

# **Representations to South Staffordshire District Council's emerging Local Plan Review: Draft Publication Stage Report (Regulation 19) (November 2022) public consultation**

Representation Prepared by:

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**20 December 2022**



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This 'Made' Representations Statement document is submitted by Goldfinch Town Planning Services (West Midlands) in response to South Staffordshire District Council's emerging Local Plan Review Draft Publication Stage Report (November 2022) (Regulation 19) public consultation, which runs **until 12 noon on Friday, 23rd December 2022**.

This 'Made' Representations Statement document has been submitted by e-mail to the following public consultation address on the 20<sup>th</sup> December 2022:

**localplans@sstaffs.gov.uk**

Representation copied to:

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Previous Local Plans Representations activity by Goldfinch Town Planning Services (West Midlands) during the year 2021.

This latest December 2022 Representation submitted to South Staffordshire District Council's emerging Local Plan (Review) Publication Stage Report (Regulation 19) (November 2022) public consultation should also be considered alongside the following representations submitted by Goldfinch Town Planning Services (West Midlands) since December 2021. Representations previously submitted to:

- South Staffordshire District Council's emerging Local Plan (Review) **Preferred Options Stage Report** (November 2021) (Regulation 18) public consultation.

The above representation provides important background information and context and should therefore be considered alongside this latest December 2022 Local Plan representation.



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## Representations to the South Staffordshire District Council's emerging Local Plan Review – Draft Publication Stage Report (Regulation 19) (November 2022) public consultation

### - Comment Form

#### Part A – Personal Details

South Staffordshire District Council's emerging Local Plan Review – Publication Stage Report (Regulation 19) (November 2022)		
	1 Personal details	2. Agent's details (if applicable)
Title	MR	Not Applicable
First name	ROBIN	As above
Last name	WHITEHOUSE	-
Job Title ( <i>where relevant</i> )	DIRECTOR	-
Organisation ( <i>where relevant</i> )	GOLDFINCH TOWN PLANNING SERVICES (WEST MIDLANDS)	-
House No./Street/ Town	Personal information withheld as part of our Legal rights under the UK General Data Protection Regulation (Regulation (EU) (2016/679) ('UK GDPR') (as amended); the Data Protection Act 2018 ('the Act'); the Privacy and Electronic Communications (EC Directive) Regulations 2003 ('PECR'); and 'data misuse' covered by the Computer Misuse Act 1990.	-
Post code	As above	-
Telephone number	As above	-
E-mail address	As above	-

Please indicate which of these best describes you / your role in responding to this consultation	
Resident or Individual	
Planning Agent or Consultant	X
Developer or Investor	
Landowner	
Local Business	
Land and Property Agent or Surveyor	
Local Authority	
Public service provider. e.g. education establishment, health, etc	
Public agency / organisation	
Community or other Organisation	
Local Resident	
Statutory Consultee	
Charity	
Other (please specify in space below):	

<b>Type of Representation:</b> Is this Representation supporting or objecting to South Staffordshire District Council’s emerging Local Plan Review Publication Stage Report (Regulation 19) (November 2022) public consultation?			
<b>Supporting</b>		<b>Objecting</b>	X

Date	20 December 2022
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**Part B – Please use a separate sheet for each representation**

Name of organisation submitting representation	<b>Goldfinch Town Planning Services (West Midlands)</b>
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3. To which part of the Local Plan relate?	
Paragraph	See further below Representation
Policy	See further below Representation
Policies Map	

4. Do you consider the Plan is:					
(1) Legally compliant		Yes		No	<b>X</b>
(2) Sound		Yes		No	<b>X</b>
(3) Complies with the duty to co-operate		Yes		No	<b>X</b>

**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.**

See our Representation further below.

(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.**

See our Representation further below.

(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)?**

	<b>No</b> , I do not wish to participate in hearing session(s)		<b>X</b>	<b>Yes</b> , I wish to participate in hearing session(s)
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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:**

Goldfinch Town Planning Services (West Midlands) has considerable planning policy concerns that the Council's Publication Stage Report (Regulation 19) (November 2022) public consultation report is an unsound plan, is insufficiently robust and is failing the various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents a to d) of the Revised National Planning Policy Framework (NPPF) (July 2021).

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation. We have concerns that the emerging Local Plan Review is essentially being supported by a huge mountain of heavily out-of-date, not fit-for-purpose and insufficiently robust supporting background technical evidence, and does not therefore conform with the planning policy approach expected by paragraphs 16 (indent b), 31, 35 and 82 (indent d) of the Revised NPPF (2021).

In respect of the districts housing and employment land needs, we maintain our view that the planning policy assumptions underpinning the future spatial distribution of both new housing development and employment land development across the South Staffordshire District are essentially sitting on top of a huge mountain of insufficiently robust and heavily-out-date background technical evidence base, and the year 2012 Core Strategy is being used by the Local Planning Authority to heavily influence and directly force-through an unsound, heavily out-of-date and insufficiently robust spatial planning policy framework approach into the South Staffordshire District. Contrary to the tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 of the Revised NPPF (2021), as well as guidance in paragraphs 16 (indent b), 31 and 82 (indent d) of the Revised NPPF (2021).

The Council's Planning Policy Team has failed to take into account the presence of a 300-year-economic-recession-event now adversely affecting the district and the wider UK economy in its approach taken towards Local Plan preparation - in direct conflict with paragraphs 16 (indent b), 31 and 82 (indent d) of the Revised NPPF (2021). As well as being in direct conflict with the tests of 'Soundness' as reinforced within paragraph 35 indents: (indent b – the plan is not based on proportionate evidence) and (indent c – the plan is not deliverable over the plan period).

Finally, we have continued concerns that South Staffordshire District Council's Planning Policy Team is forcing through and proposing huge levels of unsustainable and environmentally damaging patterns of new housing, employment land and gypsy and traveller pitches development across the South Staffordshire District, and is therefore not promoting the most environmentally sustainable patterns of development across the district, in direct conflict with the 'Sustainability' test of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021). These issues are covered in further detail within this wider Representations Statement.

## **SUMMARY OF KEY ISSUES COVERED IN THIS REPRESENTATION**

- We object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation.
- The level of estimated housing need being proposed within the Publication Stage Report (Regulation 19) (November 2022) within the emerging Local Plan Review across the South Staffordshire District is far too excessive and is based on heavily out-of-date, highly questionable and insufficiently robust evidence, failing the tests of Soundness (notably, both the 'Proportionate evidence' test and the 'Sustainability' tests of Soundness) as reinforced within paragraph 35 (indents b and d) of the Revised National Planning Policy Framework (NPPF) (July 2021).
- Information relating to unmet housing needs from across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) is now no longer reliable, or sufficiently robust, as these figures do not take into account the massive void and uncertainty now created by the recent Autumn 2022 collapse of the Black Country Plan (BCP) (Review). This significant rapid change in circumstances has not been shaped into Local Plan preparation within South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022).
- South Staffordshire District Council's Publication Stage Plan (November 2022) is not based on the most up-to-date and robust housing evidence as it has failed to effectively respond to and shape into Local Plan-preparation the substantial shift in central government housing policy which has now removed the need for "mandatory" (compulsory) housing targets. The Local Planning Authority is therefore taking forward an insufficiently robust and unsound Local Plan Review forward, in direct conflict with the tests of 'Soundness' for Local Plan-preparation as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021).
- Local plan preparation has refused to accept the presence of a 300-year adverse economic recession event now adversely affecting the Local Plan area, in direct conflict with paragraphs 31 and 82 (indent d) of the Revised NPPF (2021).
- Financial volatility in the residential mortgage market since late September 2022 has not been shaped into Local Plan preparation. Many of the major house site allocations may no longer be deliverable in the long-term, in direct conflict with paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021).
- The Sustainability Appraisal (SA) process is not fit-for-purpose and sufficiently robust, and is clearly unsound and is not legally compliant. The SA therefore fails various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b, c and d) of the Revised NPPF (2021). The approach taken within the SA is also in direct conflict with paragraphs 31 and 82 (indent d) of the Revised NPPF (2021).
- The Infrastructure Delivery Plan (IDP) is taking forward highly questionable and undeliverable proposals which have no realistic prospect or likelihood of ever

being delivered, in direct conflict with paragraphs 16 (indent b), 35 (indents b and c) and 31 of the Revised NPPF (2021).

- Insufficiently robust green infrastructure evidence is being used to support local plan preparation.
- The emerging Local Plan is causing huge levels of environmental damage to sensitive wildlife corridors, contrary to guidance in paragraphs 35 (indent d) 174 (indent d), 175 and 179 of the Revised NPPF (2021).
- The historic environment policies are not sufficiently robust as they are supported by a heavily out-of-date and insufficiently robust set of Management Plans/ Conservation Area Character Appraisals. One of the CACA documents is 51 years old since it was last surveyed.
- There have been substantial failings taken in the approach to public consultation and engagement with key stakeholders. The Council's Planning Policy Team has withheld vitally important and key pieces of information (e.g. representation previously received 12 months ago by the LPA to the Autumn 2021 Preferred Options Stage Report public consultation) from the public domain, contrary to guidance reinforced in paragraph 16 (indent c) of the Revised NPPF (2021).
- The Plan has not effectively accommodated climate change pressures in its plan making approach, contrary to paragraphs 153 and 154 of the Revised NPPF (2021).
- The local plan is promoting car dependent residential communities due to the very isolated locations of the major housing site allocations. These site allocations will have a significantly damaging impact on local air quality.
- In total, 10,000 new homes are being proposed across the district within the emerging Local Plan Review during its shelf-life from the years 2018 to 2039. Based on 3 cars per household, this will generate an additional 30,000 thousand additional cars on the districts already heavily constrained and pressured road networks.
- Local residents living within the South Staffordshire District have a fundamental, clear and basic Legal Right "to be able to breathe clean and healthy air". This basic Legal right is supported under Article 2 of the European Convention on Human Rights (The Human Rights Act) Legislation. The Council's planning policy approach to Local Plan preparation is breaching Article 2 of the Human Rights Act legislation, given that highly unsustainable patterns of new housing development are being encouraged. Which will only lead to greater levels of air pollution, which will have a detrimental effect on local residents and their health, contrary to guidance in paragraph 35 (indent d) of the Revised NPPF (2021).
- The emerging Local Plan Review is also in direct conflict with air quality focused guidance as reinforced within paragraph 174 (indent e) of the Revised NPPF (2021).
- The Council's existing Green Space Audit (adopted 2019) does not conform to the requirements expected by paragraphs 31, 92 (indent c) and 98 of the Revised NPPF (2021).

