

	<p>Local Plan Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2018 - 2039**

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

This form has two parts –
 Part A – Personal Details: need only be completed once.
 Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	Mr	Title	Mr
First Name	Niall	First Name	Richard
Last Name	Beattie	Last Name	Stewart
Job Title (where relevant)		Job Title (where relevant)	Principal Planner
Organisation (where relevant)	Trine Developments Ltd	Organisation (where relevant)	Cerde Planning
Address Line 1		Address Line 1	Vesey House
Line 2		Line 2	5-7 High Street
Line 3		Line 3	Sutton Coldfield
Line 4		Line 4	Birmingham
Post Code		Post Code	B72 1XH
Telephone Number		Telephone Number	0121 748 1620
E-mail Address		E-mail Address	richard.stewart@cerda-planning.co.uk



(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation: Trine Developments (Richard Stewart – Cerda Planning)

3. To which part of the Local Plan does this representation relate?

Paragraph	Please see attached	Policy	Please see attached	Policies Map	
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	X	No	
(2) Sound	Yes		No	X
(3) Complies with the Duty to co-operate	Yes	X	No	

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached response. Overall the plan is considered to be legally compliant and could be made sound with the modifications set out in the attached response.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.



Please see attached response.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Given comments made within these representations it is considered that these are most appropriately heard and considered with oral evidence. Given their land interest at the Land North of Penkridge Strategic Allocation, Trine Developments Ltd wish to reserve their right to participate in the hearing sessions.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX



South Staffordshire Local Plan (2018 -2039)

Publication Plan Consultation (Regulation 19) December 2022

Introduction

Cerda Planning has been instructed by Trine Developments Limited (hereafter referred to as Trine) to prepare and submit these representations to the Regulation 19 consultation of the South Staffordshire Local Plan (2018- 2040).

Trine has an interest in the land and are the prospective developer of the site known as **Site 420**, which forms part of the strategic housing allocation on land north of Penkridge.

These representations are made in the context of the requirement for Local Plans to be legally compliant and sound. The tests of soundness are set out at paragraph 35 of the Framework. In brief, a plan will be sound if it is:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

We consider that the principle of the residential allocation of **Land North of Penkridge under Policy SA4** within the Publication Plan (Regulation 19 consultation) of the South Staffordshire Local Plan (2018- 2040) to be capable of being made sound subject to the minor modifications set out within the representation.

Site 420 forms a small (in the context of the overall allocation) but important and entirely appropriate part of the proposed allocation which will contribute materially to South Staffordshire's housing land supply, and which will support an overall conclusion that the Plan is sound. However, we have some minor points in response to a number of the policies and supporting text of the plan which are set out below set out under each part of the plan.

Part A: Context and Development Strategy

Development Needs & Spatial Strategy to 2039

The level of growth north of Penkrudge reflects the GL Hearn Greater Birmingham HMA Strategic Growth Study (2018) and the increased growth in non-Green Belt land to the north of the village is supported.

The overall levels of growth for South Staffordshire is also supported as set out in **Policy DS4: Development Needs**. Although some caution should be given to the significance of the identified contribution of 4,000 homes for the plan area given the ever-increasing level of unmet housing need within the Greater Birmingham and Black Country Housing Market Area. This is noting the most recent Birmingham City Issues and Options consultation (November 2022) identified a shortfall of 78,415 homes and that the Black Country Plan has collapsed since the publication of the current publication version of the SSC Plan.

The identification of Penkrudge as one of the Districts Teir 1 settlements in **Policy DS5: The Spatial Strategy to 2039** is supported and reflects the villages sustainable nature and ability to support new housing growth.

Part B: Site Allocations

Strategic Master Plan Locations

The concept of the preparation of strategic master plans and the preparation of the indicative concept plans to support the plan for key strategic sites within the District is certainly supported in principle. **Paragraph 6.6** notes that the concept master plans have been prepared in collaboration with the site promoters, stakeholders and infrastructure providers. It is envisaged that these plans will form the basis for more comprehensive masterplans and design codes that will be required as part of the planning process, prepared in collaboration with the council and local communities.

However, it is necessary to point out at this stage that Trine, one of the key site promoters for the strategic allocation at Penkrige has not had the opportunity to input into these concept masterplans. This is not a criticism of the Council or other key stakeholders, but a consequence of unfortunate circumstances. Trine's original planning consultant, who had previously been involved in the promotion of the site was taken ill in late 2021 and as such was unable to respond to requests for collaboration in the preparation of evidence to support the proposed allocation.

The opportunity was therefore missed through no fault of Trine to input into the master planning work undertaken by Hyas and the production of the indicative concept plan. It is important that these plans prepared do not prejudice the fair delivery of development on **Site 420**, which is a key link between the existing built form of Penkrige and the main bulk of the strategic allocation north of Penkrige.

Policy MA1 – Masterplanning Strategic Sites.

We generally support the principle of the preparation of wider strategic masterplanning for these important sites, but it is imperative that the Council help to ensure that Trine are able to meaningfully and fairly input into and influence the preparation of the Strategic Master Plan (SMP) for Penkrige.

Whilst contact has been made with the main site owners/promoters (St Philips and Bloor), at the time of writing this representation no response has been received. We hope that successful discussions can take place in order to support the preparation of the SMP. This is noting the importance of the 12 elements that are required within the SMP.

It is also important that Trine are actively involved in any pre-application discussions, community and stakeholder engagement for the site.

In the main the requirements of the policy are welcomed, and they set a comprehensive framework for the delivery of the site.

One area of concern under e) Green Infrastructure Framework. relates to the provision of the following:

Areas for allotments/community gardens/forest schools etc. (informed by engagement with local community/Parish Council).

