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**South Staffordshire Local Plan
Publication
Representations on behalf of
Taylor Wimpey**

Land at Clent View Road, Stourbridge

Taylor Wimpey

22 December 2022

LICHFIELDS

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1.0 Introduction

- 1.1 These representations to the South Staffordshire Local Plan Review Publication Plan (“the PP”) have been prepared by Lichfields on behalf of Taylor Wimpey.
- 1.2 These representations focus on both the strategic and non-strategic matters that are contained within the PP consultation document and relate specifically to Taylor Wimpey’s site entitled Clent View Road, Stourbridge (“the Site”). The site is within a cross-boundary location split between South Staffordshire District Council and Dudley Metropolitan Borough Council.
- 1.3 The site is located within the Green Belt and was assessed to as a potential option for residential development during within the 2019 Green Belt Study (GBS) and the subsequent addendum (2022), Site reference 683. Furthermore, the site has been assessed within the 2021 and 2022 SHLAAs as well as the 2022 Housing Site Selection Topic Paper. In this regard, it is clear that the site does have the potential to come forward for residential and presents an opportunity to help meet the District’s emerging housing need.
- 1.4 Taylor Wimpey seeks to work constructively with South Staffordshire Council (“the Council”) as it progresses towards the adoption of the Local Plan Review and trusts that the comments contained within this document will assist Officers in this regard.
- 1.5 Taylor Wimpey welcomes the opportunity to participate in examination hearing sessions given the recommended amendments presented within these representations.
- 1.6 Our representations have raised key matters relating to the soundness and legal compliance of the PP in relation to the site. It is essential that we are able to appear at the Examination to put forward evidence on the delivery of the site to its most effective degree and respond to any matters raised and clarifications required by the Inspector.

Plan-making to date

- 1.7 To date, the Council has consulted on an ‘Issues and Options Consultation’ (“IOC”) between 8 October and 30 November 2018, followed by the South Staffordshire Spatial Housing Strategy & Infrastructure Delivery (“the SHSID”) and the Infrastructure Delivery Plan 2019 [IDP] between 17 October until 12 December 2019.
- 1.8 The IOC did not define the Council’s preferred approach, but rather considered a range of five potential future spatial strategies to meet the Council’s preferred level of housing growth for the District up to 2037. Consequently, the SHSID sought views on how the Council’s housing target could be best planned for through a variety of Spatial Housing Options to distribute housing growth across the district. This was followed by the Preferred Options consultation from November to December 2021, which set out an infrastructure-led strategy, and proposed site allocations to meet the district’s (*inter alia*) housing needs. The Council is now undertaking a consultation on the PP, which asks for views on the legal soundness of the Council’s PP and the policies within it.

- 1.9 The consultation on the PP is live between 11 November and 23 December. The Plan sets out the amount of development that is needed in the District and allocates sites to meet this need.
- 1.10 In this context, Taylor Wimpey is promoting Clent View Road for residential development. The 19.6ha site is located 2.5km south-west of the centre of Stourbridge and immediately abuts the established residential suburb of Stourbridge to the east which is located within Dudley's administrative boundary. It is bound to the north by a public bridleway beyond which is dense woodland and agricultural land. To the east there is a permissive footpath named 'Roman Road', Clent View Road and the urban areas of Stourbridge. The footpath is separated from the site and Clent View Road by hedgerows. To the south there is a Public Right of Way and a line of mature trees beyond which lies agricultural land. To the west, a line of trees extending from the northern boundary of the site to Frog Hall Cottages. The west is further bounded by a heavily wooded area, and a further line of trees which joins the wooded area to the south-west of the site, beyond which lies agricultural land.
- 1.11 The site is located primarily within the local authority boundary of South Staffordshire District council but is also partially within the authority boundary of Dudley Metropolitan Borough Council.
- 1.12 Clent View Road is a suitable option for Green Belt release through the upcoming Local Plan Review and is capable of contributing towards the emerging housing need in a sustainable an appropriate manner.

Structure

- 1.13 These representations are structured around the policies set out in the PP consultation, these being:
- Policy DS5: The Spatial Strategy to 2039;
 - Policy SA5: Housing Allocations;
 - Policy HC1: Housing Mix; and
 - Policy NB6: Sustainable construction.

2.0 **Areas of Response**

2.1 Taylor Wimpey's response to the PP is set out below, using the draft policies contained in the PP document for continuity.