- We have concerns about the ongoing refusal and continued failure to promote the most sustainable gypsy, traveller and travelling showpeople's development across the district. The scattered approach to pitch provision in a wide range of different locations across the district will promote unsustainable and highly damaging patterns of development across the district, in direct conflict with paragraphs 16 (indent a) and 35 (indent d) of the Revised NPPF (2021)

## **DETAILED COMMENTS**

**The level of estimated housing need being proposed within the Publication Stage Report (Regulation 19) (November 2022) within the emerging Local Plan Review across the South Staffordshire District is far too excessive and is based on heavily out-of-date, highly questionable and insufficiently robust evidence.**

We believe it would be harmful to the character, quality of life, economy and environmental quality of wider South Staffordshire District not to reduce the housing figure to a number significantly below 10,000 new homes by the year 2039. This huge amount of totally unsustainable new housing development being forced-through by South Staffordshire District Council's Planning Policy Team into the emerging Local Plan Review is based on heavily out-of-date central government (London) housing estimate forecasts, and would deliver huge levels of unsustainable and environmentally damaging patterns of development across the South Staffordshire District (in particular to living within environmental limits and achieving a sustainable economy), and contrary to policy to develop on the scale currently proposed.

We are concerned that insufficient attention has been given to the cumulative impacts of these huge levels of new residential development being proposed within the South Staffordshire District within the November 2022 Publication Stage (Regulation 19) consultation report. The 10,000 new homes being proposed across the wider South Staffordshire District should be substantially decreased within the emerging Local Plan (Review), to help avoid huge levels of environmental damaging development across this heavily rural district.

We share the Council for the Protection of Rural England (CPRE) view that the stated housing need is far too high. We would urge South Staffordshire District Council's Planning Policy Team not to use heavily out-of-date, no longer justified and insufficiently robust central government (London) housing estimates when trying to quantify the level of housing need required across the South Staffordshire District within the emerging Local Plan (Review).

As a key stakeholder, we have concerns about this ongoing failure and continued incompetence of the Managers of South Staffordshire District Council's Planning Policy Team in relation to housing needs and the use of insufficiently robust and heavily out-of-date data to justify huge levels of inappropriate housing development across the district.

As objectors to the Plan, we continue to object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation. We maintain our view that the level of estimated housing need across the South Staffordshire District of 10,000 new homes by the year 2039 is far too high, and based on highly questionable, insufficiently robust, and heavily out-of-date central government (London) housing needs forecasts.

The South Staffordshire District is being over-loaded with an unreasonable and excessive amount of new housing development. This considerable over-development and imbalance will promote inappropriate, damaging and unsustainable patterns of development within the South Staffordshire District, and cause significant residential amenity conflicts with established nearby residential areas. As well as damage sensitive rural landscapes and sensitive wildlife habitats and connecting 'landscape-scale' wildlife corridors. The Council's Planning Policy Team is not promoting sustainable patterns of development across the South Staffordshire District. The 10,000 new homes being proposed across the South Staffordshire District should be substantially reduced within the emerging Local Plan (Review), to help avoid huge levels of environmental damaging patterns of development across the South Staffordshire District.

We would urge South Staffordshire District Council's Planning Policy Team not to use heavily out-of-date and insufficiently robust central government (London) housing estimates/ housing needs forecasts when trying to establish and quantify the level of housing needs required across the South Staffordshire District within the emerging Local Plan (Review). Given the above issues, the Publication Stage Report (November 2022) is **failing the tests of Soundness (notably, both the 'Proportionate evidence' test and the 'Sustainability' tests of Soundness) as reinforced within paragraph 35 (indents b and d) of the Revised National Planning Policy Framework (NPPF) (July 2021).**

The now unreliable, heavily out-of-date and insufficiently robust housing figures being proposed within South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022) has failed to take into account highly significant rapidly changing circumstances. Most notably, the recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review) (2022) and the subsequent massive void and uncertainty now created in terms of the level of estimated housing need now required across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). The GBBCHMA data is now no longer reliable, no longer sufficiently robust, no longer fit-for-purpose to inform Local Plan-preparation, is no longer accurate and based on credible evidence. It should not therefore be used or afforded any material planning policy weight to make planning policy assumptions on housing needs to shape Local Plan-preparation/ identify required housing needs/ identify unmet housing needs across the GBBCHMA. Given the recent Autumn 2022 collapse of the Black Country Plan (BCP) (Review). Secondly, South Staffordshire District Council's Publication Stage Report (November 2022) has failed to take into account the December 2022 substantial shift in central government (London) latest housing policy in relation to United Kingdom (UK) housing targets as part of a central government (London) recent political announcement made on the 6<sup>th</sup> December 2022

The housing figures referred to within the Publication Stage Report are also insufficiently robust in terms of unmet housing needs from across the SHMA given that the information contained within the Publication Stage Report (November 2022) has failed to take into account the very recent collapse of the emerging Black Country Plan (BCP) (Review) during Autumn 2022.

Information relating to unmet housing needs from across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) is now therefore no longer reliable, out-of-date, and insufficiently robust, as these figures do not take into account the massive void and uncertainty now created by the recent Autumn 2022 collapse of the Black Country Plan (BCP) (Review). This rapid change and shift in circumstances has not been shaped into South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022).

The approach being taken towards Local Plan-preparation by South Staffordshire District Council's Planning Policy Team is therefore clearly unsound and is in direct conflict with guidance reinforced within paragraphs 16 (indent b), 31, 35 (indent b) and 82 (indent d) of the Revised NPPF (2021).

The evidence is compelling and perfectly clear, the critically important supporting planning policy foundations which are being used by South Staffordshire District Council's Planning Policy Team to justify and support Local Plan preparation are based on a huge mountain of insufficiently robust and heavily out-of-date evidence.

**This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the Revised NPPF (2021) which is perfectly clear in its view that:**

**"...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."**

**The approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team is also failing the tests of Soundness (e.g. the proportionate evidence test) as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021) which confirms that:**

**"...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence..."**

**As a key local stakeholder, we are just needing to highlight these critically important issues to try and help South Staffordshire District Council's Planning Policy Team improve its approach to future Local Plan-making.**

We therefore maintain our view that the housing numbers being taken forward and forced-through by the Council's Planning Policy Team into the emerging Local Plan Review are therefore no longer reliable, no longer justified, and no longer based on a platform of sufficiently robust, up-to-date, defensible and credible evidence.

**Substantial change in central government (London) housing policy.**

**December 2022 very recent shift in central government (London) housing policy - significant policy change – ban in the use of mandatory housing targets: "UK**

**wide housing targets to be diluted after Tory revolt”. Central government (London) political announcement made on the 6th December 2022.**

“...The government has agreed to water down housing targets for local Council’s in order to put down rebellion from Conservative Members of Parliament (MPs). Nearly 60 rebels had pledged to back a plan to ban mandatory targets in England, delaying votes on the Levelling Up Bill. Housing Secretary Michael Gove has now offered Council’s more flexibility over meeting government-set targets. Rebels had argued they are excessive, and undermine Council’s...” Source: BBC News (London), 6<sup>th</sup> December 2022.

As a key local stakeholder, we are both disappointed and very concerned that South Staffordshire District Council's Planning Policy Team is still continuing to force-through huge levels of environmentally damaging patterns of new housing development across this heavily rural district, despite the clear early December 2022 substantial planning policy shift in direction by central government (London) housing policy. Which has removed the need for "mandatory" (compulsory) housing targets imposed by central government (London).

South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022) public consultation document is failing the 'proportionate' evidence test for Local Plan-preparation tests of 'Soundness' as reinforced within paragraph 35 (indent b) of the Revised National Planning Policy Framework (NPPF) (July 2021). Given that the Plan is no longer based on 'proportionate evidence' as it has failed to remain flexible to, and respond to significant changes in government housing policy.

**The Local Planning Authority is therefore taking forward an insufficiently robust and unsound Local Plan Review forward, in direct conflict with the tests of 'Soundness' for Local Plan-preparation as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021).**

The insufficiently robust approach being taken towards Local Plan-preparation by the Council's Planning Policy Team is also in direct conflict with guidance reinforced in paragraph 31 of the Revised NPPF (2021) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

**The position is perfectly clear, the Plan is not based on the most up-to-date evidence as it has failed to effectively respond to and shape into Local Plan-preparation the substantial shift in central government housing policy as described further above. As a result of these substantial failings, we maintain our view that the Plan is therefore unsound.**

**Conclusion – Housing figures**

**The Plan-preparation approach is based on an out-of-date housing needs approach, lacks any kind of planning policy credibility and is not sufficiently**

**robust. This therefore brings into question the Soundness of the overall Plan making approach being taken forward by the Local Planning Authority going forward.**

**Given the above concerns, South Staffordshire District Council's Publication Stage Report (November 2022) is clearly unsound and based on heavily out-of-date, highly questionable and insufficiently robust evidence, being used to justify and force-through totally excessive, unreasonable, and overly inflated housing figures. The Plan is therefore failing the 'proportionate evidence' tests of Soundness as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021), as well as NPPF (2021) paragraph 31 which is clear that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."**

**It is quite clear that the emerging now advanced Local Plan Review (Regulation 19) is not reflecting the most up-to-date evidence and reflecting the huge shift in circumstances due to the very recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review) (2022). As well as the recent 6<sup>th</sup> December 2022 political shift in housing targets approach for local council's now being taken by central government (London) as discussed further above.**

**Concerns about the deliverability of the housing figures and employment land deliverability being proposed within the emerging Local Plan Review at a time when the local area is being adversely affected by one of the worst economic recessions of a scale and severity not experienced across the local area and the wider United Kingdom (UK) for the last 300 years. This 300-year-economic-recession-event has not been shaped into Local Plan-preparation by the South Staffordshire District Council's Planning Policy Team.**

As a result of the ongoing prolonged and severe coronavirus (COVID-19) pandemic, combined with Russia's Spring 2022 ongoing invasion of Ukraine, the UK economy is now being exposed to and affected by one of the worst economic recessions of a scale and severity not experienced across the UK for the last 300 years. The presence of this severe 300-year-economic-recession-event was confirmed by the then Chancellor of the Exchequer (former Chancellor Rishi Sunak) during his Autumn Budget and Spending Review speech to Parliament which took place on Wednesday, 27th October 2021. This speech is referred to further below.

**As objectors to the November 2022 Publication Stage Plan (Regulation 19), consistent with our substantial objections to the Council's earlier Preferred Options Stage Report (Regulation 18) (November 2021), we continue to have major concerns that this 300-year-economic-recession-event has not even been shaped into the Local Plan-making approach being taken forward within the November 2022 Publication Stage Report (Regulation 19). Or indeed the heavily out-of-date year 2012 South Staffordshire Core Strategy (adopted December 2012) and South Staffordshire Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) - which are both being used to fix, set, shape, heavily influence, inform and justify the future spatial distribution of new housing development**

and new employment land development across the South Staffordshire District within the year 2022 emerging Local Plan Review (Regulation 19). Despite the fact that these existing adopted Local Plan documents are now both heavily out-of-date and insufficiently robust to inform the future place shaping agenda going forward within the district. These existing Local Plan documents are based on a huge mountain of insufficiently robust, heavily out-of-date, and highly questionable and no longer reliable economic data and wider economic evidence.

