



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*

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	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
Address Line 1	Ednaston Park	Grosvenor House
Line 2	Painters Lane	75-76 Francis Road
Line 3	Ednaston	Edgbaston
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Telephone Number	01335 360353	0121 455 9455
E-mail Address (where relevant)	sarah.day@clowes.co.uk	fred.davies@harrislamb.com



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	<input type="text"/>	Policy	DS1	Policies Map	Green Belt Boundary Amendment, 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.

The Objector has submitted separate representations seeking the allocation of land to the north of the B4176 at Himley for residential development.

The proposed allocation is intended primarily to meet the overspill needs of the Black Country, in terms of both market and affordable housing, although, of course, it will also afford localised housing opportunities for residents of South Staffordshire.

The justification for this proposed allocation in housing terms is contained in, first, a separate site specific representation and, second, a representation in respect of overall housing numbers. This points out that the plan fails to consider the reasonable overspill implications of housing from the Black Country area and that the proposed housing allocation to meet the needs of the Black Country area is wholly inadequate in terms of both overall quantum and the ability to meet affordable housing needs. The situation is exacerbated by the recently announced extensive overspill requirements to meet Birmingham’s needs.

In terms of Green Belt considerations the Objector notes the contents of paragraphs 5.1 to 5.3 of the Local Plan Review (“LPR”).

Further, as is explained in paragraph 5.3, the plan area has very limited amounts of previously developed land within the Green Belt which means that, in terms of both



availability and location it is to be able to meet the overspill needs of the Black Country from previously developed land sources.

It is inevitable, therefore, that any land identified for housing overspill will have to take place on greenfield sites within the Green Belt where there are no sustainable locations to meet the reasonable overspill needs and to create sustainable patterns of development.

We consider that any decision to allocate overspill land beyond the Green Belt boundary in South Staffordshire i.e. in the open countryside further to the west would not be in a sustainable location and would lead to an unsustainable pattern of transport and commuting back to the Black Country for employment and use of higher order services.

We have explained the locational benefits of the land at Himley in a site specific representation in terms of its size in relation to the settlement, containment and proximity to public transport and connections back into the Black Country and ability to meet the housing needs of the Black Country. The note explains that insufficient land has been available for overspill requirements and that further land needs to be released from the Green Belt.

The separate representation regarding housing numbers explains that insufficient numbers have been made available to meet the overspill requirements and that further land needs to be released from the Green Belt.

These arguments form the basis of an exceptional circumstances case for redrawing the Green Belt boundary to exclude the omission site from the Green Belt and to allow its allocation for residential development.

In this representation we consider the implications of the release of the land from the Green Belt in terms of the Green Belt objectives identified at paragraph 138 of the Framework and also the approach which should be taken when identifying new boundaries as per paragraphs 142 and 143 of the Framework.

We comment as follows:

Green Belt Purposes

- a) *To check the unrestricted sprawl of large built up areas;* By allocating the site through the Local Plan process, the release of the site would form part of a planned review of the Green Belt as per the advice in paragraphs 5.1 to 5.3 of the LPR. The site benefits from having readily identifiable boundaries which ensure that, once released, formal boundaries will be identified and this will again help to ensure the site is contained and there is no "unrestricted" sprawl of a large built up area.
- b) *To prevent neighbouring towns merging into one another;* The site lies immediately adjoining the settlement of Himley and will be contained by the settlement form of Himley and the road network to its south and east. To the south of this lies the residential area of Wall Heath. Neither settlement is classed as a town and so there is no conflict with this objective of Green Belt purposes.
- c) *To assist in safeguarding the countryside from encroachment;* As is explained at paragraphs 5.1 to 5.3 of the LPR, the Local Plan area does not benefit from large areas of non-Green Belt land adjoining the conurbation nor does it have



large areas of previously developed sites which could be reallocated for employment purposes. It is inevitable, therefore, that to accommodate both the housing and employment needs of both South Staffordshire and the overspill requirements of the conurbation that open countryside will need to be released for development. This cannot, therefore, be a factor which counts against the release of the Objector's site.

- d) *To preserve the setting and special character of historic towns;* The objection site does not form part of the setting or special character of a historic town and, therefore, no conflict arises in respect of this purpose.
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land;* Again, we refer to paragraph 5.3 of the LPR. It is clearly acknowledged by the Council that the plan area does not have significant parcels of derelict and other urban land which could be used for development. Similarly, the adjoining Black Country conurbation is deficient in land supply to meet its housing and employment needs with the consequence that land outside of the urban area will have to be released for development. There is, therefore, no reasonable prospect of the development needs of the plan area or the overspill needs of the Black Country conurbation being met on recycled derelict or other urban land and, therefore, the release of the objection site would not have an implication for urban regeneration.

Therefore, an objective assessment of Green Belt purposes, as has been carried out above, demonstrates that there is no significant impact caused by the release of the site in terms of Green Belt objectives and it is clear that Green Belt land has to be released to meet development needs for both South Staffordshire and the Black Country conurbation.

Turning to the requirements of paragraphs 142 and 143 of the Framework, we note that the Green Belt boundary, once redrawn to accommodate the omission site, would help to meet requirements for sustainable development. The site is located such that it provides opportunities to use local facilities in Himley as well as the local public transport services. The site is in very close proximity to the Dudley urban area and as such there will be a high degree of connectivity and ability to higher level services in the settlement.

In line with paragraph 143e of the Framework, the Green Belt boundaries will not need to be altered at the end of the plan period and, in accordance with 143f, the boundaries use physical features that are readily recognisable and will be permanent. To confirm, the boundaries comprise, to the south the B4176, to the east the A449 and to the north and west the settlement form of Himley. These boundaries will be identifiable and enduring.

The Objector considers that the failure of the Council to allocate the site for residential development is not in accordance with the principles of the Duty to Cooperate process and also renders the plan unsound. In the context of the Duty to Cooperate, whilst it is acknowledged that the Council has been in discussions with neighbouring authorities, the extent of the residential land overspill has not been finalised and based on representations made by the Objector in respect of overall residential land requirements it is clear that South Staffordshire should be making a much greater contribution to the Black Country overspill as well as its own needs.

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 and more land needs to be released to meet the employment 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.

(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 proposals map needs to be amended by the removal of the objection site from the Green Belt. Green Belt boundaries will be redrawn to the extent of the site. The plan attached at **Annex A** shows the extent of the land to be withdrawn. Such an action would help to address the Objector's concerns regarding non-compliance with the duty to cooperate and the matter of soundness identified at Section 5 above and would mean that the plan will have been prepared on the basis of an appropriate strategy providing an effective plan capable of delivering land for employment purposes to meet overspill needs.

The strategy will be justified, meeting known requirements and would be preferable to the alternative of not meeting these.

Finally the plan, as modified, would then be in line with national policy regarding housing delivery and the social strand of sustainability.

(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 will fail to deliver enough housing land to meet the overspill requirements of the Black Country. One of the fundamental roles of the plan is to deliver a sufficient amount of housing land to meet social needs and the plan fails to do this. Given the magnitude of this 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