Policy DS5: The Spatial Strategy to 2039;

2.2 Draft Policy DS5 (The Spatial Strategy to 2039) sets out the Council's proposed spatial strategy to address the plan's housing requirement for the plan period up to 2039, outlining where development should be directed towards. The PP notes that the proposed spatial strategy has been revised since the PO, following comments received during the consultation (Para 5.20). The draft policy notes that an integral part of the Strategy is *"to ensure that growth is distributed to the district's most sustainable locations, avoiding a disproportionate level of growth in the district's less sustainable settlements, whilst also recognising that very limited growth in less sustainable areas may be appropriate in limited circumstances set out in the settlement hierarchy below."*

2.3 Taylor Wimpey supports the general thrust of the Council's preferred spatial strategy. However, Taylor Wimpey has the below comments on draft Policy DS5 and the distribution of housing across the District. It is recommended that the Council addresses the concerns raised below in order to ensure that a robust and sound policy is adopted.

Western Edge of the Black Country: Stourbridge

2.4 Taylor Wimpey have concerns regarding the Council's consideration of the western edge of the Black Country, with specific reference to the south-west border of Stourbridge and its ability to accommodate growth. The Council's PP document has not had due regard to the role that the settlements along the western edge of the Black Country holds in terms of achieving sustainable development and addressing the housing need, such as Stourbridge. The settlement is sustainably located and utilises the variety of existing services, facilities, and employment opportunities available. Despite this, the spatial strategy contained within draft Policy DS5 has ignored the strategic role of settlements on the western edge of the Black Country such as Stourbridge, even though several services and facilities fall within the settlement's boundary.

2.5 In this regard, Taylor Wimpey is concerned that the Council has not appropriately considered growth on the western edge of the Black Country, which could warrant its approach unreasonable.

2.6 The PP has proposed a limited number of allocations along the western edge of the Black Country, or at all along the south-western edge of Stourbridge. However, Taylor Wimpey considers that development on the edge of Dudley should be supported given the functional relationship between the two Councils. In consideration of Stourbridge's abundance of services and facilities, cross-boundary growth is a suitable strategy that can help address the unmet housing need within Dudley, as well as the wider GBBCHMA. Stourbridge is sustainably located on the western edge of the black Country, which utilises the variety of existing services, facilities, and employment opportunities within the settlement boundary as well as the wider Local Authority area. Therefore, Taylor Wimpey considers that it would be a highly appropriate and reasonable strategy to direct growth towards the western edge of the Black Country.

- 2.7 In essence, the Council's PP appears to have had limited regard to the role that development on the western edge of the Black Country could play in addressing the District's housing needs as well as the unmet housing need within the GBBCHMA. Paragraph 2.2 of the PP acknowledges that *"The district adjoins the major urban area of the West Midlands Conurbation including the Black Country boroughs of Dudley, Walsall and the City of Wolverhampton."* Paragraph 5.47 of the PP continues by stating that:

"Housing growth will be delivered adjacent to the western edge of the Black Country, allowing for the limited expansion of the Black Country urban area."
- 2.8 Fundamentally, it is clear that the Council has accepted that growth needs to be directed towards this location and that there are appropriate sites along the western edge of the Black Country which are capable of accommodating sustainable development. Page 16 of the PP has further acknowledged the functional relationship between the District and Dudley by stating the following:

"South Staffordshire EDNA (2022) identifies South Staffordshire as being in the same FEMA (Functional Economic Market Area) as Cannock Chase, Dudley, Stafford, Walsall and Wolverhampton."
- 2.9 Paragraph 5.48 of the PP further approves of directing development towards the western edge of the Black Country by stating that:

"This area provides an opportunity to accommodate housing growth directly adjacent to the towns and cities within the Black Country, in a location identified as a strategic priority for dispersed housing growth in the GBBCHMA Strategic Growth Study"
- 2.10 This is welcomed by Taylor Wimpey as it is entirely appropriate for the Council to direct growth towards settlements on the western edge of the Black Country, such as Stourbridge. The PP recognises the functional relationship between South Staffordshire and the western edge of the Black Country as well as the opportunity to achieve sustainable growth within this location. Should appropriate cross-boundary cooperation be achieved between the two Councils, this is an entirely appropriate location to direct further growth towards, with specific reference to the site. In this respect, Taylor Wimpey encourages the Council to provide further consideration to the potential for achieving sustainable development along the western edge of the Black Country.
- 2.11 However, as previously acknowledged, the PP has directed development towards only one location on the Dudley-South Staffordshire Border with the Council's singular reason being that Dudley has only a relatively limited unmet need when compared to the rest of the GBBCHMA as stated by paragraphs 5.19 and 5.48 within the PP. In this regard, Taylor Wimpey disagrees with the Council's conclusions and the proposed spatial strategy as the western edge of the Black Country has been identified as an area capable of accommodating future growth but has only received one draft allocation within the PP.
- 2.12 Taylor Wimpey therefore requests that the Council considers a modification to draft Policy DS5 and to consider the issues raised within these representations. In particular, Taylor Wimpey considers that the Council should direct further residential development towards the western edge of the Black Country, specifically along the border of Stourbridge.

