



Local Plan
Publication Stage
Representation Form

Ref:

**(For
official
use only)**

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*

**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.*

2. Agent's Details (if applicable)

Title	Ms	Mr
First Name	Sarah	Fred
Last Name	Day	Davies
Job Title (where relevant)	Senior Land Manager	Consultant
Organisation (where relevant)	Clowes Developments	Harris Lamb
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Post Code	DE6 3FA	B16 8SP
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Part B – Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph	5.17 and Appendix C	Policy		Policies Map	Housing Omission Site – Land to the North of B4176/East of A449, Himley
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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.

Housing Land Omission Site : Land North of B4176 and East of A449, Himley

1. Introduction

The Objector is seeking the allocation of housing land at Himley with a gross site area of 4.59 hectares and a net site area of 2.59 hectares creating development for 88 units. The site should be added to the sites in Appendix C.

We note that the site has been considered by the Council in its SHELAA analysis forming part of the Local Plan background papers and we comment in more detail upon the comments made in that in a separate annex to this statement (see Annex A). The land area to be allocated is shown on the red line plan attached at Annex B.

These representations should be read in conjunction with the Objector’s comments on the overall housing numbers for South Staffordshire, including accommodating the extensive overspill requirement from the Black Country, and a separate representation seeking the omission of the site from the Green Belt to accommodate development needs.

Site Specific Factors



The objection site is roughly rectangular in shape and is relatively level with no features of special merit. It is surrounded by hedgerows on its boundaries and, despite the assertion by officers in the Council comments in the SHELAA, it is visually and functionally well related to the settlement of Himley with residential development adjoining the northern and north eastern boundaries. The remainder of the site is bound by the A449 to the east (there is a small section of open land on the eastern boundary between the site and the A449 but this does not detract from the fact that the site is very well related to the settlement) and the B4176 to the south. The road and the hedgerow/verge way which lie to the immediate south of the objection site provide a clear and identifiable, enduring boundary within which development will be contained both in visual and functional terms.

There is a public footpath adjoining the southern and eastern boundaries which provide links to the village and the wider areas of Womborne employment areas, etc. The public footpath also facilitates access to bus stops and consequently, public transport.

Attached at **Annex A** is an analysis of local facilities in close proximity to the site and it may be seen that the land is in close proximity to a wide variety of local facilities, including employment opportunities.

The site is located in very close proximity to the edge of the Black Country conurbation which provides a wider range of higher order employment, retail, service, community, leisure and education facilities.

In overall terms the site is very well located to meet housing requirements for the plan area and the overspill needs of the Black Country. We would regard this site as being in a sustainable location.

The size of the site is such that it provides a medium sized development opportunity, offering both choice for housing developers and a site which has limited infrastructure requirements which means that it could be brought forward in the early part of the plan period. This is an important consideration given the release of the major allocations in the plan and which are unlikely to make meaningful contributions to housing supply in the early part of the plan period.

The release of the objection site would provide a housing opportunity which provides an important medium sized opportunity.

Exceptional Reasons to Release the Site for Housing

A separate objection on behalf of the Objector has been made in respect of the overall housing numbers. In short it is apparent that the Council has failed to meet both its own objectively assessed needs, when properly assessed, and has also made only a token contribution towards meeting the overspill requirements of the Black Country conurbation. The shortfall is extensive and would cause the plan to be unsound in terms of the test set out at paragraph 35 of the Framework, as we explain below, and also means that the duty to cooperate has not been fulfilled in a meaningful way.

The situation regarding the overspill numbers, notwithstanding the very low contribution of 4,000 to a figure of in excess of 27,000 units, is exacerbated by the recent announcement by Birmingham City Council through its Issues and Options stage that its own overspill figure, which has not been taken into account by the Council when developing its Regulation 19 plan, is very extensive, extending to some 78,000 units. It is likely that these units will have to be accommodated by



the Shire authorities to the north, south and east of the Birmingham conurbation meaning that there is no reasonable prospect of any of the Black Country overspill being accommodated in these areas.

