsall and Aldridge as compared to the harm that would be caused by loss of relatively narrow parcels between both Aldridge and Walsall with Pelsall which has been excluded.

Lastly, a number of mitigations to Green Belt loss and suggestions for enhancing Green Belt are suggested.⁴⁸

There is an Ecological Study published for the Black Country which maps the most sensitive sites⁴⁹. Not surprisingly there appear to be some discrepancies with Green Belt harm, including higher ecological value in some green wedges.

There is also a Historic Landscape Study which includes a large number of detailed diagrams but I could not find an overall map which related easily to the Green Belt report.⁵⁰

I have not assessed these reports in any detail but they will be important when examining the merits of specific sites which come forwards in the plan and the assessments which support their allocation.

8. Neighbouring Authorities

If the Black Country considered it still had a shortfall of housing or employment land after utilizing its own Green Belt it would need to seek contributions from other neighbouring authorities, although at present it is uncertain how they will respond.

In responding to overtures made in a letter from ABCA in Sept 2018 most adjoining local authorities were cautious about accepting their overspill until the position was clarified.⁵¹ For example, Lichfield City Council's response said:

'The recent letter we received set out that the Black Country authorities are focusing on continuing a brownfield first approach. Therefore, we would like to reiterate that we consider that all options for growth including green belt release need to be fully explored, and this is in advance of seeking

⁴⁶ Para 3.47, LUC Green Belt Study

⁴⁷ See Maps on Page 95-103 of LUC Green Belt Study

⁴⁸ See LUC Green Belt Study, Section 8

⁴⁹ At <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/> See Map on Page 28

⁵⁰ At <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/>

⁵¹ See letters at <https://blackcountryplan.dudley.gov.uk/t3/>

assistance from other authorities to accommodate housing and employment needs arising from the Black Country.'

Telford were also cautious:

'In reference to your request that the Council consider its position regarding meeting some of the Black Country's unmet housing need, in order to consider this, we'd need more specific proposals and evidence regarding the quantum and type of development you are seeking Telford & Wrekin to accommodate as well as your strategy for meeting unmet need.'

In addition to this we would need a clear indication as to how the necessary supporting infrastructure to facilitate ourselves accommodating unmet need, were this to be agreed, would be enabled and resourced.'

Shropshire Council's response was the most positive. Clive Wright, the Chief Executive said:

'We would welcome further discussions in relation to this potential as our work progresses, particularly in relation to the M54 corridor.'

While he also acknowledged that sites in the corridor which are in the Green Belt might need to pass the 'exceptional circumstances' test (in fact all of them), he does not refer to the same concerns raised by other neighbouring councils.

Shropshire's response also referred to the further information on the housing supply side figures, particularly on urban capacity, as well as the Green Belt Review now published.

Subsequent to that letter from Shropshire, ABCA's response to the Shropshire Strategic Sites Consultation specific referred to contributions from other local authorities saying:

The South Staffordshire Local Plan Issues and Options Report (2018) includes a preferred housing target which is based on a 4,000-home contribution towards the HMA, the Lichfield Local Preferred Options Consultation (2019) includes a proposal to test between 3,000-4,500 homes to meet the needs of the HMA, and the approved Cannock Chase Local Plan Issues and Options consultation (2019) proposes that the Plan will test accommodating between 500 and 2,500 homes of unmet need from the HMA. In total, these proposals could deliver up to 11,000 homes over and above locally generated needs towards the unmet needs of the HMA. However, this contribution would not necessarily be exclusive to the Black Country and would need to have regard to any shortfalls across the HMA as a whole, including needs arising in Birmingham, where appropriate. This 'discounting' would reduce the contribution towards the Black Country, and a significant shortfall would remain.

So, in mathematical terms, if the Black Country provided 10,000 homes in the Green Belt, as per the letter, along with these contributions the total provided to meet the Black Country deficit would amount to 21,000 homes.

ABCA also conclude their letter to Shropshire by specifically referring to the proposed site at Junction 3 of the M54 as having: *'the potential to deliver a strategically significant 'game changing' housing and economic development opportunity to the mutual benefit of Shropshire and the Black Country.'*

It is important to note, however, that this was at a time when there was a proposal for some 10,000 homes on that site as opposed to the 3,000 later proposed, and which have now been removed from the draft (Reg 19) Shropshire Plan, currently awaiting examination.

And it is also important to stress that the need for such a 'game changing' opportunity in the Green Belt would depend on the need and supply figures in the Black Country.

On the other hand, as long as the current Black Country figures for housing need and supply are assumed, the progress of other plans such as South Staffordshire's, where a 4,000 contribution to Black Country Need is being assumed to continue and sites may be allocated on that basis.

In their '*Local Plan Review – Spatial Housing Strategy & Infrastructure Delivery October 2019*'⁵² document which they consulted on in December 2019, which follows on from their own Issues and Options Consultation, South Staffordshire say:

A number of points were raised by local residents, developers and statutory bodies to the options for both the amount and location of housing growth in the district. Having considered all of these responses, the Council remains of the view that planning for its own housing needs, plus a contribution of up to 4,000 dwellings towards unmet needs in the wider housing market area, is the most appropriate housing target for the Local Plan review at this point in time. This is a proactive approach taken by the Council to address the unmet needs of the housing market area in a timely manner. However, if there is evidence that the extent of the housing shortfall across the housing market area has significantly reduced prior to the Local Plan review's submission, the Council will reduce its contribution to the unmet needs of other authorities proportionately.

A Reg 18 consultation on the South Staffs Local Plan is anticipated in 2021.

The overspill of industrial land need from the Black Country to other Council Area is also open to question given that, even if the assumptions in the Urban Capacity Study were correct, a large part would be accommodated by the West Midlands Interchange proposal at Four Ashes (some 300 hectares).

There is, of course, the specific risk that given the potential for overprovision of industrial land, and given the optimistic economic development strategies of competing local authorities, the industrial element of sites such as the M54 Jn 3 (Bradford Estate) site do not materialize, leaving them as unsustainable dormitory settlements for the conurbation and for well as other urban centres such as Telford.