Why is the policy unsound?

- 2.13 The PP acknowledges that the western edge of the Black Country provides suitable opportunities for growth, paragraph 5.48 of the PP states the following:

“This area provides an opportunity to accommodate housing growth directly adjacent to the towns and cities within the Black Country, in a location identified as a strategic priority for dispersed housing growth in the GBBCHMA Strategic Growth Study.”

- 2.14 However, the PP has directed development towards only one location on the Dudley-South Staffordshire Border with the Council’s singular reason being that Dudley has only a relatively limited unmet need when compared to the rest of the GBBCHMA. In this regard, Taylor Wimpey disagrees with the Council’s conclusions and proposed spatial strategy as discussed above. Furthermore, the Duty to Cooperate requires the Council to engage with the surrounding Local Authorities and to accommodate an appropriate portion of the unmet housing needs. As stated within the PP, it appears that the Council does not intend to allocate housing along the western edge of the black County given the relatively limited unmet need within Dudley. However, Taylor Wimpey does not consider this strategy to be sound and requests that the Council acknowledges the opportunity to direct development towards the western edge of the Black Country in a sustainable and appropriate manner.

Recommended steps to ensure soundness

- 2.15 Taylor Wimpey therefore requests the Council to consider a modification to draft Policy DS5. In particular, Taylor Wimpey considers that the Council should allocate further residential development towards the western edge of the Black Country, specifically along the border of Stourbridge at Client View Road.

Policy SA5: Housing Allocations

- 2.16 Policy SA5 of the PP sets out the preferred site allocations across the District over the Plan Period. The PP only proposes one allocation along the western edge of the Black Country after discounting a number of sites, including Taylor Wimpey’s site, Clent View Road (site reference 285).
- 2.17 Importantly, the PPG and Friends of the Earth High Court judgment are clear that reasonable alternatives must be identified and assessed to provide adequate reasoning for why sites should be preferred or rejected in favour of alternative means. The latest version of the ‘Sustainability Appraisal (2022)’, the 2022 GBS and the ‘Housing Site Selection Topic Paper (2022)’ [HSSTP] have been published to reflect the site selection process underpinning the PP document. In selecting the preferred site allocations, the HSSTP has considered the findings of the SA and the GBS as well as an assessment of site constraints and opportunities, and a sequential test.
- 2.18 Taylor Wimpey welcomes the Council’s recognition of the need to review the Green Belt to ensure that its housing need can be met, and a contribution to the GBBCHMA’s unmet need can be provided. Critically, Taylor Wimpey supports the Council’s judgement that the acuteness of unmet housing needs across the GBBCHMA constitutes exceptional circumstances for the release of land from the Green Belt. However, Taylor Wimpey has some concerns regarding the site selection process carried out and considers the methodology and assessment of individual sites to be flawed with regards to their land interests at Clent View Road, Stourbridge.

- 2.19 The HSSTP makes specific comments relating to the site stating that the reason for discounting the site from the Local Plan Review was because it was “Assessed as *'unsuitable' in the SHELAA*”. Furthermore, as stated within the 2019 GBS, the harm associated with developing this site was assessed as high due to its location within the Green Belt.
- 2.20 However, it is important to note that the HSSTP identifies the total site area as 29.05ha, whereas, and as previously noted above, the proposed site area for Clent View Road is a much smaller 19.6ha. And thus, Taylor Wimpey considers that the site has been inappropriately assessed within both the 2021 SHELAA and the HSSTP. Furthermore, and most importantly, the only reason for discounting the site was because the site is a cross-boundary opportunity, and there is no suggestion that Dudley MBC are allocating the land in their portions of the site meaning that the site is currently disassociated from the settlement. This is concluded within the 2022 SHELAA.
- 2.21 Importantly, Taylor Wimpey’s vision for the Site does not comprise the full area of the Site. As such, the 415 dwellings suggested capacity of the Site in the ‘Strategic Housing and Economic Land Availability Assessment November 2022’ [SHELAA] is greater than that proposed by Taylor Wimpey (i.e. 400 dwellings).
- 2.22 With regards to the impact on the Green Belt, whilst the Site (Ref: 683) sits within ‘Sub-Parcel Ref S82C of the Stage 2 Green Belt Assessment (“the Stage 2 assessment”)', which concludes that the degree of harm that would result from the release of the site would be ‘High’. As previously stated, the site area assessed within the GBS and the 2022 SHELAA (c.29ha) is not the site area being promoted for development. In this regard, Taylor Wimpey consider that the potential harm created as a result of the proposed development would not be to the level assessed within the GBS and may even fall towards the ‘Moderate’ level of harm. Coupled with the inclusion of mitigation and offsetting measures, including open space and a green infrastructure network, the release of the Site would accord with paragraph 140 of the NPPF.
- 2.23 In any event, whilst it is justified to consider ‘harm’ in the balance when assessing exceptional circumstances for Green Belt release, it is not compliant with national policy to release only those sites which perform the worst against the Green Belt purposes (i.e. low Green Belt harm). There is a need to consider the broader Green Belt policies in the NPPF as a whole. As such, regard should be had to the promotion of sustainable patterns of development, access to public transport, whether compensatory improvements could offset the harm from removal (Para 142, NPPF), and consistency of the Green Belt with the emerging Local Plan strategy.
- 2.24 In this context, it is an essential part of the exceptional circumstances test that logically exceptional circumstances must be capable of trumping the purposes of the Green Belt¹. For example, it is conceptually possible for Green Belt land that fulfils strong Green Belt purposes to be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development, for example, to secure further land supply via more sustainable patterns of development.
- 2.25 As such, Taylor Wimpey consider that it is entirely reasonable, and appropriate, for land which fulfils strong Green Belt purposes to be released where exceptional circumstances are evidenced. The site is located on the edge of Stourbridge, which has high sustainability