Why use a year 2012 Core Strategy which is now 10 years old since it was originally adopted to heavily influence and inform the future spatial distribution policy (new housing and employment land spatial policy distribution) within the Regulation 19 Publication Stage (November 2022) Local Plan document? This underlines the continued failure and ongoing incompetence being taken by South Staffordshire District Council's Planning Policy Team towards Local Plan preparation within the South Staffordshire District. We object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan-preparation. We continue to object to the "incapable" management and leadership approach being taken towards Local Plan-preparation within the South Staffordshire District by the Council's Planning Policy Team.

We continue to have fundamental concerns that South Staffordshire District Council's Planning Policy Team considers it reasonable, appropriate and necessary to use a year 2012 heavily out-of-date South Staffordshire Core Strategy (adopted December 2012) and South Staffordshire Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) to heavily influence, shape and directly inform the future spatial planning policy distribution of new housing development and new employment land development across the South Staffordshire District. Despite the presence of a very recent massive adverse shift in the economic circumstances now facing the South Staffordshire District.

Since our earlier objections to the Council's Regulation 18 Preferred Options Stage Report public consultation (November 2021), we have continued planning policy concerns that the Council's Planning Policy Team chooses to deliberately ignore and refuses to accept the presence of a 300-year-economic-recession-event when preparing the Publication Stage Report (Regulation 19) (November 2022). **Essentially, South Staffordshire District Council's Planning Policy Team is continuing to undertake Local Plan preparation from an economic climate and landscape that existing 10 years ago, and is pretending that the COVID-19 global pandemic never happened, and pretending that the local area is not being adversely affected by a severe and prolonged economic recession, and a cost-of-living-crisis. The Council's Planning Policy Team now needs to move on and finally begin to accept that the local area is now facing a completely different set of adverse economic circumstances, of a scale and severity not seen for at least the last 300 years.**

The continued refusal to take on board these issues underlines the continued failure and incompetence of South Staffordshire District Council's Planning Policy Team, and its insufficiently robust approach being taken towards Local Plan-preparation within

the South Staffordshire District - in direct conflict with an extensive range of NPPF guidance. Most notably, paragraphs 16 (indent b), 31, 35 (indents b and c) and 82 (indent d) of the Revised NPPF (2021).

**As stated above, South Staffordshire District Council's Planning Policy Team now needs to face the reality of the new economic situation, and now needs to start to begin to finally accept that times have now significantly changed and moved on since both the year 2012 South Staffordshire Core Strategy (adopted December 2012) and South Staffordshire Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) were both adopted.**

**The Local Plan area is now facing a completely different set of new economic challenges, due to the presence of a 300-year unprecedented economic recession event, combined with one of the worst global health pandemic events to affect the UK within the last 100 years, and turmoil not seen in Europe since the 1940's Second World War as a result of Russia's Spring 2022 invasion of Ukraine. Why is the Council's Planning Policy Team choosing to ignore these huge economic issues which are causing huge and prolonged economic shocks across Europe and the wider UK, in its approach taken towards Local Plan preparation?**

As a key stakeholder, we have concerns about the "incapable" leadership being taken towards Local Plan preparation by the Council's Planning Policy Team and the fact that the above substantial adverse economic indicators are not being effectively shaped into Local Plan preparation, in direct conflict with paragraphs 16 (indent b), 31, 35 (indents b and c) and 82 (indent d) of the Revised NPPF (2021).

The failure to take on board these fundamental and critically important huge shifts in adverse economic circumstances now facing the local area means that the approach taken towards Local Plan preparation within the Publication Stage Report (Regulation 19) (November 2022) is clearly unsound and is in direct conflict with the various NPPF guidance referred to above and below.

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraphs 16 (indent b), 31, 35 (indents b and c) and 82 (indent d) of the Revised NPPF (2021). NPPF (2021) paragraph 31 confirms that: "...The preparation and review of all policies **should be underpinned by relevant and up-to-date evidence...**"

Paragraph 16 (indent b) of the Revised NPPF (2021) confirms that: "...Plans should: (indent b) be prepared positively, in a way that is aspirational **but deliverable...**"

Paragraph 35 (indent b) of the Revised NPPF (2021) focuses on the tests of Soundness for Local Plan preparation and confirms the need for Local Planning Authorities to use 'proportionate evidence' to support the preparation of emerging Local Plan Reviews. It is perfectly clear that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound'

if they are: (indent b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and **based on proportionate evidence...**”

The 'deliverability' tests of Soundness is covered within paragraph 35 (indent c) of the Revised NPPF (2021). It confirms that: “...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are: (indent c) **Effective** – **deliverable over the plan period, ...**”

Paragraph 82 (indent d) of the Revised NPPF (2021) focuses on the need to accommodate rapid shifts in economic circumstances in Local Plan preparation. The guidance is perfectly clear that: “...Planning policies should: (indent d) 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...**”

The weight of substantial evidence would all suggest that it is quite clear that none of the above critically important NPPF (2021) guidance has been taken into account at all by South Staffordshire District Council's Planning Policy Team when preparing the emerging Local Plan Review, at this Plan preparation stage (the November 2022 Publication Stage – Regulation 19), as well as at the earlier various Regulation 18 Plan-preparation stages. This is a concerning situation and underlines some of the longstanding failings being taken towards Local Plan preparation by the Council's Planning Policy Team. As a key stakeholder, we object to the continued poor quality of the approach being taken towards Local Plan preparation by the Council's Planning Policy Team.

#### Impacts of the coronavirus (COVID-19) pandemic on Local Plan preparation

According to central Government (London) estimates released by the Chancellor of the Exchequer (the now Prime Minister and former Chancellor of the Exchequer Rishi Sunak) during his Autumn Budget and Spending Review to Parliament, on Wednesday, 27th October 2021, the coronavirus (COVID-19) pandemic has caused one of the worst economic recessions to affect the United Kingdom economy of a scale and severity not experienced across the UK for the last 300 years. Causing unprecedented record levels of Government borrowing due to the huge decline in economic activity during the years 2020 and 2021 ongoing COVID-19 pandemic, and the pro-longed 15 months of continuous lock-down restrictions, and the previous shutdown of the UK economy during the years 2020 and 2021.

This severe and unprecedented long-term economic recession and the irresponsible handling of the public finances by central government (London) during the years 2020 to 2022 coronavirus pandemic, is highly likely to have long lasting implications in terms of a significant and long-term economic downturn. Causing one of the worst economic recessions in living memory across the South Staffordshire District and the wider UK. Extending a long way into the shelf life of the Council's new Local Plan period once the new Local Plan has been formally adopted.

The situation has been made far worse by the Autumn 2022/ Winter 2022/ Winter 2023 cost-of-living crisis in the UK, and Russia's Spring 2022 ongoing invasion of Ukraine.

This significant economic downturn driven by the various multiple adverse economic factors discussed above all coming together at the same time, is highly likely to harm the future financial viability and deliverability of many new housing development sites, resulting in some stalled housing sites, and some new housing sites not coming forward at all across the South Staffordshire District. Due to the very challenging set of adverse economic circumstances now facing the South Staffordshire local area as well as the wider West Midlands Region, which South Staffordshire is very closely related to in terms of housing needs and employment land needs (for example, unmet housing needs data and housing demand data arising from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) – which in any case are now all totally unreliable and insufficiently robust data given the recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review)).

The future economic recession caused by the ongoing global coronavirus (COVID-19) pandemic, combined with Russia's Spring 2022 invasion of Ukraine, and an economic recession of a scale and severity not seen for the last 300 years across the South Staffordshire District, is also likely to adversely impact on the local business community within the South Staffordshire District and the wider West Midlands Region, as well as the wider UK. Adversely affecting the business viability of all scale, types and sizes of many businesses that operate on both a local, West Midlands Regional, national UK, and global level. Affecting investment decisions, future cash flow (with some companies permanently ceasing trading) – which, importantly will all have a major impact on the future business expansion needs of companies within the South Staffordshire District and wider West Midlands Region. It will also impact on future inward investment decisions by businesses currently located outside of the South Staffordshire District. This will have future implications in terms of the **NEED** and **DEMAND** for new employment land across the South Staffordshire District, as well as the wider West Midlands Region.

Clearly policies within the emerging Local Plan and the spatial planning policy approach being taken forward and forced-through by the Council's Planning Policy Team towards the future spatial distribution of new housing development and new employment land development across the district is not DELIVERABLE and therefore conflicts with paragraphs 16 (indent b) and the 'deliverability test' for Local Plan preparation tests of Soundness as reinforced within paragraph 35 (indent c) of the Revised NPPF (2021).

Consistent with our earlier and substantial objections to the Council's Regulation 18 Preferred Options Stage Report (November 2021), Goldfinch Town Planning Services continues to maintain its view that the potentially massive implications of this severe UK economic recession (which will extend across the shelf life of the new Local Plan once it has been formally adopted) on both future housing delivery and future employment land delivery across the emerging Local Plan Review coverage area, and how the recession will affect adversely affect new future housing and employment land delivery within the South Staffordshire area and wider West Midlands Region area

going forward, over the lifespan of the new Local Plan Review, once it has been formally adopted, has all been given an insufficient level of material planning weight and planning policy consideration by South Staffordshire District Council's Planning Policy Team when preparing the emerging draft Local Plan Review. Or seemingly absolutely no planning policy weight at all – which is a highly alarming situation given the severe adverse economic landscape now facing the local area as described above.

Yet South Staffordshire District Council's Planning Policy Team is still insistent and determined to ignore the current economic situation, and proceed with undertaking an unsound and insufficiently robust emerging Local Plan Review as though nothing has happened, and continue to force through and take forward a highly onerous, inflexible, heavily out-of-date 'future place shaping agenda' from the existing heavily out-of-date adopted South Staffordshire Core Strategy (adopted December 2012) and from South Staffordshire District Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) - to dictate fundamental areas of future housing and employment land spatial distribution policy within the Publication Stage Report (Regulation 19) (November 2022). As stated, all of which have their place-shaping planning policy origins forged and totally set on a heavily out-of-date spatial planning framework and heavily out of date spatial planning modelling assumptions, derived from the years 2012 and 2018 Local Plan documents. With its huge mountain of heavily unsound economic data, fixed, and set long before the year March 2020 COVID-19 pandemic and Russia's Spring 2022 invasion of Ukraine.