⁵² <https://www.sstaffs.gov.uk/doc/181104/name/LPR%20SHSID%20Final%20October%202019.pdf/>

9. Conclusions

While substantial new material has been published and updated by ABCA, there are still significant areas where up-to-date assessments are not available, specifically:

- Updated Economic Needs Assessments (EDNA)
- The Black Country Economic Area Report (BEAR)
- Updated Centres Analysis

It is also likely that specific Green Belt sites will be identified when the Plan is produced.

In my view, there are serious questions which will need to be addressed. Most notably:

- The overestimation of need due to the use of the 2014-based ONS household projections for calculating housing requirements.
- The adoption of the somewhat arbitrary 35% increase to housing in Wolverhampton.
- The underestimation of the urban supply of housing and future housing opportunities, including windfalls.
- The double counting of industrial land across authorities.
- The impact of Green Belt allocations on urban regeneration, climate change targets, transport, environment, biodiversity and landscape.

This report suggests that at least 5,000 more homes could conservatively be added to the supply and this is consistent with a shortfall closer to 25,000 (using the 2014-based ONS household projections) or 15,000 (using the 2016-based ONS projections). These would be reduced further if the 35% 'uplift' for Wolverhampton is not included as part of the general housing requirement.

The figure of 563 hectares of employment land is also in my view potentially too high. A further review of employment land is needed which properly considers cross-boundary supply which is already meeting Black Country need.

Given these issues, I am also concerned about whether 'exceptional circumstances' for release of Green Belt can be said to have been demonstrated.

The purpose of the sustainability appraisal was to appraise the sustainability performance of potential site allocations for housing.

3.1 SA Objective 1: Climate Change Mitigation

3.1.11 The method for determining climate change impact seems very broad – relying only on whether sites are likely to have at least 489 houses or not. It does not take into account the additive effect of many slightly smaller sites. It also omits what land use and vegetation cover is at the site prior to development, which will impact on carbon storage and sequestration rates.

However, even this very blunt instrument is then not applied to the sites, despite the minimum number of proposed houses being known. As a result, all the sites are given the identical assessment of 'uncertain +/- ', so the process has failed to make any distinctions between sites and has failed to be a useful measure of climate change impact.

The use of +/- seems odd as the impact of new housing will always be negative on this objective. The reluctance to include the known proposed minimum house numbers in this assessment appears at odds with the precautionary principle as stated in 2.6.3

'When selecting a single value to best represent sustainability performance, and to understand the significance of effects in terms of the relevant SA Objective, the precautionary principle has been used. This is a worst-case scenario approach.'

Based on the method given, the impact for site 582, if applied, would be 'minor negative'

390 houses X 2.29 = 893.1 X 8.4 = 7502.04/941,200 X 100 = 0.8% of CO₂/year

So, the site would be responsible for a **0.8%** increase in the total estimated carbon emissions in South Staffordshire (against 2017 figures) per year, based on this model.

3.2 SA Objective 2: Climate Change Adaptation

Site 582 is rated as a development proposal within an area at high risk of surface water flooding - a major negative impact. This is defined as having more than a 3.3% chance of flooding each year.

The Climate change adaptation and mitigation study (3.1.7) states that

'Climate change is expected to exacerbate and enhance the impacts experienced throughout Staffordshire, due to warmer, wetter-winters and hotter, drier summers, with an increase in the frequency and intensity of extreme weather events''.

Therefore, the current high risk of flooding at this site indicates that adaptation to future climate change would be extremely problematic. This alone is a reason to rule out this site for development.

3.3 SA Objective 3: Biodiversity and Geodiversity

Site 582 has a Local Nature Reserve along one of its boundaries. Local Nature Reserves are designated sites regarded as 'ecological receptors' in this objective. Therefore 3.3.2 states that

'Where a site is coincident with, adjacent to or located in close proximity of an ecological receptor, it is assumed that negative effects associated with development will arise to some extent'

However in the case of Site 582 the assessment given is 'uncertain +/-'.

The reasoning behind this discrepancy is given in B.17.3.3 - that

*'due to the nature of this LNR, the proposed development at these four sites **would be expected to have a negligible impact on the LNR.**'*

We were surprised by this statement. The document states that

'all options must be assessed in the same way within the SA process and any introduction of site-based detail should be made clear in the SA report as the new data could potentially introduce bias and skew the findings of the assessment process.' (2.7.3)

No detail or evidence is given as to why this LNR is regarded as less sensitive than other LNRs. In fact, the linear nature of this LNR contributes to its importance as a major wildlife corridor in the landscape.

We disagree strongly therefore with the assessment of Site 582 for biodiversity and geodiversity as 'uncertain +/-'. This is out of line with the stated methodology (box 3.3), which indicates the assessment here should be minor negative.

The same applies for the other Lower Penn site adjacent to this LNR.

3.4 SA Objective 4: Landscape and Townscape

3.4.6 There appears to be an error in the methodology in that 'moderate high' green belt harm has been assigned to both a major effect and a minor effect on this objective

'In this SA those land parcels with a Green Belt harm rating of 'very high', 'high' and 'moderate high' have been assessed as having a potential major negative effect on this Objective. 'Moderate high' and 'moderate' harm has been assessed as having minor negative effect on this objective and 'low' and 'very low' are assessed as having a negligible effect.'

The appraisal confirms that there would be high levels of green belt harm if this site is developed, a major negative impact.

3.5 SA Objective 5: Pollution and Waste

As in section 3.1, the potential impact of the developments on traffic-related air quality is not calculated, despite the minimum number of houses on each proposed site being known (3.5.1). Therefore, an opportunity is missed to flag up the potential environmental impact of these developments.

This also applies to potential waste generation 3.5.12.

This leads to the pollution and waste assessments being extremely vague.

3.8 SA Objective 8: Health and Wellbeing

SSDC should seek to ensure that residents have access to NHS hospitals, GP surgeries and leisure centres. Sustainable distances to each of these necessary services are derived from Barton et al.54.

Travel distances were calculated using Google maps.

NHS Hospital - New Cross 8.2km. The recommended target sustainable distance is 5km or less.

