

	<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*

**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	Mr	Title	Mr
First Name	Alastair	First Name	Paul
Last Name	Stewart	Last Name	Hill
Job Title (where relevant)	Planning Manager	Job Title (where relevant)	Senior Director - Planning
Organisation (where relevant)	Persimmon Homes WM	Organisation (where relevant)	RPS
Address Line 1		Address Line 1	4 th Floor 1 Newhall St.
Line 2		Line 2	Birmingham
Line 3		Line 3	
Line 4		Line 4	
Post Code		Post Code	B3 3NH
Telephone Number		Telephone Number	0121 622 8520
E-mail Address (where relevant)		E-mail Address (where relevant)	Paul.hill@rpsgroup.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 Policy Policies Map

4. Do you consider the Local Plan is :

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

Policy SA5 – Housing Allocations lists the housing allocations identified to meet the district’s housing target up to 2039. RPS notes that Land east of Brookhouse Lane, Featherstone’ (site 170) has not been proposed for allocation under this policy. The methodology for filtering site options and the assessments of allocated sites and reasonable alternatives is set out in the Housing Site Selection Topic Paper (HSSTP), dated November 2022.

Council’s assessment of Land east of Brookhouse Lane

Appendix 3 of the HSSTP provides a conclusion on the site which has underpinned the decision to discount the sites from allocation in the SSLP. This states:

“Key positives and negatives

- Lesser Green Belt harm than the majority of land around the village (site is 'moderate')
- Lower landscape sensitivity than the majority of land around the village (site is 'low-moderate')
- Highways authority raise initial concerns with highways capacity in surrounding area

Conclusion

Having regard to all site assessment factors set out in the proforma, the site is

not considered to perform so well compared to other site options that it should be allocated instead of, or in addition to, SAD Site 168 and Site 397."

This remains unchanged from the commentary on the site set out in the previous version of the HSSTP issued in 2021 for the preferred options consultation.

RPS response to the Council's assessment

Having reviewed the HSSTP with respect to the sites assessed at Featherstone, including site 170, RPS disputes the conclusions of the Council's site assessment for site 170 and its exclusion from allocation in the SSLP.

Appended to these representations are the following technical information specific to site 170 which provides further supporting information relating to the site and counters the Council's concerns on a technical basis.

- Appendix 1 – Vision Document
- Appendix 2 – Transport Report
- Appendix 3 – Landscape Report
- Appendix 4 – Air Quality Report
- Appendix 5 – Noise Screening Report

Firstly, it is clear, on the Council's own evidence, that site 170 performs well in terms of Green Belt harm ('moderate') and Landscape sensitivity (low-moderate') compared to the other discounted Green Belt sites assessed at Featherstone. The harms identified in relation to these other sites (sites 169, 172, and 396, and 527 all score 'moderate-high for Green Belt harm) which sets these sites apart from site 170. Only site 169 scores similar for landscape sensitivity compared to site 170.

And **secondly**, RPS contends the highways concerns raised by the County Highways Authority (CHA) has been over-stated and result in an unduly negative assessment for the Site. The comments raised by the CHA are set out in Appendix 3 of the HSSTP, and as follows:

"Initial concerns due to A460 capacity issues pre-M54/M6/M6 toll link road and the need for further assessments of impact on wider highways network."

The only technical constraint of relevance to site 170 highlighted in the Council's assessment relates to highways. As explained below, and previously stated at the Regulation 18 consultation stage, an initial transport strategy prepared by PJA, on behalf of Persimmon Homes, outlines how these concerns can be mitigated in order to facilitate suitable development on the Site. The details of this appraisal are provided in a Highway Access and Sustainable Transport Note prepared by PJA, dated April 2020, which is appended to this submission (**Appendix 2**). The purpose of the appraisal was to consider the key transport issues and opportunities for the Site. Based on this analysis, a comprehensive transport strategy devised by PJA is presented, which demonstrates that:

- Vehicular access to the site is deliverable from Brookhouse Lane;
- Pedestrian and cycle connections can be provided to enable access to the site by sustainable modes and provide access to existing local facilities in Featherstone;



- The site is accessible to regular public transport services;
- The site is well located for travel to the key commuting destinations of Wolverhampton and Cannock and also to Junction 1 of the M54; and
- A planned improvement scheme to provide a link road between the M54 and M6 will release capacity to accommodate new development.

Based on the initial findings from this appraisal, RPS disputes the CHA's view further assessments are required at this stage to justify allocating the site on highway capacity grounds. It is clear that there is potential to deliver a transport strategy that can address the concerns identified by the CHA. RPS does not therefore consider that Site 170 should be discounted on highways grounds.