This approach to Local Plan-making is at odds and is in direct conflict with guidance in paragraph 82 (indent d) of the Revised NPPF (2021). It reinforces its view that Local Planning Authorities should remain sufficiently flexible to rapidly changing economic circumstances in both their Planning Policy approach taken towards the preparation of emerging Local Plan Reviews, as well as their Development Management decision-making approach taken towards the assessment of formal planning applications and emerging pre-application proposals. Paragraph 82 (indent d) of the Revised NPPF (2021) is perfectly clear that: "...Planning policies should (indent d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., **and to enable a rapid response to changes in economic circumstances...**"

### **Conclusion – Concerns about the deliverability of the housing figures and employment land deliverability**

**Given all of the above issues, we contend that the proposed planning policy approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team within the Publication Stage Report (Regulation 19) (November 2022) is considered to be insufficiently robust, is unsound, lacks any kind of planning policy credibility, is unjustified and inconsistent with Government planning guidance as reinforced within paragraphs 16 (indent b), 31, 35 (indent b – based on proportionate evidence)**

and 82 (indent d – has not responded to rapidly changing economic circumstances) of the Revised National Planning Policy Framework (NPPF) (2021).

The Plan is clearly unsound and fails the proportionate evidence tests of Soundness for Local Plan preparation as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021).

Clearly policies and the spatial planning policy approach being taken forward by the Council's Planning Policy Team towards the future spatial distribution of new housing development and new employment land across the district is not DELIVERABLE and conflicts with paragraphs 16 (indent b) and the 'deliverability test' for Local Plan preparation tests of Soundness as reinforced in paragraph 35 (indent c) of the Revised NPPF (2021).

**Financial volatility in the residential mortgage market since late September 2022 due to high interest rates, combined with the year 2022 cost-of-living-crisis, severe UK economic recession, and Russia's Spring 2022 invasion of Ukraine. The Council are taking forward undeliverable housing site allocations into the emerging Local Plan Review which may not all be deliverable in a severe economic recession.**

Very recently since Autumn 2022, there has been huge levels of financial volatility in the residential mortgage market due to significant increases in interest rates which is now starting to have an adverse impact on house sales and the affordability of new homes. The housing market is currently very fragile. The volatility in the UK housing market has been caused by the former Chancellor's Kwasi Kwarteng disastrous mini-budget on the 23<sup>rd</sup> September 2022 which announced £45 billion pounds of unfunded government tax cuts to try and help boost UK economic growth. The September 2022 mini-budget had a highly damaging impact on the housing market in the UK due to a spike in interest rates, severely affecting the affordability of new homes.

The presence of a 300-year-economic-recession event (driven largely by record levels of central government borrowing and weak economic growth during the years 2020 to 2022 coronavirus pandemic) now affecting the UK, combined with a severe cost-of-living-crisis has resulted in declining house sales due to severe mortgage affordability issues. This will all have a severe impact on the deliverability of some of the major new housing site allocations being proposed within the Council's Publication Stage Report (Regulation 19) (November 2022) public consultation document. Many of these new homes coming forward within these major housing site allocations will no longer be affordable over the coming years. Which will affect demand for new homes simply because people will no longer be able to afford the new homes due to significant spikes in the financial cost of monthly mortgage payments/ increased borrowing costs, and a subsequently more fragile and vulnerable housing market.

The current economic financial crisis will also adversely affect smaller housing site allocations as well as larger major housing site allocations. **This will have an adverse**

**impact on the future deliverability of the housing sites** going forward in future years. For example, some new housing sites may become stalled or simply never delivered during the shelf-life of the new Local Plan. The economic recession will have implications on future housing delivery and cannot therefore continued to be ignored by South Staffordshire District Council's Planning Policy Team. The Council's Planning Policy Team needs to finally accept that the local area is now facing a completely new set of very adverse economic challenges, and the economic landscape is now completely different from what it was 10 years ago, when the Council's year 2012 Core Strategy was adopted.

These recent economic shocks and rapid shift in adverse economic circumstances have not been shaped into the heavily out of-date modelling assumptions being used by the Council's Planning Policy Team to inform its approach on future housing spatial distribution – e.g. the amount of new housing required and its spatial distribution across various parts of the district. Which have their place-shaping spatial planning policy origins forged, set and fixed from the now heavily out-of-date and insufficiently robust adopted Core Strategy (adopted 2012) – which set the spatial planning policy framework now being carried over and taken forward by South Staffordshire District Council's Planning Policy Team into the November 2022 Publication Stage Report (Regulation 19) Local Plan. This underlines the continued failure and incompetence in the approach being taken towards Local Plan preparation by the Council's Planning Policy Team.

We have concerns that the Council's Planning Policy Team considers it appropriate to use spatial planning policy modelling assumptions made 10 years ago from the now heavily out-of-date and insufficiently robust year 2012 adopted Core Strategy, to set a fix spatial planning policy modelling assumptions within the November 2022 Publication Stage Report (Regulation 19) consultation document. Despite the massive recent shift in adverse economic circumstances since Summer 2020 onwards now facing the local area.

**As a result, the Council's planning policy stance on these issues is no longer fit-for-purpose, no longer defensible or sufficiently robust, and is in direct conflict with guidance reinforced within paragraphs 16 (indent b), 31, 35 (indents b and c), and 82 (indent d) of the Revised NPPF (2021).**

We have continued concerns that the Council's Planning Policy Team is taking forward undeliverable development proposals within the emerging Local Plan Review. The future economic recession caused by the ongoing global coronavirus (COVID-19) pandemic, and an economic recession of a scale and severity not seen for the last 300 years across the South Staffordshire District, is also likely to adversely impact on the local business community within South Staffordshire District, the West Midlands Region, and the wider UK. Adversely affecting the business viability of all scale, types and sizes of many businesses that operate on both a local, national UK and global level. Affecting investment decisions future cash flow (with some companies permanently ceasing trading) - which will all have a major impact on the future business expansion needs of companies within the South Staffordshire local area.

This will have future implications in terms of the **NEED** and **DEMAND** for new employment land across the South Staffordshire area.

The need for Local Planning Authorities to remain sufficiently flexible to rapidly changing economic circumstances in both their Planning Policy approach taken towards the preparation of emerging Local Plan Reviews and their Development Management decision-making approach taken towards the assessment of formal planning applications, is reinforced within paragraph 82 (indent d) of the Revised NPPF (2021). It confirms that: "...Planning policies should (indent d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., **and to enable a rapid response to changes in economic circumstances...**"

### **Conclusion:**

Given the above concerns, we maintain our view that:

- The emerging Local Plan Review Publication Stage Report (Regulation 19) (November 2022) is currently failing the **'proportionate evidence' test** as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021).
- It is quite clear that the Plan is not deliverable over the Plan-period. On this basis, the emerging Local Plan Review Publication Stage Report (November 2022) is therefore failing Revised NPPF (2021) paragraph 16 (indent b) and the **'deliverability' test** as reinforced within paragraph 35 (indent c) of the Revised NPPF (2021).
- By relying on heavily out-of-date background supporting technical evidence and by refusing to remain sufficiently flexible and respond to rapidly changing adverse economic circumstances, the emerging Local Plan Review is being prepared in a way that is in direct conflict with paragraphs 31 and 82 (indent d) of the Revised NPPF (2021).
- The Council is taking forward an unsound, undeliverable, and insufficiently robust Local Plan Review to the forthcoming Examination in Public (EIP) stage.

### **Sustainability Appraisal (SA) supporting South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022):**

In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.

The Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each

reasonable alternative, the authority's decision-making and scoring should be robust, justified and transparent.

### Conclusions relating to the Sustainability Appraisal (SA) process:

- The Sustainability Appraisal (SA) being used to support South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022) emerging Local Plan Review has failed to consider all reasonable alternatives to the spatial strategy – There is a lack of certainty about the delivery of employment uses at a time when the South Staffordshire District, the wider West Midlands Region, and wider UK is facing a 300-year-economic-recession-event as a result of the global coronavirus pandemic (COVID-19), and as a result of Russia's Spring 2022 ongoing invasion of Ukraine. There is also a lack of certainty concerning the delivery of major levels of new housing development across the district during the severe economic recession described above and during a period of severe volatility in the residential mortgages market.
- The costs, viability and deliverability of the key infrastructure projects are uncertain. The Infrastructure Deliver Plan (IDP) (2022) which has critical linkages that underpin the SA has a number of major projects that have not been sufficiently and properly costed and which are unlikely to be delivered during the shelf-life of the new Local Plan, extending up until the year 2039. The SA process is therefore based on insufficiently robust evidence, and the SA process is accommodating undeliverable and highly questionable major infrastructure projects which are being proposed within the IDP.
- The SA is not being informed by sufficiently robust green infrastructure evidence. In particular, robustly-based wildlife corridor green infrastructure assessments as required by paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021). The SA's assumptions are therefore based on flawed, insufficiently robust and missing evidence.
- The major new housing allocations being proposed within areas of heavily rural countryside within the Publication Stage Report (Regulation 19) (November 2022) have not been properly assessed within the SA process. Notably, given that these major new housing sites are located in relatively isolated site locations, far away from the services the thousands of new residents will need, and these new communities are likely to be car dominated. Hence the policy requirement for the transport and public transport improvements. There can be no confidence that those improvements fundamental to the acceptability of the allocations and its delivery can be delivered.
- The impacts on these isolated and car dominated and car dependent major site allocations (they will cause huge levels of car related harmful air pollution - caused by these very isolated car dominated residential communities) has not been fully considered within the SA process. In addition, no transparent transport assessments have been generated to support these various major housing site allocations. The transport evidence is obscure and too vague.
- The SA process has failed to sufficiently shape covid-19 factors post April 2020 and presence of severe economic recession into Local Plan employment land provision.
- The SA process has failed to sufficiently shape covid-19 factors post April 2020 and presence of severe economic recession into the Local Plan proposed major housing site allocations.
- There is likely to be a need for more flexibility in Plans so that they can respond to changing social, economic and environmental needs and requirements as a result of

the global coronavirus (COVID-19) pandemic. As stated, the SA process has failed to accommodate these covid-19 factors, and is not sufficiently flexible.