There is a potential risk here given the explicit requirement for areas to be identified within the SMP that the need, appropriateness and quantum of such provision on the Land North of Penkrige may not align with the desires of the local community/Parish Council which if there is no agreement could be seen as a failing of the SMP.

It is also noted that the provision of allotments is included within the overall open space per dwelling requirement of 0.006 hectares as set out in **Policy HC17: Open Space** based on the make-up as outlined in the Knight, Kavanagh & Page Open Spaces Study (January 2020) and should not be double counted in terms of the required open space for the site.

Proposed modification – Policy MA1:

It is suggested that the explicit reference to the provisions of allotments/community gardens/forest schools are removed as a requirement of the policy and included within the 'for example list' under the first point of part e) Green Infrastructure Framework.

The requirement for community engagement would remain a requirement under part k) of the policy.

Policy SA4 – Strategic development location: Land North of Penkrige

As promoters of **Site 420**, we support the principle of the site being put forward as a positive allocation of land for housing as part of the proposed strategic allocation of Land North of Penkrige.

In terms of the requirements for a Transport Strategy for the site to be developed the plan appears to be supported by a Strategic Transport Assessment for Land North of Penkrige prepared by PJA and included within the Councils evidence base. We raise concerns regarding the status of this document given that we as one of the site promoters have not been provided with the opportunity to feed in to either its scope or contents.

We note that the document is a high-level assessment and generally support the measures outlined within the document including the Active Travel and Public Transport Strategies. Our main concern is in response Section 6 titled Site Allocation in particular the indicative masterplan and the Vehicle Access Strategy. The Indicative Masterplan Masterplan does not include the provision of an access in to **Site 420** without any clear justification, and notes that access would be provided to **Site 420** via *'A priority junction approximately 200m to the south of the Phase 1 roundabout. This would serve the south easternmost parcel of the site;'* This intimates that access to **Site 420** would be via one of the adjoining parcels of land, which should not necessarily be the case and certainly should not be fixed at this point as the approved access strategy for the site as it may compromise other appropriate access strategies for sites not within the control of the authors of the report.

Safe and appropriate access can be provided in to **Site 420** direct from the A449. This has been previously demonstrated in the planning application considered on the site in December 2017 (17/00317/OUT), which was supported by a Transport Statement and received no objections (subject to conditions) from the Highway Authority.

In regard to the provision of a Community Hub within the development, this element of the proposed allocation should be supported by evidence. Evidence of the need for such uses must be presented for that requirement to be justified, with the Council also needing to consider what the impact on existing facilities would be if new infrastructure is to be delivered on the site. Should appropriate evidence be provided, and the requirement retained, the policy should be updated to give specific guidance in relation to the floorspaces and use classes being sought, so that the policy requirement is clearly written and unambiguous in accordance with the NPPF.

When considering the retail needs of Penkridge and the proposed development, whilst the South Staffordshire Retail Centres Study identifies that there is limited need for additional retail floorspace allocations. It does acknowledge that additional retail provision may be justified in areas experiencing high levels of future residential growth.

Penkridge is considered to be such an area, and it likely to require a greater level of new retail than is currently identified (albeit there is currently no proposed quantum identified just reference to small scale) and a suitable option therefore may be for this site to provide additional convenience retail provision to meet the needs of Penkridge and the new development. This is acknowledging a strong local (including the Parish Council) desire for new supermarket provision to serve Penkridge.

The principles of part g) of the policy are supported. However, the requirement to provide compensatory Green Belt Improvements are somewhat confusing as they do not appear to apply to this site. The site is outwith the defined Green Belt and when cross referenced with the requirements of **Policy DS2: Green Belt Compensatory Improvements** the development of the site falls outside of the scope of this policy. The need for the riverside linear park is understood but this should not be a compensatory requirement for the removal of other sites within the District or Penkridge from the Green Belt and in any event any compensatory improvements should be undertaken within the Green Belt. As such reference to compensatory Green Belt improvements should be removed from the policy.

Proposed modification – Policy SA4:

Clarity in terms of the requirements for the Community Hub facilities including the quantum of appropriate floorspace throughout the site including retail.

Removal of reference to compensatory Green Belt improvements from the policy.

Part C: Homes and Communities

7. Delivering the right homes

Policy HC1: Housing Mix

HC2: Housing Density

Policy HC3: Affordable Housing

HC4: Homes for older people and others with special housing requirements

In terms of cross reference between these policies and **Policy SA4 – Strategic development location: Land North of Penkrige**. The policy requirements are clear that at least 40 units providing for specialist elderly housing are required on each of the housing allocations. It is not clear whether the housing mix, density and affordable housing provision for each of the strategic allocations is to be met within individual planning applications (which could be numerous) or within the allocation as a whole. For clarity and in order to avoid confusion this matter should be identified either within these policies or **Policies MA1 or SA4**.

Part D: Economic Prosperity

11. Community services, facilities and infrastructure

Policy EC8: Retail

As mentioned in response to **Policy SA4** it is considered necessary for there to be consideration of and a definition of what constitutes the small-scale retail provision for each of the strategic allocations. Without such clarification the policy requirements remain vague.

Policy EC11: Infrastructure

We support the provisions of Policy EC11 and the need for developer contributions and infrastructure provision in principle.

However, these provisions can only be promoted where the developer contributions and infrastructure provision meets the three CIL tests, specifically;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

As drafted, the policy makes no reference to the provisions of the CIL tests, which should be explicit. As a result, the policy is imprecise, and it is not clear whether its operation would be discordant and at variation with the CIL provisions.

Proposed modification – Policy EC11:

The policy should be modified to expressly refer to the three CIL tests as set out above, and furthermore make clear that developer contributions and infrastructure provision will only be required where each of the three tests are demonstrably met.