Thus the focus for accommodating the Black Country overspill will lie with those authorities to the west of the Black Country conurbation. South Staffordshire is well placed geographically, in terms of its social and economic functional links, to receive and accommodate a much more significant proportion of the overspill than as currently set out in the Regulation 19 plan.

The objection to the housing numbers also makes the point that the figure of 4,000 is not only inappropriate but also fails to have regard to proper provision for affordable housing and that when the matter is assessed correctly, even more housing needs to be allocated simply to meet affordable housing needs on the basis of the 4,000 units alone.

The failure to meet this shortfall will prevent the social aspects of sustainability, set out at paragraph 8b of the Framework from being fulfilled because people simply will not be able to obtain the homes which they seek. This also means that the Government's objective of "significantly boosting the supply of homes", set out at paragraph 60 as well as meeting the differing size, type and tenure of housing needed for different groups in the community (paragraph 62 of the Framework) will not be met.

The consequences of not meeting the shortfall, bearing in mind it is so extensive, are severe and will inevitably lead to house price inflation both in South Staffordshire and in the Black Country and will have potential economic impacts in terms of employers being concerned about the ability to recruit staff to meet expansion plans thereby affecting also the economic aspects of sustainability set out at paragraph 8a of the Framework and paragraph 81 of the Framework.

In this context it is submitted that there are sufficient exceptional circumstances to justify the release of the site which is in a sustainable location, close to the Black Country boundary.

Green Belt Considerations

The Objector's case regarding the justification for the release of the site in Green Belt terms, supported by the exceptional circumstances identified above, is in a separate representation. In brief, the objection site does not make a material contribution to the five purposes of a Green Belt designation as per paragraph 138 of the Framework.

Whilst no doubt the Council will argue that release of the site would cause encroachment into open countryside, as we have explained above, the site is well contained and the release of the site, in a planned form would ensure that there will be no "unrestricted sprawl" of a large built up area.

It is inevitable that land will have to be released in the Green Belt to meet both South Staffordshire's needs and also the overspill requirement from the Black Country and so encroachment into countryside, as a matter of principle, cannot be argued to be a reason for preventing the release of the site. In terms of the other Green Belt functions we have demonstrated that there is no material impact upon coalescence, setting of an historic town or urban regeneration. As we have noted above, the site is in a sustainable location and, being on the edge of the Black



Country, is well placed to accommodate overspill needs in a manner which will help to minimise journeys to work and to other facilities.

There are no reasonable options for meeting the identified needs other than the release of greenfield sites in the Green Belt in South Staffordshire and therefore the policy tests of paragraph 141 of the Framework is met.

Similarly the Council has concluded that it has very little suitable brownfield sites which could be used to accommodate overspill needs as is set out in paragraphs 5.1 to 5.3 of the Regulation 19 plan.

Paragraph 142 of the Framework requires Councils to give consideration to sites which are well served by public transport and which help to achieve sustainable objectives (see paragraphs 139c and 142).

For these reasons it is considered that exceptional circumstances exist and that the omission site is well placed to help to meet some of the overspill requirements from the Black Country and also South Staffordshire's own needs.

Duty to Cooperate

The failure of the Council to identify appropriate levels of housing land to meet the Black Country overspill and indeed its own needs means that it cannot be said to address the duty to cooperate in a meaningful way as such there will be an unmet need from a neighbouring authority area.

Test of Soundness

Turning to the test of soundness, the Objector's position is as follows:

- 1) *Positively Prepared*; The strategy does not meet the area's objectively assessed needs because it fails to identify sufficient housing land to meet the overspill requirements of the Black Country. There is insufficient evidence to demonstrate that, with the close socio economic ties between South Staffordshire and the Black Country, the housing land requirement meets the objectively assessed needs; furthermore, additional land needs to be released to meet the housing needs of the Black Country.
- 2) *Justified*; The strategy cannot be appropriate because it fails to meet the objectively assessed needs and fails to release sufficient Green Belt land to allow allocations to be made to meet these needs. Thus the housing land requirement has been set at an artificially low level.
- 3) *Effective*; The strategy would not be effective. It does not provide for housing needs over the plan period. Simply deferring the issue to a further Local Plan review is inappropriate and would mean that the social and economic benefits of development in terms of delivering the three elements of sustainability set out at paragraph 8 of the Framework cannot be delivered. Once the housing needs are considered on a proper, objective basis, sufficient land will need to be released in the plan area.
- 4) *Consistent with National Policy*; As noted above, the failure to provide sufficient land to meet the reasonable overspill requirements of the Black Country means that the plan is not in alignment with the social objectives of sustainability and the requirement to boost significantly the supply of housing as required by paragraph 60 of the Framework.

Annex A – Site Specific Factors Favouring Release of Omission Site for Housing Development in South Staffordshire Local Plan Review

1. Site Boundaries

The site is enclosed by existing housing development to the west and north and by main road infrastructure to its south and east. It is, therefore, bound by enduring and identifiable boundaries.

2. Landscape Character

The site has no features of visual importance and, by reason of its enclosure by existing built form and highways infrastructure, makes no meaningful contribution to the wider landscape.

3. Historic Buildings and Heritage

The omission site is not occupied or immediately adjoins any buildings of heritage significance and there will be no impact upon setting of any heritage assets.

4. Access

Access can be taken to the B4176.

5. Local Connections

The site is adjoined by public footpaths on its southern and eastern boundary affording easy access to local facilities and employment opportunities as well as bus stops which provide access to the wider area including higher order facilities in the Black Country.

6. Bus Facilities

We attached at Appendix 1 details of local bus services which mean that occupants of a housing scheme would have easy access to wider facilities in South Staffordshire and the Black Country.

7. Education Facilities

There are a wide variety of schools, both at primary and secondary levels in close proximity to the omission site.

8. Convenience and Community Facilities

Appendix 2 contains details of nearby convenience and community facilities. This confirms that the site is in a sustainable location with easy access to support facilities.

9. Drainage

There is a watercourse running to the north east of the site. However, any flood zone issues can be dealt with by incorporating this land within amenity/open space/habitat and need not affect the principle of development.

10. Land Use

The site adjoins residential uses to the north and west and will be entirely compatible with these uses if developed for housing.

11. Timing

The site can be brought forward in the early part of the plan period providing both market and affordable housing.

12. Infrastructure

There are no anticipated infrastructure requirements which would inhibit the site in terms of it being brought forward or its ability to afford Section 106 obligation payments.

13. Biodiversity

The site is presently in arable use and the baseline for biodiversity net gain calculation is anticipated to be low. Habitat creation can be created on site to achieve biodiversity net gain.

(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.

The Objector seeks the allocation of 4.59 hectares gross/2.59 hectares net developable for 88 residential units on land at Himley as identified on the plan at **Annex B**. The site should be added to the sites in Appendix C.

Such an approach would address the Objector's concerns regarding the Duty to Cooperate and meeting the needs of adjoining authorities and would also ensure compliance with the tests of soundness identified above for the following reasons:

- a) The plan would then be positively prepared providing a strategy which meets the objectively assessed needs of both South Staffordshire and unmet need from neighbouring areas.
- b) The plan would be justified, providing an appropriate strategy. Alternative strategies, which fail to meet objectively assessed needs and overspill needs cannot be regarded as being reasonable.
- c) The plan would be effective, making sure that land is allocated to meet local housing needs as well as those of the Black Country and will provide an opportunity to ensure that numbers are met.
- d) The plan will therefore be consistent with national policy ensuring that the social objectives of paragraphs 8b of the Framework and paragraph 60 regarding significantly boosting the supply of housing land are met.



(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:

The emerging plan fails to deliver enough housing land to meet both the objectively assessed needs for South Staffordshire and the considerable overspill requirements of the Black Country. One of the fundamental roles of the plan is to ensure that sustainable development is achieved and the failure to meet the social and housing objectives of the Framework brings into question the soundness of the plan. Given the magnitude of the issue we request the opportunity to address the Inspector to outline our concerns.

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