- The SA does not give sufficiently clear and robust explanation and make clear why certain sites had been selected and others rejected. Reasons for the plan and rejecting reasonable alternatives to the plan should be clearly set out in the SA report. The SA process has not provided a sufficiently robust approach in relation to these issues.
- The presence of a 300-year-economic recession event as a result of the global coronavirus pandemic combined with Russia's Spring 2022 invasion of Ukraine has not been effectively accommodated and shaped into the SA process, and the SA's approach to assessing reasonable alternatives. Plans must be flexible to respond to rapidly changing circumstances in line with paragraph 82 (indent d) of the Revised NPPF (2021). This approach has not been accommodated in the SA.
- The SA process has failed to remain sufficiently responsive and flexible to significant changes in central government (London) housing policy when assessing reasonable alternatives. For example, the early December 2022 significant shift in central government housing policy which has now removed the requirement for Local Plans to accommodate mandatory (compulsory) housing targets. This fundamental shift in government housing policy has not been shaped into the SA. The SA is therefore being informed by heavily out-of-date evidence and flawed planning policy assumptions.
- The adverse climate change implications (urban heating and increased surface water run-off pressures) of the major housing allocations being proposed on sensitive greenfield sites within the district's open countryside has not been sufficiently considered and rigorously assessed in the SA process. The SA has not therefore been prepared in accordance with climate change focused guidance reinforced in paragraphs 153 and 154 of the Revised NPPF (2021).
- Food security issues (e.g. loss of fertile arable farmland to new housing development) has not been sufficiently considered and rigorously assessed within the SA process and assessment of Reasonable Alternatives. These critically important food security issues have become more apparent and acute since Russia's Spring 2022 invasion of Ukraine and during the on-going cost-of-living crisis. The SA has failed to satisfactorily consider these issues.

Given the above issues, we contend that the Sustainability Appraisal (SA) process is clearly unsound and is not legally compliant, and therefore fails various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – it is not based on proportionate evidence), (indent c – failing the deliverability test), and (indent d – it is failing to promote the most sustainable patterns of development) of the Revised NPPF (2021). The approach taken within the SA is also in direct conflict with paragraphs 31 (it is not based on sufficiently robust and up-to-date evidence) and 82 (indent d – the SA is failing to shape into its preparation the huge and rapid shift in adverse economic circumstances now affecting the district) of the Revised NPPF (2021).

### **Infrastructure Delivery Plan (IDP) (November 2022)**

We object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation.

We maintain our view that the Council's proposed Infrastructure Delivery Plan (IDP) (versions from November 2021 and November 2022) being used to underpin and support the preparation of the Council's Publication Stage Report (Regulation 19) (Nov 2022) is insufficiently robust and unsound.

Given that the IDP is taking forward highly questionable and undeliverable proposals which "have no realistic prospect or likelihood of ever being delivered." And certainly highly unlikely to be delivered within the emerging Local Plan Review shelf-life period that extends up to the year 2039.

As a key stakeholder, we have particular concerns in the relation to the following projects being taken forward within the November 2022 IDP:

- Canals and Rivers: Restoration of the Hatherton Canal at an estimated cost of **£44.1 million pounds**. (Potential source of funding: Grant funding, Lichfield and Hatherton Canals Restoration Trust). (Referred to on page 32 of the South Staffordshire Council Infrastructure Delivery Plan (IDP) (November 2022)).
- Highways project: M54 to M6 link road (Option B West) at an estimated cost of **£175 to £200 million pounds**. (Potential source of funding from Highways England). (Referred to on page 24 of the IDP (November 2022)).
- Highways project: ROF Featherstone access road at an estimated cost of **£20 million pounds**. (Potential source of funding from public Sector funding; developer contributions). (Referred to on page 24 of the IDP (November 2022)).
- Public Transport: Brinsford Park and Ride at an estimated cost of **£20 million pounds**. (Potential source of funding from public sector funding; developer contributions). (Referred to on page 26 of the IDP (November 2022)).
- Public Transport: New bus service in Bilbrook to serve proposed development at an estimated cost of **£150k per annum for 5 years**. (Referred to on page 27 of the IDP (November 2022)).
- Education: New first school - Penkrige at an estimated cost of **£6.1 million pounds**. (Potential source of funding: On-site school provision secured from a Section 106 (S106) agreement). (Referred to on page 29 of the IDP (November 2022)).
- Education: New Primary school - Cross Green at an estimated cost of **£10 million pounds**. (Potential source of funding: On-site school provision secured from a Section 106 (S106) agreement). (Referred to on page 30 of the IDP (November 2022)).
- Education: New Primary school – Linthouse Lane at an estimated cost of **£11.3 million pounds**. (Potential source of funding: On-site school provision secured from a S106 agreement). (Referred to on page 30 of the IDP (November 2022)).
- Sport, leisure and play facilities: New swimming pool at Penkrige at an estimated cost of **£1.5 to £2 million pounds**. (Potential source of funding: SDC Capital spending, Sport England Funding, S106 contributions where appropriate). (Referred to on page 30 of the IDP (November 2022)).

Delivery of the restoration of the Hatherton Branch Canal at an estimated cost of £44.1 million pounds identified within the IDP (November 2022):

The delivery of this large-scale canal restoration project costing a huge **£44.1 million** pounds is reliant on grant funding, and funding from the Lichfield and Hatherton Canals Restoration Trust. We consider that the deliverability of this project is very uncertain given that these funding streams are very uncertain, particularly when the local area is experiencing one of the worst economic recessions of a scale and severity not experienced across the local area for the last 300 years.

The past two years have seen construction materials costs soar in the UK. Now the war in Ukraine and soaring inflation are adding even more pressures. The estimated costs of £44.1 million are therefore, as well as being undeliverable, may now be heavily out-of-date due to the huge costs increases in both specialist construction labour costs, as well as the huge increase in the costs of building materials. We have no confidence that the estimated cost of £41 million pounds is now heavily out-of-date from which to base planning policy assumptions to include within the IDP (2022). These building materials costs issues are referred to in more detail further below.

We have concerns that this now highly aspirational project therefore "has no reasonable or realistic prospect of ever being delivered," yet the Council still considers it appropriate to include these types of "undeliverable projects" within the IDP to inform the emerging Local Plan Review preparation - in direct conflict with the 'proportionate' and 'deliverability' evidence tests of 'Soundness' as reinforced within paragraph 35 (indents b and c) of the Revised NPPF (2021).

The Publication Stage (Regulation 19) (November 2022) consultation report is an unsound Plan and not Legally compliant given that it is taking forward highly questionable projects that have no realistic prospect or likelihood of ever being delivered. We contend therefore that the proposed planning policy approach being taken by the LPA on this issue fails the 'deliverability test' for Local Plan-preparation tests of 'Soundness' as reinforced within paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021). The Publication Stage Report (2022) is based on a huge platform of insufficiently robust and unsound evidence. The approach being taken by the LPA on this issue is not fit-for-purpose, is unjustified and inconsistent with Government planning guidance as stated above. The emerging Local Plan Review is failing the tests of 'Soundness' as reinforced within paragraphs 16 (indent b) and 35 (indents b and c) of the Revised NPPF (2021). We have concerns about this ongoing failure and continued incompetence being taken towards Local Plan-preparation by the Council's Planning Policy Team.

Highways project: M54 to M6 link road (Option B West) at an estimated cost of **£175 to £200 million pounds:**

On 17th November 2022, the new chancellor Jeremy Hunt delivered his Autumn Statement, which included significant tax rises and spending cuts. These are seen as necessary to fill what the government claims is a £50 billion pounds "black hole" in the UK's public finances. Driven largely by the huge amounts of public spending and government borrowing which took place during years 2020 and 2021 at the height of

the global coronavirus pandemic (COVID-19). Combined with huge increases in energy prices as a result of Russia's Spring 2022 invasion of Ukraine.

Jeremy Hunt's Autumn 2022 Statement included £28 billion pounds in public spending cuts – much of it backloaded until after the next general election. Inflation will eat into budgets for "transport and big infrastructure projects."

Given the very uncertain funding climate for large infrastructure projects, combined with the presence of a 300-year-economic-recession-event and rising energy prices, significant increases in building materials costs (as referred to further below) now affecting the South Staffordshire District and wider UK, the huge £200 million pound infrastructure project may no longer be deliverable during the shelf-life of the Council's new adopted Local Plan, extending up until the year 2039.

The estimated cost of the £175 to £200 million road infrastructure project may now be heavily out-of-date and insufficiently robust, given the significant building materials cost increases and rising inflation pressures, combined with rising energy prices and construction labour costs.

We continue to maintain our view that the IDP (2022) is taking forward highly questionable projects that have been insufficiently costed and which have no realistic prospect or likelihood of ever being delivered, contrary to guidance in paragraphs 16 (indent b) and 35 (indents b and c) of the Revised NPPF (2021). As a result of these substantial failings, we maintain our view that the Plan is unsound and not legally compliant.

#### Schools provision identified within the IDP (November 2022):

In total, the main new build school building projects listed in the IDP (2022) equate to a combined total cost of **£27.4 million pounds** to deliver. As a key stakeholder, we have concerns that these new build school proposals proposed to come forward as part of future Section 106 agreements from new housing development proposals (site allocations identified in the Local Plan Review) will not be delivered during the shelf-life of the Council's new Local Plan (extending up until the year 2039) once it has been formally adopted, given the huge adverse economic shift now facing the local area as a result of the global coronavirus pandemic (COVID-19), combined with Russia's Spring 2022 invasion of Ukraine, and the fact that the UK economy is now in a severe economic recession, and experiencing rising inflation and substantially rising energy costs.

Given the presence of a 300-year-economic-recession-event now facing the local area, combined with the additional costs pressures described above, some of these housing site allocations may not come forward during the shelf-life (extending up until the year 2039) of the Council's new Local Plan once it has been adopted. There may be a number of stalled housing sites not coming forward at all during the shelf-life of the new Local Plan (extending up to the year 2039) due to the incredibly challenging economic recession, combined with volatility in the residential mortgages market, placing significant cost pressures on individuals looking to move home and for first

time buyers. Whilst demand is there across the district, the homes may simply no longer be affordable.

The level of previously agreed S106 developer contributions might also not be financially sustainable for some of the house builders progressing some of the sites. Due to shortages in skilled building construction labour, rising skilled construction worker labour costs, rising energy costs, rising building materials costs due to the challenging economic recession. The past two years have seen construction materials costs soar in the UK. Now the war in Ukraine and soaring inflation are adding even more pressures.

Inflation and the increasing energy prices have had an impact on the construction industry overall, with the annual growth rate of construction costs reaching nearly ten percent in the year 2022 (Information source: Building materials and fixtures price indices in the UK 2019-2022 – statistics and facts – Statista, October 2022).

The prices of many construction materials in the United Kingdom have increased significantly in the months leading to September 2022. One of the most extreme examples was the price of concrete reinforcing bars (steel), which increased by almost 118 percent since 2015. (Information source: Construction costs in the UK – statistics and facts – Statista, 2022)

Subsequently, the build costs for the new school buildings may now be significantly more financially expensive to build and bring forward. The estimated costs for building the new schools may now therefore be heavily out-of-date and insufficiently robust. The combined total costs of the schools of £27.4 million pounds is a huge project to be bringing forward in the economic climate described above, and the costings are probably insufficiently robust, as they are far too low to reflect the huge shift in circumstances.