Further update on the M54 to M6 Link Road proposals

According to National Highways¹, on 21 April 2022 the M54 to M6 Link Road Development Consent Order 2022 (the "Order") was granted under the Planning Act 2008 by the Secretary of State for Transport. This means that construction of the new link road can commence. At present, road users wanting to access the M6 north or M6 Toll must use local roads such as the A460, A449 and A5. This means high volumes of both long-distance and local traffic use the local roads to travel this route. A large volume of local and long-distance traffic uses the A460, which passes through the villages of Featherstone, Hilton and Shareshill.

Furthermore, the A460 has just one lane in each direction with numerous junctions and stretches of road with a 30mph speed limit. It was not designed for the amount and type of traffic currently using it. This results in delays, congestion and high accident rates. There are also air quality issues in the villages along the A460 due to the high volume of traffic. The A460 currently carries about 26,500 vehicles each day with heavy goods vehicles making up about 10% of this figure. When the proposed link road is open, it could reduce traffic on the A460 to around 4,000 vehicles each day. This will create a safer and less congested environment for local road users, including pedestrians, cyclists and horse riders. Improving the link between the M54 and the M6 will therefore provide additional capacity and relieve traffic congestion on the A460, A449, and A5, providing more reliable journey times.

For these reasons, RPS contends that the assessment, and in particular the CHA comments, are unduly negative with respect to site 170, in particular with respect to highways concerns, which does not take into account the benefits of the new M54 to M6 link road and the expected reduction in traffic volumes on the A460 that runs through Featherstone village. On this basis, the reasons for excluding site 170 on highways grounds has not been established and therefore is not justified.

Response to the Council's 'site constraints' identified in the site assessment

Appendix 3 of the HSSTP for the Site includes a number of other criteria to which RPS wishes to raise objections on soundness grounds. These are set out below.

¹ <https://nationalhighways.co.uk/our-roads/west-midlands/m54-to-m6-link-road/>



Impact on historic environment

RPS notes that site 170 scores 'amber' with respect to potential for 'indirect' impacts upon the setting of nationally and locally designated heritage assets. This is based on information set out in Appendix 1 of the South Staffordshire Historic Environment Site Assessment 2020 (HESA). This report suggests the site is located 145 metres from a designated asset (Grade II listed Moseley Old Hall) and so any development on the Site would need to ensure its setting is protected. It is noted that this score indicates that there are no significant effects which cannot be mitigated through development on the Site, and thus does not represent a significant that prevents the allocation of the Site for residential development. Nevertheless, the methodology set out in section 3 of the HESA main report does not define how distance is to be applied in defining the setting of heritage assets, and thus the potential impact on those assets. The assessment for site 170 is relation to setting is therefore arbitrary in nature and does not represent a robust assessment.

Furthermore, the illustrative masterplan set out in the Vision Document which is appended to this submission (**Appendix 1**) shows that built development would be significantly set back from the edge of the site, which would increase the 'stand-off' to c. 330 metres, more than double the Council's estimate. This needs to be taken into account by the Council as part of a revised assessment of impact on the historic environment.

Known site constraints

The HSSTP identifies a number of 'known constraints' relating to site 170. The assessment identifies that development on site 170 would appear to remove agricultural field. Whilst this may be so, national policy does not protect agricultural land for its own sake, and therefore loss of agricultural land is not a reason to preclude development on the Site and, therefore, should not be defined as being a constraint.

The HSSTP flags that the Site is located within a Minerals Safeguarding Area (MSA) and Coal Authority High Risk Area. Whilst these designations cover the Site, they do not of themselves preclude development from coming forward on the Site or prevent the Site for being allocated for residential development, given the MSA also covers the two allocated sites at Featherstone (site 168 and 397).

The HSSTP also highlights the presence of a 'large area of TPOs (Tree Preservation Order) 'in the centre of the site'. However, a simple review of aerial photographs clearly show the centre of the Site as being open, consistent with its agricultural use. It is therefore disputed whether this is justifiable constraint applicable to the Site.

The HSSTP also highlights the need for a Flood Risk Assessment (FRA) as part of any future planning application. This is standard practice in line with national policy and does not preclude the allocation of the Site for residential development.

With regards to highways constraints, please refer to the response set out above. In addition, assessments on air quality (**Appendix 4**) and noise (**Appendix 5**) have



been prepared, which show that these are not factors that would preclude development coming forward on the site.

RPS conclusions on the Council’s assessment of site 170

RPS does not agree with overall conclusions drawn by the Council in relation to site 170 which has resulted in its exclusion from the SSLP. Based on the foregoing analysis, whilst some constraints may impact on the Site, none of them preclude residential development on the Site, nor do they prevent the Site from being allocated in the local plan for residential use. RPS does not consider the reasons for excluding the site to be soundly-based (not justified) for the reasons set out in this submission.

(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.

Allocate additional land at Featherstone; Land east of Brookhouse Lane, promoted by Persimmon Homes should be preferred.

(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

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:

RPS has raised specific issues and concerns through this representation that goes to the soundness of the SSLP and it is essential these concerns and the councils evidence is fully tested.

***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>

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