GP surgery

Coalway Road 2.3km (Wolverhampton)

Castlecroft 2.6km (Wolverhampton)

Warstones 1.6km (Wolverhampton)

The target distance is 800m or less.

Leisure centres - Wombourne: 6.0km distance by the narrow lanes through the Lower Penn Conservation Area (no footpaths). Alternative route 6.4km west through Wolverhampton and south. The target distance is 1.5km or less.

None of the recommended target distances have been met, indicating the lack of local infrastructure to support development at this site.

To utilise the existing distant facilities would require increased use of cars.

Public right of way/Cycle paths

B.17.8.8 states that site 582 is within 600m of a public right of way/cycle path. The South Staffordshire Railway walk runs to the north of the site, but to access it requires crossing a private track.

The Preferred Options Housing Site Selection Paper (September 2021) noted in Appendix 3:

'Site opportunity... The site is adjacent to the South Staffordshire Railway Walk, although it has not been confirmed that access can be provided to this at this stage'

There is currently no public access into the site to the North, the track is gated. The paper suggests that the developers may not have obtained access to this track. If there is no access at this point the distance to access the railway walk would be 2.1km, well outside the target distance of 600m or less.

The railway walk is on the other side of this access track, but even if members of the public were allowed to cross the track to access it, the walk is at the bottom of a steep embankment at this point. The photograph below is taken from the road bridge above the railway walk. The existing steps at this point are steep and slippery so inaccessible for a large proportion of the public. To build a new entrance at this point would risk destabilising the already unstable banks and would have a direct impact of the protected wildlife. The railway walk is heavily shaded at this point and is not lit and would therefore not be a suitable route for commuters in the morning or evening for many months of the year.



Steps down to railway walk at north of proposed site 582

3.9 SA Objective 9: Cultural Heritage

Site 582 is the location of a gun battery that was stationed in 1939 during the Second World War to defend Wolverhampton. The gun battery is recorded on the Staffordshire HER at www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MST23544&resourceID=1010.

This is not mentioned in section B.17.9. but is a significant heritage asset for Wolverhampton.

The Staffordshire and Worcestershire Canal Conservation Area, which runs through Lower Penn, appears to have also been omitted from this section of the appraisal.

3.10 SA Objective 10: Transport and Accessibility

Distances are calculated assuming exiting from the south of the site onto Langley Road and using Google maps.

Transport:

St George Metro Station 5.6km

Wolverhampton Railway Station 6km

Both are well outside the 2km target.

Bus stop – there is no bus stop close to the site on Langley Road. The nearest is 1.1km away (about a 14 minute walk), well outside the 400m target.

Both these negatively affect resident's access to public transport and lead to a less sustainable, car reliant development. Therefore, public transport infrastructure is not in place for this proposed site.

Local services: shops

Lidl Finchfield 2.3km

Coop Finchfield 2.3km

Small shops at Windmill Lane 2.3km

Tesco, Penn Rd, 4.3km

These are all outside the target distance. It would take around 27 minutes to walk to the nearest shop.

3.11 SA Objective 11: Education

800m is given as the target distance for travelling to a primary school and 1.5km to a secondary school. It is notable in the methodology that these target distances are presented as buffer zones drawn around the schools (Figures 3.9 and 3.10), rather than the actual road distances that would need to be travelled.

Site 582 stands out for this objective as it has been assigned a 'major positive++'.

This is presumably because the site is adjacent to the playing field of Bhylls Acre Primary School. As noted in section 3.8 above, there is currently no public access in or out of the proposed site at the northern boundary. If public access to the private track was secured in

the future, the pedestrian distance to Bhylls Acre would be within the target distance for primary schools. This would also be the case if an additional pedestrian entrance was made to the rear of the school from the proposed site.

However, if public access is not secured at the north of the site, the distance via Langley Road would be 1.9km, about a 23-minute walk, well outside the target distance.

The nearest secondary school is Highfields School, within Wolverhampton. It is 1.6km to drive and 1.4km to walk. This falls just within the target distance of 1.5km.

However, no assessment of the availability of places at either of these schools has been included here. Bhylls Acre currently has extra capacity for only 6 children. An extension to Bhylls Acre Primary School has been suggested using part of the proposed site close to the school's playing field. However, this area is currently a pond that the fields drain into, so is unlikely to be suitable.

Highfields Secondary School is already oversubscribed by 12 places, so has no capacity for new residents and will give priority to Wolverhampton pupils. The nearest South Staffordshire catchment secondary school is over 6km away in Wombourne. It currently has some capacity, but 514 houses are also being proposed for Wombourne in this current Local Plan. Even if there is capacity, children will have to be bused from Langley Road to Wombourne.

Thus, the nearby schools, particularly secondary, that led to the major positive rating for this site are not in reality available, so this assessment is flawed.

3.12 SA Objective 12: Economy and Employment

There are no major employers locally, with no retail parks or industrial estates. As a result, residents will have to travel out of the area to their place of employment, and due to the lack of public transport here, this would be by car. The appraisal notes that residents at this proposed site would have 'unreasonable sustainable access to employment opportunities.'

Summary

- The appraisal fails to make any meaningful assessment of climate change mitigation and so underplays the real impact that large green belt developments such as Site 582 would have on CO₂ emissions in South Staffordshire. This fails to meet the objective of the SEA directive:
to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development
- Site 582 is shown to be completely unsuitable in terms of climate change adaptation due to the acknowledged surface flooding problems

- It is also clear from this sustainability appraisal that this site would not be sustainable in terms of access to hospitals, GPs, leisure centres, train stations, bus stops or shops. The lack of local infrastructure would lead to car dependency.
- The Staffordshire catchment secondary school at 6km is not within the target distance of the site (1.5km), so the site should not have been assessed as a major positive.
- There are no major employers locally so residents at this proposed site would have “unreasonable’ sustainable access to employment opportunities’ and be dependent on cars to travel to their place of employment.
- The sensitivity of the adjoining Local Nature Reserve to development has not been acknowledged.
- The significant heritage asset on the site has not been acknowledged.
- In conclusion the sustainability appraisal has highlighted the unsustainable nature of any development at this site.
- The local plan aims ‘to locate development in more sustainable locations with access to existing services, including public transport options.’ This proposed site does not meet this aim and should therefore be rejected.