Given the above factors, we have concerns that the IDP (November 2022) is taking forward completely undeliverable proposals and the financial delivery costs for the schools building programme is now heavily out-of-date and no longer based on credible or robust information, or the latest up-to-date evidence.

On this basis, we have concerns that the IDP (2022) is in direct conflict with paragraphs 16 (indent b), 31 and 82 (indent d) of the Revised NPPF (2021), and the approach taken within the IDP is in direct conflict with the 'proportionate' and 'deliverability' evidence tests of 'Soundness' for Local Plan-preparation as reinforced within paragraphs 16 (indent b) and 35 (indents b and c) of the Revised NPPF (2021).

We also note that the IDP (2022) is seeking to bring forward new Sport, leisure and play facilities - a new swimming pool at Penkridge at an estimated cost of between **£1.5 to £2 million pounds**. (Potential source of funding: SDC Capital spending, Sport England Funding, S106 contributions where appropriate). (Referred to on page 30 of the IDP (November 2022)).

Due to unprecedented and huge increases in energy prices and heating costs, leisure centres swimming pools are now in some cases, no longer financially sustainable to

maintain for local authorities, due to the very high running costs (energy heating costs). At a time when Councils across the UK are facing significant funding pressures due to increasing budgetary constraints and huge shortfalls in funding from central government (London).

Given the presence of a 300-year-economic-recession-event, combined with significantly increasing budgetary constraints affecting South Staffordshire District Council, this £1.5 to £2 million project may no longer be financially sustainable, financially viable and deliverable for the Council to continue to progress and bring forward during the shelf life of the new Local Plan, extending up until the year 2039.

**As already stated, we have concerns that the IDP is taking forward totally unrealistic, highly questionable and undeliverable projects in direct conflict with paragraph 31 (e.g. the financial project costings are not based on accurate, credible, robust and up-to-date evidence) of the Revised NPPF, and the 'proportionate evidence test' and 'deliverability test' for Local Plan-preparation tests of 'Soundness', as reinforced within paragraphs 16 (indent b), 35 (indents b and c) of the Revised National Planning Policy Framework (NPPF) (2021).**

We have concerns about the “incapable” management and leadership approach being taken towards Local Plan preparation within the South Staffordshire District by the Council’s Planning Policy Team.

**Various Policies contained within the Publication Stage (Regulation 19) (November 2022) consultation report**

**Nature Conservation/ natural green space and biodiversity**

**Strategic Objective 11 on pages 22 to 25 of the Publication Stage Report (November 2022):**

Strategic Objective 11 on page 25 of the Council’s Publication Stage Report. Indent d of this Strategic Objective Policy refers to the “latest Nature Recovery Network Mapping or Open Space Strategy:

Response from Goldfinch Town Planning Services: For reasons already set out in our Representations Statement (December 2022), we maintain our view that the Green Infrastructure evidence being used by the Council’s Planning Policy Team is far too vague, unclear, meaningless, insufficiently robust, and fails to respond effectively to paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021). The Council is using insufficiently robust Nature Recovery Network Mapping or Open Space Strategy to inform Local Plan preparation and highly contentious spatial planning policy considerations, which will deliver thousands of new homes immediately alongside highly sensitive landscape-scale wildlife corridors. Such as the South Staffordshire Railway Walk in Lower Penn, which contains critically important bat roosts within areas of sensitive deciduous broadleaved woodland. The Council is taking forward an unsound policy (based on highly questionable, vague, meaningless and insufficiently

robust evidence) which conflicts with the tests of Soundness as reinforced in paragraphs 31 and 35 (indents b and d) of the Revised NPPF (2021). As a key stakeholder, with a keen longstanding interest in natural green space and nature conservation planning policy issues, we object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation.

The Local Plan is not being informed by sufficiently robust green infrastructure evidence. In particular, robustly-based wildlife corridor green infrastructure assessments as required by paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021). The emerging Local Plan Review assumptions are therefore based on flawed, insufficiently robust and missing evidence.

### **Strategic Objective 1 on page 21 of the Publication Stage Report (November 2022)**

It confirms that compensatory improvements to the environmental quality.

Response from Goldfinch Town Planning Services: Given South Staffordshire District Council's Planning Policy Teams and Development Management Teams previous under-performance on delivering natural green space environmental improvements across the district we have no confidence that the Council has the technical skills, ability, interest or desire to deliver environmental improvements. The Council is therefore taking forward an undeliverable policy approach which it has no intention of ever delivering, therefore conflicting with guidance in paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021).

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation.

### **Strategic Objective 2 on page 21 of the Publication Stage Report (November 2022)**

Unmet housing needs across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

Response from Goldfinch Town Planning Services: South Staffordshire District Council's Planning Policy Team has failed to take into account the recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review) (2022) and the subsequent massive void and uncertainty now created in terms of the level of estimated unmet housing needs present across the (GBBCHMA). We have concerns about this incompetent approach being taken to Local Plan-preparation within the South Staffordshire District. South Staffordshire District Council's Planning Policy Team needs to finally accept that the GBBCHMA data is now no longer reliable, is heavily out-of-date, no longer sufficiently robust, and no longer provides credible or fit-for-purpose evidence to inform future Local Plan-preparation work across the district going forward. The Council's Plan making approach is therefore not based on

'proportionate evidence' in direct conflict within test of 'Soundness' as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021). The Plan making approach is also failing to use the most robust and up-to-date evidence, in direct conflict with paragraph 31 of the Revised NPPF (2021). As well as taking forward undeliverable unmet housing needs forecasts information, in direct conflict with paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021).

This underlines the ongoing failure and continued incompetence being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team.

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation. We also continue to object to the "incapable" management and leadership approach being taken towards Local Plan preparation work by South Staffordshire District Council's Planning Policy Team. It is important that these failings now come to an end.

#### **Strategic Objective 4**

Refers the creation of sustainable places.

Response from Goldfinch Town Planning Services: By promoting heavily urbanising major residential development across sensitive greenfield sites within areas of open countryside, we maintain our view that the Publication Stage Report (November 2022) is promoting inappropriate, damaging and unsustainable patterns of development within the district, in direct conflict with sustainability development focused guidance reinforced in paragraphs 7, 8, 10, 11 (indent a), 16 (indent a), 35 (indent d), 38, 119, and 120 (indents d and e) of the Revised NPPF (2021).

The proposed housing sites within the Publication Stage Report (November 2022) are proposing a net site density level of 35 dwellings per hectare (dph) across sensitive greenfield sites. This is fairly high-density residential development for these sensitive greenfield sites within the Green Belt countryside, and will therefore result in future new housing development site layouts coming forward which would be heavily urbanised and therefore fail to deliver any meaningful on-site biodiversity/ nature conservation enhancement features and climate change mitigation benefits

The ongoing failure and continued refusal to promote the most sustainable patterns of new housing development across the district, means that the emerging Local Plan Review is therefore vulnerable to potential future Legal challenge at the later Examination in Public (EIP) stage - against the 'Sustainability tests of soundness' for Local Plan preparation, as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021).

#### **Strategic Objective 5**

Refers the creation of 'healthy communities'.

Response from Goldfinch Town Planning Services: We have concerns that the Council's delusional Planning Policy Team considers that it will be creating healthy communities. To be perfectly clear, the new residential communities being proposed

through major housing-led urban extensions within the open countryside will be heavily isolated from existing services and public open space provision, and given their isolated position, will be heavily car dependent. We have Council's that the Council's Sustainability Appraisal (SA) process has failed to recognise these critically important sustainability issues. This underlines the ongoing failure and continued incompetence being taken towards Local Plan preparation by the Council's Planning Policy Team. Both the Sustainability Appraisal (SA) and this policy is unsound.

As a key stakeholder, we are just highlighting these important issues to try and help the Council's Planning Policy Team improve its approach to future Local Plan making within the district. We have concerns about the "incapable" management and leadership approach being taken towards Local Plan preparation within the South Staffordshire District by the Council's Planning Policy Team.

### **Strategic Objective 11, page 22**

Delivery of Biodiversity Net Gain (BNG) features through the Local Plan.

Response from Goldfinch Town Planning Services: Given South Staffordshire District Council's Planning Policy Teams and Development Management Teams previous under-performance on delivering natural green space environmental improvements across the district in previous years, as a key stakeholder we have no confidence that the Council's Planning Policy and Development Management Teams has the right technical skill sets, ability, interest or desire to deliver BNG environmental improvements within the district. The Council is therefore taking forward an 'undeliverable' policy approach which it has no intention of ever delivering, therefore conflicting with guidance in paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021).

Not one of the new build private sector residential developments delivered within the district over the last 10 years has incorporated a single bat brick or swift nest box brick within external facing brickwork. If the Council cannot even deliver one single bat brick within private sector new build residential schemes over the last 10 years, we have no confidence that the Council has any interest in delivering meaningful BNG within the district going forward. This incompetent planning policy approach cannot be allowed to continue within the district. The Council is taking forward a policy that it has no intention of ever delivering, contrary to the deliverability test as reinforced within paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021). The Council is also not promoting sustainable development contrary to guidance in paragraph 35 (indent d) of the Revised NPPF (2021).

As a key stakeholder, we are just highlighting these important issues to try and help the Council's Planning Policy and Development Management Teams improve its approach to delivering BNG in future years. We would strongly recommend that the Council's town planners undertake some nature conservation focused training to try and help improve the under delivery and disappointing performance as highlighted above. We are concerned about the number of Local Authority town planners who appear to have absolutely no interest or understanding whatsoever about nature

conservation issues, and how to create sustainable new residential communities which can help to support biodiversity. By incorporating sufficient new habitat creation measures within new housing development proposals. We are disappointed that the Council's Planning Policy and Development Management Teams continue to promote poor quality forms of new housing developments across the district, which fail to effectively respond to BNG focused guidance as set out in paragraphs 8 (indent c), 120 (indent a), 174 (indent d), 179 (indent b) and 180 (indent d) of the Revised NPPF (2021).

### **Strategic Objective 12, page 22**

Resilient and adaptive to climate change.

Response from Goldfinch Town Planning Services: By promoting heavily urbanising major residential development across sensitive greenfield sites within areas of open countryside, we maintain our view that the Publication Stage Report (November 2022) is promoting inappropriate, damaging and unsustainable patterns of development within the district, in direct conflict with sustainability development focused guidance reinforced in paragraphs 7, 8, 10, 11 (indent a), 16 (indent a), 35 (indent d), 38, 119, and 120 (indents d and e) of the Revised NPPF (2021).