¹ Paragraph 42, *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078

credentials in terms of proximity to the existing shops and services, and access to existing transport routes and infrastructure. As a result, Taylor Wimpey still contend that the Council has continued to ignore the strategic role of settlements on the western edge of the Black Country such as Stourbridge, even though several services and facilities fall within the settlement's boundary.

2.26 Working in consideration that a smaller area than what has previously been assessed would be developed, the site would be well-served by the existing transport infrastructure (Para 142, NPPF) and wider mitigation benefits, such as the provision of new open space (Para 138, NPPF), the site should be removed from the Green Belt.

2.27 Overall, It is evident that there are opportunities to allocate additional 'suitable, available and achievable' land and sites in sustainable locations across the District, in particular along the western edge of the Black Country. This location is a suitable option for growth that is capable of contributing towards the housing need emerging through the Local Plan Review. Specifically, Taylor Wimpey recommends that Clent View Road should be allocated for residential development as it is a sustainable and appropriate opportunity to provide much needed housing within the upcoming Plan period. Importantly, the Council has identified exceptional circumstances for reviewing the Green Belt, and thus Taylor Wimpey encourages the Council to consider Clent View Road as a suitable opportunity for residential development.

Why is the policy unsound?

2.28 Site 683 was discounted from the Local Plan Review on what Taylor Wimpey considers to be inaccurate and unreasonable terms.

2.29 It is important to note that in any event, whilst it is justified to consider 'harm' in the balance when assessing exceptional circumstances for Green Belt release, it is not compliant with national policy to release only those sites which perform the worst against the Green Belt purposes (i.e. low Green Belt harm). There is a need to consider the broader Green Belt policies in the NPPF as a whole. As such, regard should be had to the promotion of sustainable patterns of development, access to public transport, whether compensatory improvements could offset the harm from removal (Para 142, NPPF), and consistency of the Green Belt with the emerging Local Plan strategy.

2.30 Therefore, it is conceptually possible for Green Belt land that fulfils strong Green Belt purposes to be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development, for example, to secure further land supply via more sustainable patterns of development.

2.31 As discussed above, the western edge of the Black Country has been identified within the PP as a suitable location for accommodating future growth but has received a limited number of allocations. Furthermore, Taylor Wimpey considers that site 683 has been inaccurately assessed within both the GBS and the SHELAA and thus the level of harm identified within these assessments is likely to be of a lower level. In this regard, Taylor Wimpey not only encourages the Council to direct further development towards the western edge of the Black Country, but to also reconsider site 683 for residential development.

Recommended steps to ensure soundness

- 2.32 Taylor Wimpey encourages the Council to consider and appropriately assess further sites to be released from the Green Belt along the western edge of the Black Country. This is an essential step forward in terms of addressing the identified housing need in a sustainable manner as well as producing a robust and sound policy.
- 2.33 Furthermore, Taylor Wimpey recommends that the Council further assesses site 683 in terms of being released from the Green Belt to help meet the identified housing need. The site is located within a sustainable location well supported by the services and facilities located within Stourbridge and is a suitable option for achieving housing growth within the Plan period.
- 2.34 As previously mentioned, the release of sites from the Green Belt within sustainable locations and with good access to public transport could offset the harm of removal when appropriate compensatory improvements are provided. This would accord with paragraph 142 of the NPPF ensuring that draft Policy SA5 is legally compliant and sound.