**Appendix 9 South Staffordshire Council Reasons for Selection of Site 582.
(Appendix F of the Sustainability Appraisal of the South Staffordshire Local Plan
Review, Pages F10-F11)**

Key positives and negatives

- *Majority of site area is of lesser Green Belt harm ('moderate-high') than the majority of other land in this broad location*

Approximately half the site was assessed as moderate-high harm, rather than high harm. The rationale given was that *'This part of the sub-parcel is tightly contained by outcrops of the settlement of Wolverhampton'*. However, ironically this part of the site is tightly contained to the northwest not by housing, but by a linear Local Nature Reserve which is acting as a bat corridor for nationally important bat species. This part of the site is playing a vital role in the ecological networks of the landscape at this point. Please see the ecology report for further details.

- *Similar landscape sensitivity to the majority of land in this broad location (site is 'moderate')*

The landscape assessment parcel SL28, which this site is part of, was assessed as one larger unit of 172ha. It is notable however that the sensitive features referred to in that report – 'intact hedgerows and mature hedgerow trees, including oaks', 'little change in field pattern since the late 19th century', 'priority habitat deciduous woodland along the disused railway line...local nature reserve' and 'local heritage features' are all present at the proposed site.

- *Major positive impacts predicted against education in the Sustainability Appraisal*

This assessment is inaccurate as these education places are not available, please see section 3.11 above

- *Major negative impacts predicted against the landscape criteria in the Sustainability Appraisal, but failing to consider such areas for development may result in an unsustainable pattern of development and would run contrary to the Association of Black Country Authorities' proposed use of the Green Belt/landscape evidence base as set out in Duty to Co-operate correspondence.*

The Sustainability Appraisal also confirms lack of local access to hospitals, GPs, leisure centres, train stations, bus stops, shops and local employment. The lack of local infrastructure would lead to car dependency, in contradiction of the policy to use sustainable locations for developments. In addition, the acknowledged surface flooding issues make this site completely unsuitable in terms of climate change adaptation. Use of this site would therefore be an example of unsustainable development.

Conclusion

Having regard to all site assessment factors set out in the proforma, the site is considered to perform better than other site options and could deliver the Council's preferred spatial strategy.

This conclusion is at odds with the stated objectives of the Sustainability Appraisal as laid out in the preceding report.

Appendix 10 Council response to housing, communities and local government committee inquiry on the future of the planning system in England Appendix B – Council response to the Select Committee call for evidence by Kelly Harris - Lead Planning Manager, Ed Fox Strategic Planning Team Manager

Appendix B – Proposed Council response to the Select Committee call for evidence

This response to the call for evidence is submitted on behalf of South Staffordshire District Council ('the Council'), a rural Green Belt planning authority that sits on the edge of the Birmingham and Black Country conurbation. Due to its proximity to this conurbation and the housing pressures spilling out from the urban area, the Council has faced increasing pressures to release Green Belt land for housing in recent years. In response to these pressures, the Council is preparing a Local Plan Review, seeking to work with other authorities to address this issue via the Duty to Co-operate. This submission draws on the Council's experience and research on this area, evidencing the fundamentally flawed nature of the current Duty to Co-operate in practice and offering support to the Government's proposals to remove it from the planning system.

1. *Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?*

The current planning system is not working as it should do with regards to strategic planning of unmet housing needs and the Duty to Co-operate. Allowing urban authorities to not meet their own needs due to claimed land supply constraints without an overarching Regional Spatial Strategy to comprehensively examine such matters has, in our view, led to significant unintended negative consequences.

A key issue with the Duty to Co-operate is the current lack of incentives for urban areas declaring unmet needs to truly maximise the capacity of their existing urban areas before demanding additional land release from countryside locations in neighbouring authorities. Currently, in the Council's experience, urban areas declaring unmet needs share little of the negative consequences of such issues and are therefore not incentivised to minimise such unmet needs as fully as they might. It is primarily the Green Belt of neighbouring areas that will bear the brunt of such issues when urban areas with tightly drawn boundaries declare a housing shortfall and due to the lack of an overarching strategic plan in many areas, there is rarely scope to consistently and robustly examine such issues through individual Local Plan examinations. Equally, the examination process can rarely realistically anticipate the full potential of all sources of urban supply in dense urban areas over a Local Plan timescale, making the establishment of unmet needs through this process problematic.

A key example that evidences these issues in practice comes from recent experience with the Birmingham Development Plan. This Local Plan successfully argued at examination in 2016 that there was only supply sufficient for up to 51,100 homes up to 2031 within Birmingham's local authority area, creating a 37,900 home shortfall to be found through additional land release in surrounding areas under the Duty to Co-operate¹. However, two years after the plan's adoption in 2017 newer land supply estimates showed that existing sites could in fact accommodate around 65,400 homes up to 2031 without any additional greenfield site release being necessary in the Birmingham local authority area. This extra supply arose from opportunities for greater densification and redevelopment in the urban

¹ Policy PG1 of the Birmingham Development Plan available here; https://www.birmingham.gov.uk/downloads/file/5433/adopted_birmingham_development_plan_2031

area, particularly the city centre², that were not sufficiently certain to be relied upon as housing supply at the recent local plan examination, but were nonetheless present two years later. In the example of Birmingham's Development Plan, these opportunities were missed at examination despite the efforts of both a planning inspector and the Secretary of State in 2017 to maximise Birmingham's urban supply prior to conceding that exceptional circumstances for wider Green Belt release existed.

National examples also show that, despite the Government's best efforts, issues around the Duty to Co-operate are often a feature of many Local Plan examinations. For example, of the fourteen local authorities to fail the Duty to Co-operate to date, thirteen of these failed due to matters related to strategic housing needs, i.e. matters of assessing and distributing housing needs across boundaries (see Table 1 below).