The proposed housing sites within the Publication Stage Report (November 2022) are proposing a net site density level of 35 dwellings per hectare (dph) across sensitive greenfield sites. This is fairly high-density residential development for these sensitive greenfield sites within the Green Belt countryside, and will therefore result in future new housing development site layouts coming forward which would be heavily urbanised and therefore fail to deliver any meaningful on-site biodiversity/ nature conservation enhancement features and climate change mitigation benefits.

The approach being taken within the emerging Local Plan will worsen the effects of the Urban Heat Island Effect and cause increased levels of surface water run-off (creating flood risk pressures), given that greenfield sites (green space vegetated surfaces) within the open countryside will be replaced by heavily urbanising brick, concrete, tile and macadam surfacing. We have concerns that the Council's Planning Policy Team appears to have no understanding of the urban heat island effect or surface water run-off issues.

South Staffordshire District Council's Planning Policy Team now need to move on and finally accept that there is now an urgent Climate Change Emergency now adversely affecting the South Staffordshire District and the wider immediately adjacent Black Country sub-region. These issues need to be urgently considered by South Staffordshire District Council's Planning Policy Team in its approach taken towards spatial planning. South Staffordshire District Council's Planning Policy Team is proposing huge levels of environmental damage across the local area which will make the local area less resilient to future climate change pressures. Such as the urban heat island effect (which will get worse due to the huge levels of housing development being proposed) and flood risk from severe rainfall flash flooding events.

The adverse climate change implications (urban heating and increased surface water run-off pressures) of the major housing allocations being proposed on sensitive greenfield sites within the district's open countryside has not been sufficiently considered and rigorously assessed with both the emerging Sustainability Appraisal (the SA is not fit-for-purpose) process and the Strategic Objective Policy referred to above. The not fit-for-purpose SA and the policies within the Publication Stage Plan (2022) have not therefore been prepared in accordance with climate change focused guidance reinforced in paragraphs 153 and 154 of the Revised NPPF (2021).

The position is perfectly clear, the emerging Local Plan Review will promote highly damaging and unsustainable patterns of new housing and employment land development across the district, contrary to the 'Sustainability' test of 'Soundness' as reinforced in paragraph 35 (indent d) of the Revised NPPF (2021). The Council is taking forward an unsound Local Plan Review.

**This underlines the ongoing failure and continued incompetence being taken towards Local Plan preparation across the district. We have concerns about the "incapable" management and leadership approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team.**

### **Policy DS2: Green Belt Compensatory Improvements, on page 25**

Response from Goldfinch Town Planning Services: For reasons already set out in our Representations Statement (December 2022), we maintain our view that the Green Infrastructure evidence being used by the Council's Planning Policy Team is too vague, provides meaningless evidence, is insufficiently robust, and fails to respond effectively to requirements of green infrastructure guidance expected by paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021). The position is perfectly clear, the Council is using insufficiently robust Nature Recovery Network Mapping or Open Space Strategy to inform critically important housing-led spatial planning policy considerations across the district. The Council is taking forward an unsound policy which conflicts with the tests of Soundness as reinforced in paragraphs 31 and 35 (indents b and d) of the Revised NPPF (2021). As a key stakeholder, with a keen longstanding interest in natural green space and nature conservation planning policy issues, we object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation.

We have no confidence that the Council's Planning Policy and Development Management Teams have any interest, desire or green space/ natural green space technical skills and capabilities to deliver meaningful Green Belt compensatory improvements within the districts countryside. The Council is simply not interested in natural green space planning policy issues.

### **Housing – development of a built environment that is of a high-quality design – Strategic Objective 4, pages 27 to 28 (paragraphs 5.10 to 5.16) – Unmet housing needs issues from across the GBBCHMA**

Response from Goldfinch Town Planning Services: As discussed further above, South Staffordshire District Council's Planning Policy Team has failed to take into account the recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review) (2022) and the subsequent massive void and uncertainty now created in terms of the level of estimated unmet housing needs present across the (GBBCHMA). Please refer to further above comments.

### **Policy DS3 Open Countryside, page 26**

It states that "...The Council will protect the intrinsic character and beauty of the countryside whilst supporting development proposals..."

Response from Goldfinch Town Planning Services: We have concerns that the Council's Planning Policy and Development Management Teams will fail to deliver this policy, given the low-quality approach taken to other new build residential developments across the district over the last 15 years. As a key stakeholder, we remain unconvinced that this policy will be delivered effectively across the district. The Publication Stage Report (November 2022) is promoting inappropriate, damaging and unsustainable patterns of development within the district, contrary to sustainable development focused guidance reinforced within paragraphs 7, 8, 10, 11 (indent a), 16 (indent a), 35 (indent d), 38, 119, and 120 (indents d and e) of the Revised NPPF (2021). As well as in direct conflict with green infrastructure (wildlife corridor focused) guidance reinforced within paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021).

### **Pages 32 to 33 – the spatial housing strategy 2018 to 2039 and Policy DS4 'Development Needs'**

Response from Goldfinch Town Planning Services: The tables appearing on pages 32 to 33 contain misleading information. The total numbers of new housing adds up to 10,188 dwellings, not the 9,098 being stated. This misleading approach to Local Plan preparation conflicts with guidance in paragraph 16 (indent c) of the Revised NPPF (2021) which confirms that: "...Plans should (indent c) be shaped by early, proportionate and **effective engagement between plan-makers and communities**, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

The above misleading housing figures information will place local communities at a considerable disadvantage when trying to respond to the Publication Stage (Regulation 19) (November 2022) public consultation stage, in direct conflict with paragraph 16 (indent c) of the Revised NPPF (2021).

### **Strategic Objective 5 - Open Space/ healthy communities, page 22**

Response from Goldfinch Town Planning Services: We have concerns that the Council's Planning Policy Team considers that it will be creating healthy communities.

To be perfectly clear, the new residential communities being proposed through major housing-led urban extensions within the open countryside will be heavily isolated from existing services and public open space provision, and given their isolated position, will be heavily car dependent. We have Council's that the Council's Sustainability Appraisal (SA) (the SA is not fit-for-purpose or sufficiently robust) process has failed to recognise these critically important sustainability issues. Both the Sustainability Appraisal (SA) and the policy itself within the Publication Stage Report is unsound.

The Council is also using an insufficiently robust Green Space Audit (Open Space Needs Assessment) to inform and support Local Plan preparation, that fails to meet the requirements of paragraph 98 of the Revised NPPF (2021).

Given that highly unsustainable new residential communities will be created, in isolated site locations, poorly served by publicly accessible green space resources, the Council's Publication Stage Report (2022) will make the obesity epidemic far worse, will help increase cases of Types 1 and 2 Diabetes, coronary heart disease, lung disease due to increased levels of air pollution from thousands of additional cars placed onto the district's already pressured road networks, etc. We have concerns that the Council's proposed spatial planning policy approach will make health inequalities far worse across the district.

**Gypsies and travellers and travelling showpeople, page 44 (paragraphs 5.51 to 5.53), and page 51 Policy DS5: The Spatial Strategy – Gypsy, Travellers, and Travelling Showpeople, and pages 80 to 82 (paragraphs 6.36 to 6.40), 101 to 103 (paragraphs 7.23 to 7.25).**

Response from Goldfinch Town Planning Services: Unsustainable levels of new pitch numbers are being proposed across the district which will promote inappropriate, damaging and unsustainable patterns of development within the local area, and cause significant residential amenity conflicts with the settled community, as well as damage sensitive rural landscapes and fragile wildlife corridors. These gypsy and traveller planning policy concerns are already covered within this wider December 2022 Representations Statement.

**Employment land, pages 44 to 47 (paragraphs 5.54 to 5.63).**

Response from Goldfinch Town Planning Services: There is a lack of certainty about the delivery of employment uses at a time when the South Staffordshire District, the wider West Midlands Region and the wider UK is facing one of the worst economic recessions of a scale and severity not experienced across the South Staffordshire District for the last 300 years.

This 300-year-economic-recession-event as a result of the global coronavirus pandemic (COVID-19) and as a result of Russia's Spring 2022 ongoing invasion of Ukraine, has not been shaped into Local Plan Employment land policy within either the Publication Stage Report (Regulation 19) (November 2022) or the accompanying

Sustainability Appraisal (SA). This huge adverse shift in economic circumstances will affect both the future **NEED** and **DEMAND** for new employment land across the district.

As a key local stakeholder, we maintain our view that a rigidly fixed template for the future spatial distribution of new housing and new and existing employment land development across the district has already been decided by the LPA and is being forced-through and used as the place shaping agenda going forward, from the now heavily out-of-date existing adopted Core Strategy (adopted 2012). The adopted Core Strategy (2012) (which is now 10 years old since it was originally adopted) now forms a heavily and long out-of-date Plan, based on a huge mountain of insufficiently robust, highly questionable pre-COVID-19 economic data, long out-of-date, unsound background supporting technical evidence base, and unsound spatial planning policy modelling assumptions for the future spatial distribution across the district of new employment land. Using this highly questionable economic data and heavily out-of-date Core Strategy (adopted 2012) to heavily influence Local Plan preparation policy is in direct conflict with an extensive range of Revised NPPF guidance as referred to further below.

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the Revised NPPF (2021) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

Given the above issues, we contend that the Employment land policy approach being taken forward within both the Publication Stage Report (November 2022) and the accompanying not fit-for-purpose Sustainability Appraisal (SA) background evidence supporting Local Plan preparation, are clearly both unsound and are not legally compliant. The Plan-making approach therefore fails various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – it is not based on proportionate evidence), (indent c – failing the deliverability test), and (indent d – it is failing to promote the most sustainable patterns of development) of the Revised NPPF (2021). The incompetent approach taken towards Local Plan-preparation within both the Publication Stage Report and accompanying SA is also in direct conflict with paragraphs 31 (the Plan-making approach is not based on sufficiently robust and up-to-date evidence) and 82 (indent d – both the Publication Stage Report and accompanying SA are both failing to shape into their Plan-preparation approach the huge and unprecedented rapid shift in adverse economic circumstances now affecting the South Staffordshire District) of the Revised NPPF (2021).

South Staffordshire District Council's Planning Policy Team now needs to move on and start to face the reality of the new economic situation, and now needs to start to begin to finally accept that times have now significantly changed and moved on since the year 2012 Core Strategy was adopted. The Local Plan area is now facing a completely different set of new and unprecedented economic challenges.

**Policy DS4 ‘Development Needs on page 48 states that:** “...99 Hectares of employment land over the period 2020 – 2039 to ensure that South Staffordshire’s identified need for employment land of 63.6 Hectares is met, unmet needs of the Black Country Authorities...”

Response from Goldfinch Town Planning Services: For the reasons set out above we maintain our view that the planning policy approach being taken towards new employment land needs has failed to remain sensitive and sufficiently flexible to the 300-year economic recession event now facing the district. The Council’s planning policy stance on these issues is therefore no longer based on a sufficiently robust platform of up-to-date economic evidence. The LPA has conveniently chosen to ignore the presence of a huge economic recession now facing the local area, in direct conflict with guidance reinforced in paragraphs 31, 35 (indent b), and 82 (indent d) of the Revised NPPF (2021).