Policy HC1: Housing Mix

- 2.35 The PP sets out Policy HC1 which is proposed to ensure a mix of property sizes that reflects the latest needs set out in the Council's latest Housing Market Assessment and requests that *"Proposals must contribute to better balancing the district's housing market, particularly by increasing the supply of 2 and 3 bedroom homes in all areas, especially on the open market"*. The Council's proposed direction of travel as set out within Policy HC1 (Housing Mix), includes a requirement for all market housing to deliver a minimum of 70% of properties with 3 bedrooms or less and those proposals *"that fail to make an efficient use of land by providing a disproportionate amount of large, 4+ bedroom homes"* will be refused.
- 2.36 In this context, the NPPF highlights the importance of ensuring an appropriate housing mix is addressed by local planning authorities, stating that it is important that the needs of groups with specific housing requirements are addressed (Para 60). It goes on to state that *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"* (Para 62). Furthermore, the PPG states that *"strategic policy-making authorities will need to look at the current stock of houses of different sizes and assess whether these match current and future needs"* (PPG ID: 2a-023).
- 2.37 In this regard, Taylor Wimpey consider that an appropriate strategy would be for the Council to address the District's future housing mix and tenure needs within the Local Plan Review and that if adopted, this approach would in principle, align with the requirements set out in the NPPF and PPG. However, Taylor Wimpey has some comments regarding the Council's proposed strategy and in particular the inflexibility of the policy.
- 2.38 Firstly, as established in the *'William Davis Ltd v Charnwood Borough Council'*² judgment, Taylor Wimpey recommends that the Council should explicitly set out market and affordable housing mixes by dwelling size within the policy itself, which can be guided by the Council's evidence base (i.e. the latest Housing Market Assessment). Secondly, the policy should include wording that defers to alternative mixes should more up-to-date information become available. This is because the latest Housing Market Assessment is a point in time assessment, and the needs and demands for dwelling sizes within the District

² William Davis Ltd v Charnwood BC Queen's Bench Division (Administrative Court) 23 November 2017 [2017] EWHC 3006 (Admin)

will evolve over time, and the policy should be suitably flexible for developments to respond to this.

- 2.39 In addition to the above, the Council’s proposed direction of travel implies that the policy would set out the housing mix which reflects the District-wide level (i.e. an average housing mix for South Staffordshire). In this instance, Taylor Wimpey would have concerns in relation to a prescriptive District-wide approach.
- 2.40 It would be an unsuitable strategy to apply a prescriptive mix to all development sites now as individual sites may not come forward for several years, by which time the District’s evidence base would be out of date. Draft Policy HC1 should allow for proposed housing mixes to be justified based on market signals and evidence of housing need and demand at the point of decision-making, rather than a prescribed housing mix set out in the current Housing Market Assessment that could quickly become out-of-date. This is crucial as a more up-to-date assessment of local housing needs could likely supersede the latest Housing Market Assessment at the point of decision-making. By way of example, as demographically derived market housing needs are not necessarily reflective of future market demand and wider trends, this is indicated in the PPG³. Any current assessment of housing mix is likely to not reflect the changing demand for properties as a result of the Covid-19 pandemic, working from home practices and the evolution of the market.
- 2.41 Furthermore, It would be an unsuitable and inflexible strategy to prescriptively apply a District-wide housing mix when different areas will have differing requirements and demographic profiles. Indeed, the Housing Market Assessment, which includes a review of the housing market sub-areas within the District, demonstrates this. By way of example, the latest Housing Market Assessment (Appendix 3) assesses the sub-area results for the type and tenure of new housing needed. In particular, it identifies that the North-Western Sub-Area has a c.31.6% demand for 4+ bed first homes. Similarly, the North Eastern Sub-Area had a c.31% demand for 4+ bed First Homes.
- 2.42 Notably, the above examples from the Council’s Housing Market Assessment are above the implied 30% limit set out in the Council’s proposed direction of travel, which states that 70% of properties should ‘have 3 bedrooms or less’ and that proposals with a ‘disproportionate amount of large, 4+ bedroom homes’ would be refused.
- 2.43 Taylor Wimpey therefore supports the Council’s approach of assessing development on a site-by-site basis, but encourages the Council to apply a degree of flexibility to the Policy. The housing mix should be determined in accordance with the most up to date market evidence.
- 2.44 Flexibility within the policy is required as the housing mixes across urban, suburban and rural areas will generally be reflective of the locations’ existing characteristics. For example, densities in urban areas will generally be higher (and more suited to smaller 1-2 bed dwellings) in urban areas and town centres, whilst being lower on the edge of settlements and in rural areas. This is generally consistent with NPPF paragraph 124, in regard to making effective and efficient use of land and achieving appropriate densities. It would, therefore, be reasonable for schemes across the District to deliver different mixes of housing whilst still meeting the overall District-wide need.
- 2.45 Moreover, it is important to consider more recent trends in housing occupation following the outbreak of Covid-19. In this context, the Covid-19 pandemic has led many people to reconsider their living environments and has increased the demand for properties with