Table 1: Local Plan Duty to Co-operate failures	
<i>Local authority and year of Duty to Co-operate failure</i>	<i>Summary reasons for Duty to Co-operate failure</i>
Coventry (2013)	Failed to review their housing needs position to reflect latest evidence (which may have suggested an unmet need/Green Belt release required) –inspector noted the failure of Coventry to proactively address this issue with other surrounding authorities and they had to withdraw. https://www.no5.com/media/news/coventry-city-council-fail-to-co-operate-success-for-ian-dove-qc-and-thea-osmund-smith/
Hart (2013)	Failed to fully assess housing needs across the whole HMA (despite the agreement of other HMA authorities to do this) – provided no indication of how or if unmet needs could be met elsewhere and led to failure of the duty and with drawl of the plan. https://www.pinsentmasons.com/out-law/news/hart-withdraws-core-strategy-following-failure-of-duty-to-co-operate
Kirklees (2013)	Sought to unilaterally decide its housing target using a different methodology to other neighbouring authorities – whilst it had made some effort to communicate this to other local authorities such unilateral action wasn't considered to be sufficient to meet the duty https://www.planningresource.co.uk/article/1215382/two-core-strategies-derailed-duty-cooperate
Aylesbury Vale (2014)	Inspector noted that significant issues on potential unmet needs from other authorities had been left unresolved, leading to a failure of the duty https://www.planningresource.co.uk/article/1227257/duty-cooperate-hits-local-plans
Mid Sussex (2014)	Inspector noted that the Council had failed to satisfactorily consider meeting unmet needs from nearby local planning

² Birmingham SHLAA 2019:
https://www.birmingham.gov.uk/downloads/file/14822/birmingham_development_plan_-_strategic_housing_land_availability_assessment_2019

	<p>authorities https://www.planningresource.co.uk/article/1223709/mid-sussex-local-plan-fails-duty-cooperate</p>
Bolsover (2014)	<p>Failure of duty related to a significant cross-boundary development site, rather than strategic housing needs https://www.local.gov.uk/sites/default/files/documents/bolsover-initial-findings-12c.pdf</p>
Derbyshire Dales (2014)	<p>Failed to assess housing needs across the strategic housing market area with neighbouring authorities, meaning the inspector could not ascertain if there were or weren't unmet needs in the region https://www.planningresource.co.uk/article/1306055/derbyshire-dales-local-plan-not-currently-sound-warns-inspector</p>
Runnymede (2015)	<p>Failed to demonstrate effective joint-working with adjacent local authorities on cross-boundary needs, with specific cross-authority evidence on housing needs absent. https://www.pinsentmasons.com/out-law/news/inspector-recommends-withdrawal-of-runnymede-core-strategy</p>
Central Bedfordshire (2015)	<p>Failed to submit evidence that established the scale of unmet needs in the surrounding area, including how needs would be met and did not have the agreement of key authorities in their HMA. http://www.dlpconsultants.co.uk/wp-content/uploads/2016/04/195-Client-Briefing-Central-Bedfordshire-Development-Strategy.pdf</p>
St Albans (2016)	<p>Failed to demonstrate how they had addressed unmet needs of other local authorities, with evidence to suggest their housing target should be significantly uplifted to reflect surrounding unmet needs https://www.theplanner.co.uk/news/st-albans-strategic-plan-scuppered-by-duty-to-cooperate-verdict</p>
Castlepoint (2017)	<p>Failed to get agreement to how unmet needs would be met from surrounding authorities after it chose to reduce its local plan target, and also failed to make appropriate provision for cross boundary gypsy needs https://www.echo-news.co.uk/news/15005788.council-failed-in-its-local-plan-duty/</p>
Wealdon (2020)	<p>Argued proximity to a Special Area of Conservation as a reason to not accommodate an adjacent authorities' unmet need – failed to agree this approach with neighbouring authorities. https://www.theplanner.co.uk/news/wealden-local-plan-halted-on-duty-to-cooperate</p>
Sevenoaks (2020)	<p>Failed to get agreement from other local authorities to reducing its housing needs to reflect Green Belt and AONB coverage in the area. https://www.planningresource.co.uk/article/1663240/inspector-recommends-sevenoaks-withdraws-local-plan-examination</p>
St Albans (2020)	<p>Failed to show evidence of ongoing co-operation to consider alternative approaches to addressing its housing needs with other LPAs.</p>

https://www.planningresource.co.uk/article/1680781/inspectors-torpedo-st-albans-local-plan-duty-cooperate-concerns

There is also compelling national evidence to suggest that even Local Plans which are eventually found sound have nonetheless been significantly delayed by the lengthy process of trying to resolve strategic housing issues/the Duty to Co-operate at examination. Tellingly, research from Lichfields in 2019³ indicated that 54% of Local Plans prepared since the introduction of the Duty to Co-operate and National Planning Policy Framework (NPPF) in 2012 required an amendment to their housing target during examination. The research also showed the effect of such issues on plan preparation timescales, indicating that the number of Local Plan examinations concluded within 12 months of submission plummeted from 61% to just 28% following the Duty to Co-operate's incorporation into national policy in 2012. This is consistent with the Council's experience in the GBHMA, where the first Local Plan to propose a substantial contribution to unmet housing needs (the North Warwickshire Local Plan) is still at examination and has not been found sound more than 2 years since its original date of submission in March 2018⁴.

Given all of the evidence above, we view the Duty to Co-operate as a fundamentally flawed instrument for addressing unmet housing needs and strongly support the Government's aim in the White Paper to remove the Duty to Co-operate. We consider the Government's proposal to instead amend the standard method for calculating housing needs to reflect high level land supply factors (such as Green Belt and brownfield supply) as a sensible solution to this problem, subject to such figures reflecting the true extent of urban supply in each area. Nationalising the adjustment of housing targets in this manner and making it a statutory duty to meet such targets will remove the uncertainties and delay caused by the Duty to Co-operate and give certainty to local councils being asked to release greenfield/Green Belt that they are not doing so unnecessarily.

The Council has no direct evidence to contribute on questions 2 – 8 of the call for evidence that has not already been published. However, the lack of other submissions should not be taken as suggesting that the Council does not have wider concerns with the current planning system and proposed Government planning reforms beyond the Duty to Co-operate.

³Planned up and be counted: Local Plan-making since the NPPF 2012' (Jan 2019), available here: https://lichfields.uk/media/4864/planned-up-and-be-counted_local-plan-making-under-the-nppf-2012.pdf
⁴ See the North Warwickshire Local Plan examination website, available here; https://www.northwarks.gov.uk/info/20002/planning/1444/local_plan_examination

Appendix 11



Goldfinch Town Planning Services (West Midlands)
Facebook  Goldfinch Town Planning Services

Robin Whitehouse B.Sc. (Hons), Dip. TP, MRTPI
Director
Goldfinch Town Planning Services (West Midlands)

Supporting comments from Goldfinch Town Planning Services (West Midlands) in support of both the Penn and Wombourne Community Pressure Groups in relation to their representations to the South Staffordshire Preferred Options Stage (November 2021) public consultation

Goldfinch Town Planning Services (West Midlands) fully supports the objections by the above community pressure groups and their objections to the Preferred Options Stage Report (2021).

In support of these groups objections, Goldfinch Town Planning Services (West Midlands) to make the following objections:

Given the considerable concerns with the emerging South Staffordshire Preferred Options Stage Report (November 2021), Goldfinch Town Planning Services (West Midlands) has submitted two separate objections to the above Local Plan Review. One objection supporting the Lower Penn and Wombourne Community Pressure Groups, and a second independent objection has been submitted Goldfinch Town Planning Services (West Midlands) separate to this community group response.

We would like to object to the South Staffordshire Preferred Options Stage (November 2021) public consultation on the following grounds:-

Issue 1

Failings in the public consultation approach undertaken by South Staffordshire Council

Representations to South Staffordshire Council's emerging Local Plan Review – Draft Preferred Options Stage Report (November 2021) (Regulation 18) public consultation

Chapter 3 – Question appearing in Appendix G

Question: (version 1 of the same question)

Do you have any comments on the **content or use of the evidence base set out in Appendix A?**

Please reference document you are referring to and justify your response

Version of the question appearing on page 15 of the Preferred Options Stage Report (November 2021)

Question 1: (second attempt - version 2 of the same question)

Do you agree that the evidence base set out in Appendix A **is appropriate to inform the new Local Plan? Yes/No**

Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.

Failings in the public consultation approach which places members of the public, community pressure groups, and other key stakeholders at a considerable disadvantage when trying to respond to the Preferred Options Stage (November 2021) public consultation

Different versions of questions being displayed

The questions are worded differently in appendix G (on pages 166 to 167 of the Preferred Options Stage Report) compared to the questions that appear throughout the Preferred Options Report (November 2021) document. This public consultation approach is therefore confusing and highly misleading to members of the public and key stakeholders. **This underlines the failure and incompetence of the Council in relation to the chaotic, confusing and unclear approach taken towards the public consultation approach within the Preferred Options Stage Report (November 2021).**

For example, within Question 1 (referred to above) on page 15 of the Preferred Options Stage Report (November 2021), one question is referring to "...content or use..." the other question takes a different approach referring to "...is appropriate to inform..." The differences to the approach in the questions has been highlighted by Goldfinch Town Planning Services (West Midlands) in the red text identified above.

This causes significant and unnecessary confusion for members of the public and key stakeholders, and significantly reduces the overall effectiveness of the public consultation approach taken by the Local Planning Authority (LPA) within South Staffordshire's emerging Preferred Options Stage Report (2021). As can be seen above, two different versions of what should essentially be the same question have been used by the Local Planning Authority within the South Staffordshire Preferred Options Stage Report (November 2021). The two versions of the same question will result in different feedback from members of the public and key stakeholders. This approach to public consultation places members of public at a significant disadvantage, and is considered to be misleading and unclear.

This is an unusual method of undertaking a public consultation approach for a critically important emerging Local Plan Review document. Given the significant confusion caused by the public consultation approach as described above, Goldfinch Town Planning Services (West Midlands) maintains its view that the public consultation approach taken by the LPA is considered to conflict with guidance in paragraph 16 (indent c) of the Revised National Planning Policy Framework (NPPF) (July 2021) which reinforces that: "...Plans should be shaped by: (indent c) Early, proportionate and **effective engagement between plan-makers and communities**, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

Insufficient clarity provided at very start of the document explaining key public consultation timescales

Public consultation timescales: At the front of the draft Preferred Options Stage Report document (November 2021), there is no clear information displayed at the very front of the document explaining to members of the public and other key stakeholders when the public consultation stage for the Preferred Options Report commences and closes. This critical information is not provided until page 10 of the Preferred Options Stage Report (2021). This type of critical information should be displayed at the very front of the Preferred Options Stage Report, not left until page 10.

This therefore causes unnecessary confusion for members of the public, the local business community, rural landowners, housing developers and other key stakeholders. A paragraph should have been included at the very front of the Preferred Options Stage Report (November 2021) explaining the above key issues.

Confusing Local Plans website

The South Staffordshire Council's **Local Plans website** is also confusing and not very clear for members of the public. For example, the web-site is too cluttered with too many documents and too much information. A more effective method would be to just display the Preferred Option Stage Report (November 2021) and a link to the various supporting background technical evidence base documents which are being used to help inform the Council's emerging Local Plan Review.

Public Consultation Comments Form

In addition, there is no **Public Consultation Comments Form** (for the Preferred Options Stage Report public consultation) clearly displayed on the Council's Local Plans web-site.

Again, this is highly unusual, given that the majority of LPA's display this type of critical information on the Local Plans website. This is not effective community engagement.

'Local Plans Consultation Portal' (Opus Consult)

Finally, the '**Local Plans Consultation Portal' (Opus Consult)** is also unclear and highly confusing for members of the public and other key stakeholders. This creates a restrictive approach and forms a barrier to effective community engagement. These types of public consultation portals which are both highly ineffective and unnecessarily complex, are not effective ways for Local Planning Authorities to consult local communities for Local Plan Reviews. LPA's should now therefore start to finally begin to accept that these types of public consultation portals are wholly ineffective, as well as a considerable waste of local Staffordshire residents Council Tax payers money given that these IT systems are very expensive to maintain due to the high financial service charges from the private sector IT companies. And, as stated, merely create a barrier to effective community engagement. The LPA should now therefore start to explore much clearer and more financially cost-effective methods for consulting local communities and other key stakeholders as part of future Local Plan Reviews, to help assist much more effective community engagement, consistent with the expected approach within paragraph 16 (indent c) of the Revised NPPF (2021).