³ PPG ID: 2a-023

more internal and external space. This will include living and sleeping space as well as additional space at home to work. Indeed, the Council recognises that *“home working is becoming an increasing feature in rural areas, which has been further accelerated as an effect of the Covid-19 pandemic”* in the ‘Economic Prosperity – issues and challenges’ (Table 4) of the PP. However, the latest Housing Market Assessment has not fully considered the implications of this. Taylor Wimpey acknowledges that in between the Preferred Options Consultation and the PP, the Council has increased the maximum provision of 4+ bedroom dwellings from 25% to 30%, this is welcomed. However, it is encouraged that the Council apply a degree of flexibility and that housing mix should be determined on a site-by-site basis opposed to requiring a prescriptive district-wide standard.

- 2.46 In summary, whilst Taylor Wimpey would support the inclusion of a housing mix policy within the Local Plan Review, the Council should not be overly prescriptive in the application of a principally demographically derived District-wide housing mix. Indeed, the Housing Market Assessment is clear that the *“profile set out is a guide to the overall mix of accommodation required in South Staffordshire although it is acknowledged that the Council may wish to divert away from this profile in particular instances”* (Para 8.12). A degree of flexibility is encouraged by Taylor Wimpey.

Why is the policy unsound?

- 2.47 In this regard, Taylor Wimpey is concerned that Policy HC1 as it is drafted is unsound. Paragraph 82d of the NPPF requires that planning policies:

“be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

- 2.48 Furthermore, paragraph 62 of the NPPF states that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*. As it is drafted, Policy HC1 is overly prescriptive and does not allow for sufficient flexibility to react to new evidence that suggests the districts housing needs have changed. Furthermore, the Councils district wide approach to housing mixes does not adequately assess the housing needs of different communities within the District.

Recommended steps to ensure soundness

- 2.49 Taylor Wimpey therefore recommends that Policy HC1 be amended to allow for housing mixes to be justified based upon up-to-date market evidence of housing need and demand at the point of decision making. This would ensure that the PP is sound and compliant with paragraphs 62 and 82d of the NPPF.

Policy NB6: Sustainable construction

- 2.50 Taylor Wimpey fully supports emerging policies seeking to tackle climate change with proactive sustainable measures. However, policies must be sufficiently flexible and fit for purpose and factor in the viability appraisal of proposed planning policies.
- 2.51 Taylor Wimpey supports the government’s proposal to achieve ‘Zero Carbon Ready’ homes by 2025. As stated within national guidance, this will be achieved through the application of

low carbon heating and hot water technology and highly insulated fabric building elements i.e. walls, floors and roofs which will in turn reduce the energy demand for the home. The decarbonisation of the electricity grid will only improve the carbon reduction of a proposed development over time.

2.52 Draft Policy NB6 seeks to ensure that:

“New development of one or more new dwellings must achieve net zero regulated carbon emissions. In achieving this all schemes must demonstrate application of the energy hierarchy through submission of an energy statement showing compliance with all of the following:

- A minimum 63% reduction in carbon emissions is achieved for each dwelling by on-site measures compared to the relevant baseline rates set by Building Regulations Part L 2021.”*

2.53 Taylor Wimpey welcomes the proposed policy to reduce carbon emissions on proposed developments. However, Until Future Home Standard and the supporting SAP software finalised (Government due to consult 2023) the industry will be unable to confirm it building specification and carbon reduction over Building Regulations 2013 or 2021 when this policy is targeted for adoption or Future Homes Standard becomes legislation in 2025. Therefore the proposed policy should be flexible to allow developers to utilise the most appropriate technology available at that time. The Government’s approach “remains technology-neutral and designers will retain the flexibility they need to use the materials and technologies that suit the circumstances of a site and their business”. (MHCLG Summary Response to the FHS (2019 Consultation Changes to Part L and F).

2.54 Reference should be made to those matters that are yet to be finalised by Government. Whilst the Government’s response to the FHS (2019 Consultation Changes to Part L and F) states that local planning authorities will retain powers to set local energy efficiency standards for new homes, it also states “as we move to ever higher levels of energy efficiency standards for new homes with the 2021 Part L uplift and Future Homes Standard, it is less likely that local authorities will need to set local energy efficiency standards in order to achieve our shared net zero goal”. (MHCLG Summary Response to the FHS (2019 Consultation Changes to Part L and F). The Government’s proposals set out in both part 1 of its Future Home Standards Consultation and the 10 points for a green industrial revolution have set a target for homes to be ‘zero carbon ready’ from 2025 rather than necessarily achieving ‘zero carbon’ from 2025.