Given all of the above issues, Goldfinch Town Planning Services (West Midlands) considers that the approach taken within the Preferred Options Report (November 2021) public consultation by the LPA is therefore ineffective, and does not result in a clear, transparent and effective community engagement approach.

Issue 2

The evidence base: The spatial planning policy origins and foundations of the emerging Local Plan Review (2021) – the Preferred Options Stage Report (November 2021)

The existing adopted Local Plan for South Staffordshire comprises two documents. An existing adopted **Core Strategy (adopted December 2012)** which sets out the vision, objectives and planning framework for future development in South Staffordshire; and the South Staffordshire **Site Allocations Document (SAD) (adopted 11th September 2018)**, which seeks to deliver the 'spatial planning framework for the future distribution of new development across the South Staffordshire District' as reinforced, set down, and fixed by the existing adopted Core Strategy (2012). Therefore, essentially a considerable and significant part of the spatial planning 'place shaping' policy origins being taken forward and forced into the Council's emerging Local Plan Review within the Preferred Options Stage Report (November 2021) date back from 9 years ago (December 2012) -from the fixed spatial planning template set down in the now very dated adopted Core Strategy (2012). This is important for reasons identified further below.

The existing adopted Core Strategy (2012) is referred to by the Local Planning Authority (LPA) as a Tier 1 plan. The Site Allocations or SAD is referred to as a 'Tier 2' plan, and therefore (the Tier 2 plan – the SAD) seeks to deliver the spatial planning framework for future development set and fixed by the adopted Core Strategy (2012).

Essentially, the existing South Staffordshire adopted Core Strategy (2012) sets and fixes the future place shaping agenda across the District for the future spatial distribution of new housing development sites across the South Staffordshire District, as well as the future spatial distribution of new employment land sites across the South Staffordshire District. As well as the planning policy approach being taken towards existing established employment sites within the District, and their future expansion needs.

As stated above, the origins of this relatively rigidly fixed place-shaping agenda can be traced back to the existing adopted Core Strategy (adopted 2012), which is now 9 years old since its adoption and therefore provides a heavily out-of-date spatial planning framework. This is important for the reasons set out below.

(Issue 1) Concerns that South Staffordshire Council's existing adopted 'Core Strategy' (adopted December 2012) and South Staffordshire Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) are being used to force through a seemingly inflexible, rigid, insufficiently robust, unsound and heavily out-of-date spatial planning framework for the future spatial distribution of new housing development and employment land requirements across the District, into the South Staffordshire Preferred Options Report (November 2021). (Issue 2) The Recent significant material changes in economic circumstances facing the South Staffordshire District: The impact of the severe economic recession as a result of the years 2020 and 2021 ongoing global coronavirus (COVID-19) pandemic

Initial work on Plan preparation for the Council's emerging South Staffordshire Local Plan Review was undertaken (at both evidence gathering and Issues and Options Stages) under a significant and entirely different set of economic circumstances. Essentially, a significant and substantial amount of Local Plan-preparation work has already been undertaken by the LPA (at the emerging Local Plan Review's earlier previous preparation stages and right up until the Draft Preferred Options Stage Report – November 2021) on the emerging Local Plan Review before the year March 2020 coronavirus (COVID-19) pandemic (which did not start to cause severe economic implications until late during the year 2020 onwards). Which is likely to cause one of the worst United Kingdom (UK) economic recessions in living memory, extending well into the shelf life of the new Local Plan Review plan-period, once the Council's new Local Plan has been formally adopted.

The ongoing global coronavirus (COVID-19) pandemic has caused one of the worst global health pandemic events to affect the UK within the last 100 years. According to central Government (London) estimates released by the Chancellor of the Exchequer during his Autumn Budget and Spending Review to Parliament on Wednesday, 27th October 2021, the coronavirus (COVID-19) pandemic has also caused one of the worst economic recessions to affect the United Kingdom (UK) economy within the last 300 years. Causing unprecedented record levels of Government borrowing due to the huge decline in economic activity during the years 2020 and 2021 ongoing COVID-19 pandemic, and the pro-longed 15 months of continuous lock-down restrictions, and the shutdown of the UK economy. This severe long-

term economic recession is highly likely to harm the future financial viability of many small, medium and large strategic housing development sites coming forward within the South Staffordshire Borough over the coming years.

The future recession caused by the ongoing coronavirus (COVID-19) pandemic is also likely to heavily and adversely impact on the local business community within South Staffordshire and the wider UK (all scale and sizes of businesses that operate on both a local and national level). Affecting investment decisions, future cash flow (with some companies permanently ceasing trading) - which will all have a major impact on the future business expansion needs of companies within the District. This will have future implications in terms of the need and demand for new employment land across the South Staffordshire District.

The huge spatial planning modelling assumptions and the huge foundation of supporting background technical evidence base being used to underpin, form and force through the entire Place-making policy agenda and planning policy foundation for the Draft Preferred Options Stage Report (November 2021), and further later preparation stages (year 2022 onwards) of the emerging Local Plan Review going forward are considered to be unsound, heavily out-of-date, and insufficiently robust, given that the existing long out-of-date existing adopted Core Strategy (2012) is being used by the LPA to shape, force-through, set and fix very rigid policy parameters and direct economic future spatial distribution policy and housing distribution spatial policy within the emerging Local Plan Review coverage area.

Both Goldfinch Town Planning Services (West Midlands) and the community pressure groups referred to further above maintain their view that the potentially massive implications of the forthcoming severe UK economic recession on both future housing delivery and employment land delivery across (and how the recession will affect new future housing and employment land delivery within the District going forward over the lifespan of the new Local Plan once it has been adopted) the District going forward has been given an insufficient level of planning policy consideration by South Staffordshire Council's Planning Policy Team, when preparing the Draft Preferred Options Report (2021). Or seemingly no planning policy weight at all.

Yet the Council is still determined to force-through and take forward a highly onerous, inflexible, heavily out-of-date, and restrictive 'future place shaping agenda' from the existing adopted Core Strategy (2012), to dictate fundamental areas of future spatial distribution policy within the emerging Draft Preferred Options Report (November 2021). As stated, all of which have their place-shaping origins from a heavily out-of-date year 2012 Core Strategy.

The insistence of continuing to use a heavily unsound, out-of-date, place shaping agenda (from the year 2012 Core Strategy (2012) and its huge mountain of unsound and unreliable evidence prepared long before the year 2020 COVID-19 pandemic) to shape fundamental areas of future spatial distribution policy going forward within the District, despite the massive economic shift and significant material change in economic circumstances going forward, does raise concerns for local communities within the District who are being adversely affected by this place shaping agenda. As well as the local business community, rural landowners, site promoters, housing developers, environmental groups, and other key stakeholders.

The Council's Preferred Options Stage Report (November 2021) is sitting on top of a huge mountain of unsound and insufficiently robust background technical evidence base given that

the substantial economic impacts on future spatial planning as stated above have been given no consideration or material planning weight. Having assessed and carefully considered the various background technical evidence base being used to underpin the emerging Local Plan Review (2021), none of the supporting evidence (prepared pre-COVID before March 2020) has taken into account the severe economic impacts of one of the worst economic recessions to affect the UK within the last 300 years as a result of the global coronavirus (COVID-19) pandemic.

The evidence would seemingly suggest that the Council's evidence base on these issues is unsound and no longer fit-for-purpose to inform future Plan preparation work going forward within the emerging Local Plan Review.

The policy approach being taken forward within the Council's emerging Local Plan Review is therefore considered to be insufficiently robust, the proposed policy approach lacks any kind of planning policy credibility, and the policy approach is therefore considered unsound.

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraphs 31, 35 (indents b and c) and 82 (indent d) of the Revised National Planning Policy Framework (NPPF) (July 2021).

Paragraph 31 of the Revised NPPF (2021) is perfectly clear that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

Paragraph 35 focuses on Local Plan 'tests of Soundness'. In indents b and c, paragraph 35 reinforces that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and **based on proportionate evidence**. (Indent c) Effective – **deliverable over the plan period...**"

Paragraph 82 (indent d) reinforces the need for Local Plan Reviews to remain sufficiently flexible in their Plan-making approach and remain sensitive to rapidly changing economic circumstances. It states that: "...Planning policies should (indent d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., **and to enable a rapid response to changes in economic circumstances...**"

The evidence is perfectly clear, all of the above 'pandemic-related' factors appear to have been given an insufficient level of material planning weight by the LPA when preparing the Council's emerging South Staffordshire Local Plan Review (2021).

Conclusion

Given all the above issues, both Goldfinch Town Planning Services (West Midlands) and the community pressure groups referred to further above contend that the proposed planning policy approach being taken by the LPA is considered to be insufficiently robust, unsound, unjustified and inconsistent with Government planning guidance as set out in paragraphs 31, 35 (indents b and c) and 82 (indent d) of the Revised NPPF (July 2021).

Issue 3

The Council does not appear to have undertaken an 'Urban Capacity Study background technical evidence base document' to inform housing spatial distribution policy across the South Staffordshire District, within the emerging Preferred Options Stage Report (November 2021). A thorough and sufficiently robust Urban Capacity Study background technical evidence base document would normally sit alongside the Green Belt Study background technical evidence base document, and would have allowed the Local Planning Authority (LPA) to thoroughly assess all existing village settlements located across the South Staffordshire District to help identify potential new housing development sites. Such as sustainably-located low quality green space infill sites located within existing village settlements, areas of under-utilised land within existing village settlements that could potentially accommodate new housing development, previously-developed land sites located within existing settlements, as well as assessing existing larger areas located across the District for potential new housing developments, such as main towns.

An Urban Capacity Study background technical evidence base document would underpin the emerging housing policies and the general policy approach and stance towards rural settlements and other built-up areas within the South Staffordshire District, within the Council's emerging Preferred Options Stage Report (November 2021).

The need for emerging Local Plan Reviews to be based on a platform of sufficiently robust, up-to-date, defensible and credible evidence is reinforced within central Government (London) national planning guidance as set out in paragraphs 31 and 35 (indent b) of the Revised National Planning Policy Framework (NPPF) (published July 2021).

Paragraph 31 of the Revised NPPF (2021) is perfectly clear in its view that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals..."

Focusing on 'Local Plan tests of Soundness', paragraph 35 (indent b) of the Revised NPPF (2021) reinforces that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence..."

The need for all potential new housing sites to be considered within more sustainable site locations first, such as within existing village settlement boundaries as described further above, before new free-standing (sites located far away from existing settlements) new build housing settlements are identified, selected and taken forward within a Local Plan Review, within areas of isolated open Green Belt countryside, is a fundamental planning policy requirement, as reinforced within paragraphs 79, 141 (indents a and b) and paragraph 142 of the Revised NPPF (July 2021).

Paragraph 79 of the Revised NPPF (2021) confirms that: "...To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby...."

Paragraph 141 (indents a and b) of the Revised NPPF (2021) states that:

"...Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy: (indent a) makes as much use as possible of suitable brownfield sites and underutilised land; (indent b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport;..."

Paragraph 142 of the Revised NPPF (2021) confirms that: "...When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport..."

In summary therefore, given the above issues, the LPA's spatial planning policy approach towards the future spatial distribution of new housing development across the Local Plan area within the Preferred Options Report (November 2021) appears to be based on an insufficiently robust platform of supporting evidence (key pieces of background technical evidence are missing) and an unsound policy foundation base, given that it does not appear to have been informed and supported by a comprehensive, thorough, sufficiently robust and up-to-date Urban Capacity Study technical evidence base document. This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the Revised NPPF (2021) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

In conclusion therefore, the Plan-making approach undertaken by the LPA appears to fail Local Plan tests of soundness as reinforced within paragraphs 31 and 35 (indent b) of the Revised NPPF (2021).