2.55 The costs of introducing proposed policy requirements must be included within the Plan viability assessment and viability assessment of strategic sites. This should include the cost of utility network upgrades to support proposed technologies. Where a viability assessment is submitted to accompany a planning application, this should be based upon and refer back to the viability assessment that informed the plan, with evidence of what has changed since then.

2.56 Additionally, the Building regulations (Part L) have recently changed in order to deliver the Government’s ‘Future Homes Standard’ which meant from 15 June 2022, homes will have to

achieve a 31% reduction in carbon emissions when compared to previous standards⁴. This is a step towards achieving zero carbon homes by 2025.

- 2.57 The Council's proposed strategy aims to seek carbon reduction standards above those introduced by the Government in June 2022. Taylor Wimpey does not accept the proposed direction of travel within draft Policy NB6 as there is no evidence to support the departure from the latest changes to the building regulations (Part L). Taylor Wimpey acknowledges that the 2020 Staffordshire Climate Change Mitigation and Adaptation Study did support the introduction of locally set standards at the time of being published. However, and most importantly, the study recognised that its recommendations would be subject to and affected by any future consultations held by the Government in terms of building regulations and Conservation standards.
- 2.58 Following a review of the 2022 Sustainable Construction and Renewable Energy Study (SCRE) submitted in support of the PP, Taylor Wimpey considers that the 63% reduction in carbon emissions against the 2022 Building Regulations Part L is not justified. The SCRE only refers to legal acts such as the Energy Act 2008 when justifying departure from the 2022 building regulations (Part L) but does not provide supporting evidence to deem this direction of travel as being necessary. As draft Policy NB6 has not been justified by sufficient evidence, Taylor Wimpey considers that this policy is not legally compliant with national policy.
- 2.59 Departure from the nationally set building regulations is supported, but without sufficient evidence is not justified and could lead to delays in the fall out of sustainable development. The Government's intention is to achieve zero carbon by 2025 through a step-by-step introduction of higher building regulations. The District's departure from the national standards could have damaging impacts on the market without the support of evidence, and should therefore aim to achieve a nationally shared net zero goal.
- 2.60 As stated by paragraph 31 of the NPPF:
- "The preparation and review of all policies should be underpinned by relevant and up-to-date evidence."*
- 2.61 In order to make the Local Plan Review legally compliant, Taylor Wimpey recommends that the more onerous standard proposed should be reduced to reflect the 2022 building regulations (Part L).
- 2.62 Another requirement set out by draft Policy NB6 is that:
- "Once minimum improvements in fabric efficiency and carbon reduction in (a) are delivered, additional on-site renewable energy generation must be provided, or connections made to on or near site renewable/low-carbon community energy generation and storage networks. Any such measures must be sufficient to achieve at least zero regulated carbon across the scheme and schemes should also look for opportunities to go beyond this standard where feasible. If full compliance is not achieved proposals must demonstrate how such technologies have been provided to the greatest extent feasible."*
- 2.63 Taylor Wimpey, where possible, practical and viable, support the use of onsite renewable energy generation and/or connection to near site renewable low carbon energy networks.

⁴ <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-l>

However, Taylor Wimpey considers that the words ‘possible, practical & viable’ would need to be included within the proposed policy wording.

2.64 Importantly, Taylor Wimpey considers that this is far beyond what is being planned in the regulations and will be an unknown on every site and will come at a risk.

2.65 The third requirement of the proposed policy is that:

“For major developments, any remaining residual regulated carbon emissions which demonstrably cannot be addressed via on or near site, renewable technologies must be offset. Offsetting will only be considered an acceptable alternative to renewable energy generation in meeting net zero carbon requirements if it can be demonstrated that the necessary emission reductions achieved via renewable energy generation are demonstrably unfeasible. Offsetting will be delivered via an in lieu financial contribution to the District Council’s carbon offsetting fund. Any offsetting sum must reflect 30 years of residual emissions arising from the development. The carbon offset price is the latest central figure from the nationally recognised non-traded valuation of carbon, set through the Treasury Green Book.”

2.66 The proposed policy standard exceeds the proposed government Future Homes Standard, proposed industry best practice, and other existing policies in the UK. The proposed policy does not provide viability or justification of uplift over proposed government standards. Taylor Wimpey therefore considers this policy to be unsound.

2.67 In regard to embodied carbon and closing the performance gap, draft Policy NB6 presents the following requirement:

“All major development must also demonstrate in the energy statement how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible, including with regard to the type, life cycle and source of materials to be used. Proposals for development of 50 dwellings or more or 5,000sqm or more of new non-residential gross internal floorspace must be accompanied by a nationally recognised Whole Life Carbon Assessment and demonstrate actions to reduce life-cycle carbon emissions.”

2.68 Taylor Wimpey recognises the importance of reducing embodied carbon within the development process. However, embodied carbon emissions are unregulated in the UK. Current policy and regulation focus solely on operational energy use, as distinct from embodied carbon. There currently does not exist a nationally approved regulator or national recognised standard, national planning policy or building regulation requirement to assess and report embodied carbon emissions or whole life cycle carbon assessments.

2.69 Taylor Wimpey recommends that the Council notes that a report by the Future Home Hub is due to be published in January which will set out some of the barriers to this approach and or what can be achieved in the interim.

2.70 A final requirement set out within policy NB6 is as follows:

“For all major residential and non-residential developments, applicants must also implement a recognised quality regime that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk) matches the calculated design performance of dwellings as specified above. This will be secured via planning

conditions. Developers must ensure that a recognised monitoring regime is put in place to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings (of the council's choosing) for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority."

- 2.71 Taylor Wimpey encourages the Council to note that there is no nationally agreed and approved monitoring approach that could be used to achieve the proposed requirements. Therefore this policy cannot be complied with and is therefore found to be unsound.
- 2.72 The above targets go beyond the proposed plan period and there is no evidence of testing of development viability for such targets or what the phased approach might be. We note that no viability study has been commissioned to evidence or underwrite testing of the various policy options outlined in the consultation and look forward to seeing this.
- 2.73 The costs of introducing proposed policy requirements must be included within the Plan viability assessment and viability assessment of strategic sites. This should include the cost of network upgrades to support technologies. Where a viability assessment is submitted to accompany a planning application, this should be based upon and refer back to the viability assessment that informed the plan, with evidence of what has changed since then.
- 2.74 Taylor Wimpey supports responding to climate change and reducing carbon emissions. However, the proposed draft Policy NB6 is ambiguous and ineffective without the supportive national guidance, regulation, regulator and agreed monitoring approach and does not have the flexibility to respond to an unknown future government regulation or viability.
- 2.75 This policy is therefore considered not to be in accordance with NPPF paragraph 31.

Why is the policy unsound?

- 2.76 As draft Policy NB6 has not been justified by sufficient evidence, Taylor Wimpey considers that this policy does not comply with national policy.
- 2.77 It is the Government's intention is to achieve zero carbon by 2025 through a step-by-step introduction of higher building regulations. The District's departure from the national standards could have damaging impacts on the market without the support of evidence, and should therefore aim to achieve a nationally shared net zero goal.

In regard to the requirement "*Developers must ensure that a recognised monitoring regime is put in place to allow the assessment of energy use, indoor air quality, and overheating risk for 10% of the proposed dwellings (of the council's choosing) for the first five years of their occupancy, and ensure that the information recovered is provided to the applicable occupiers and the planning authority.*" Taylor Wimpey would like to highlight that there is no nationally agreed and approved monitoring approach that could be used to achieve the proposed requirements. Furthermore, the policy is not supported by sufficient evidence or an appropriate viability assessment.

- 2.78 Taylor Wimpey therefore considers that this policy is unsound and does not comply with national planning policy and legislation.

2.79 Overall, the proposed draft Policy NB6 is ambiguous and ineffective without the supportive national guidance, regulation, regulator and agree monitoring approach and does not have the flexibility to respond to an unknown future government regulation or viability.

Recommended steps to ensure soundness

2.80 In order to make the Local Plan Review legally compliant, Taylor Wimpey recommends that the more onerous standard proposed should be reduced to reflect the 2022 building regulations (Part L).

2.81 In consideration of the above, polices should therefore contain wording that that they will be reviewed to account for future changes to Government legislation, policy, guidance and regulation changes. This would ensure compliance with national legislation and that the policy remains to be supported by up-to-date evidence. Furthermore, policies should also contain a viability exception clause and avoid a simple pass or fail test to ensure they do not prejudice the future delivery of sustainable development.

2.82 If the Council wish to depart from national policy and legislation, the policy must be supported by sufficient evidence and have the flexibility to respond to an unknown future government regulation or viability.

2.83 This will ensure that the PP is in compliance with the NPPF which states:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.” (Paragraph 31).

2.84 Furthermore, in terms of achieving on-site renewable energy generation, Taylor Wimpey considers that the words ‘possible, practical & viable’ would need to be included within the proposed policy wording. This is in regard to requirement number two as set out by draft policy NB6 and discussed above.

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