Information relating to unmet needs of the Black Country is no longer sufficiently based on a platform of sufficiently robust and defensible evidence, given the recent Autumn 2022 collapse of the emerging Black Country Plan (BCP) (Review). We are concerned that the Council’s Planning Policy Team has failed to shape this important matter into Local Plan preparation within both policies within the Publication Stage Report (November 2022) and the insufficiently robust Sustainability Appraisal (SA) which is being used to inform Local Plan-preparation.

**Policy DS6 ‘Longer Term Growth Aspirations for a New Settlement’, page 52 and site allocations pages 55 to 79:**

Response from Goldfinch Town Planning Services: This highly aspirational and vague policy is being brought forward in a highly uncertain economic climate, when the district is being adversely affected by a long-term 300-year-economic-recession-event as discussed further above. The approach within this highly questionable and insufficiently robust policy is therefore failing the ‘deliverability’ tests as reinforced within paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2021). The approach is also contrary to guidance reinforced in paragraph 82 (indent d) of the Revised NPPF (2021), given that the huge levels of new housing development being proposed in this highly aspirational policy have failed to take into account the rapid shift in adverse economic circumstances now facing the district.

The planning policy approach being taken in this vague policy is also in direct conflict with guidance in paragraph 16 (indent d) of the Revised NPPF (2021) which states that: “...Plans should (indent d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals...”

This policy approach will also promote the delivery of very isolated new residential communities which will be car dependent, as well as cause significant built development encroachment pressures across sensitive areas of open countryside.

We maintain our view that the unbalanced and highly unsustainable levels of new housing development are being forced-through into the emerging Local Plan Review (2022) and proposed within the South Staffordshire District's sensitive countryside. The South Staffordshire District is being over-loaded with an unreasonable and unsustainable amount of new housing development. This considerable over-development and imbalance will promote inappropriate, highly damaging and unsustainable patterns of development within district. Resulting in the loss of sensitive arable farmland, as well as damage sensitive rural landscapes and sensitive wildlife habitats.

We also have considerable planning policy concerns that the spatial planning policy approach being proposed and 'forced through' into the emerging Local Plan Review by South Staffordshire District Council's Planning Policy Team will deliver 'landscape-scale' ecological habitat damage to the local area, contrary to guidance in paragraph 179 of the Revised NPPF (2021).

We object due to the congestion that the new residential development will cause on already pressured local road networks, and the impacts on already pressured health care facilities and local schools – which are already operating at maximum capacity levels. This huge scale of new residential development cannot be accommodated within the local area. The South Staffordshire District is being expected to accommodate far too much new housing development. More needs to be done to stop South Staffordshire District Council's Planning Policy Team from causing huge levels of environmentally damaging development across the local area.

South Staffordshire District Council's Planning Policy Team appears determined to do everything that it possibly can to promote the most environmentally damaging patterns of new housing development across the district within the emerging Local Plan Review. We have concerns about the "incapable" management and leadership approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team.

The continued failure and ongoing refusal to promote the most sustainable patterns of development within the emerging Local Plan Review within the South Staffordshire District, means that the emerging Local Plan Review is currently failing the 'sustainability' test for Local Plan preparation tests of 'Soundness' as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021). The Plan is therefore potentially vulnerable to future Legal challenge at the later Examination in Public (EIP) stage, against the 'Sustainability' test of Soundness as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021).

### **Policy HC2: Housing Density, pages 89 to 91:**

**Response from Goldfinch Town Planning Services:** This Policy is proposing a net site density level of 35 dwellings per hectare (dph) across sensitive greenfield sites within the districts's countryside. This is fairly high-density residential development for sensitive greenfield sites within the open countryside, and will therefore result in future

new housing development site layouts coming forward which would be heavily urbanised and therefore fail to deliver any meaningful on-site biodiversity/ nature conservation enhancement features and climate change mitigation benefits.

Such as reducing the Urban Heat Island Effect and promoting sustainable urban drainage. The heavily urbanised development which will be subsequently delivered will increase the urban heat island effect and increase surface water run-off rates and therefore increase flood risk pressures. We are both disappointed and concerned that South Staffordshire District Council's Planning Policy Team fails to recognise the Climate Change Emergency now affecting the district and the adjacent wider Black Country sub-region. These heavily urbanised future housing development site layouts will not help to increase the local areas resilience to future climate change pressures, and the irresponsible response to Plan-making being taken by South Staffordshire Council's Planning Policy Team is therefore in direct conflict with climate change focused guidance reinforced within paragraphs 153 and 154 of the Revised NPPF (2021). These NPPF paragraphs expect emerging Local Plan Reviews to give serious planning policy consideration to the Climate Change Emergency and incorporate effective and meaningful measures which can help to increase an areas resilience to future climate change pressures. The emerging Local Plan Review is failing to do this.

During July and August 2022, the South Staffordshire District and adjoining Black Country sub-region experienced its driest July and August for more than 100 years, and the extreme record-breaking temperatures and prolonged drought conditions continued throughout August 2022 (source: Express and Star 14/08/2022 – Article: Exclusive drone photos reveal how parched region has become, after driest month for nearly a century). As stated above, the emerging South Staffordshire Local Plan Review (2022) and its irresponsible approach to spatial plan making has failed to recognise and give sufficient consideration to the Climate Change Emergency now affecting the district and the wider adjacent Black Country sub-region, and wider UK. The spatial planning approach to the future distribution of new housing and employment land development does not match the rhetoric within the climate policies within South Staffordshire Local Plan Review. The Publication Stage Report (November 2022) just pays lip service to these critically important climate change issues. These ongoing failures and low-quality development approach cannot be allowed to continue across the South Staffordshire District.

South Staffordshire District Council's Planning Policy Team now need to move on and finally accept that there is now an urgent Climate Change Emergency now adversely affecting the South Staffordshire District and the wider immediately adjacent Black Country sub-region. These issues need to be urgently considered by South Staffordshire District Council's Planning Policy Team in its approach to spatial planning. South Staffordshire District Council's Planning Policy Team is proposing huge levels of environmental damage across the local area which will make the local area less resilient to future climate change pressures, such as the urban heat island effect and flood risk from severe rainfall flash flooding events.

South Staffordshire District Council's Planning Policy Teams approach to Plan making within the emerging Local Plan Review is making the local area less resilient to future

climate change pressures, and the Plan making approach therefore strongly conflicts with climate change focused guidance reinforced in paragraphs 153 and 154 of the Revised NPPF (2021), and green infrastructure wildlife corridor focused guidance in paragraph 179 of the Revised NPPF (2021). We have concerns about the “incapable” management and “incapable” leadership approach being taken towards Local Plan preparation by South Staffordshire District Council’s Planning Policy Team and its managers.

The position is perfectly clear, the emerging Local Plan Review (November 2022) is not promoting the most sustainable patterns of development, and the spatial planning Plan-making approach being taken by South Staffordshire District Council’s Planning Policy Team is therefore in direct conflict with guidance in paragraphs 7, 8, 10, 11 (indent a), 16 (indent a), 35 (indent d), 38, 119, and 120 (indents d and e) of the Revised NPPF (2021).

**Policy HC19: Green Infrastructure, pages 119 to 120 (paragraphs 9.15 to 9.17) and Policy NB1: Protecting, enhancing and expanding natural assets and Policy NB2 Biodiversity (pages 121 to 129, and pages 147 to 151).**

Response from Goldfinch Town Planning Services: For reasons already set out in our Representations Statement (December 2022), we maintain our view that the Green Infrastructure evidence being used by the Council’s Planning Policy Team is far too vague, provides a meaningless planning policy framework, is insufficiently robust, and fails to respond effectively to deliver requirements of green infrastructure guidance expected by paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021). The Council is taking forward an unsound policy (based on highly questionable, vague, totally meaningless and insufficiently robust evidence) which conflicts with the tests of Soundness as reinforced in paragraphs 31 and 35 (indents b and d) of the Revised NPPF (2021).

The position is perfectly clear, the Council is using insufficiently robust Nature Recovery Network Mapping or Open Space Strategy to inform critically important housing-led spatial planning policy considerations across the district. The Council is taking forward an unsound policy which conflicts with the tests of Soundness as reinforced in paragraphs 31 and 35 (indents b and d) of the Revised NPPF (2021). As a key stakeholder, with a keen longstanding interest in natural green space and nature conservation planning policy issues, we object to the continued poor quality of the evidence base being used by the Council’s Planning Policy Team to support Local Plan preparation.

We have no confidence that the Council’s Planning Policy and Development Management Teams have any interest, desire or green space/ natural green space technical skills and capabilities to deliver meaningful green infrastructure enhancements within the district’s countryside. The Council is simply not interested in delivering natural green space enhancements across the district. By encouraging destruction to sensitive wildlife corridors by promoting huge levels of new housing development immediately alongside the sensitive South Staffordshire Railway walk natural green space corridor within the Lower Penn area of the district (and other wildlife corridors in other parts of the district), the Council is failing to promote the most

sustainable patterns of development, in direct conflict with the 'Sustainability' tests of 'Soundness' as reinforced in paragraph 35 (indent d) of the Revised NPPF (2021).

**Policy EC1: Sustainable Economic Growth (pages 122 to 123, paragraphs 10.1 to 10.3).**

Response from Goldfinch Town Planning Services: As a key local stakeholder, we maintain our view that a rigidly fixed template for the future spatial distribution of new housing and new and existing employment land development across the district has already been decided by the LPA and is being forced-through and used as the place shaping agenda going forward, from the now heavily out-of-date existing adopted Core Strategy (adopted 2012). The adopted Core Strategy (2012) (which is now 10 years old since it was originally adopted) now forms a heavily and long out-of-date Plan, based on a huge mountain of insufficiently robust, highly questionable pre-COVID-19 economic data, long out-of-date, unsound background supporting technical evidence base, and unsound spatial planning policy modelling assumptions for the future spatial distribution across the district of new employment land.

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the Revised NPPF (2021) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

Given the above issues, we contend that the Employment land policy approach being taken forward within both the Publication Stage Report (November 2022) and the accompanying not fit-for-purpose Sustainability Appraisal (SA) background evidence supporting Local Plan preparation, are clearly both unsound and are not legally compliant. The Plan-making approach therefore fails various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – it is not based on proportionate evidence), (indent c – failing the deliverability test), and (indent d – it is failing to promote the most sustainable patterns of development) of the Revised NPPF (2021).

The highly incompetent approach being taken towards Local Plan-preparation by the Council's Planning Policy Team within both the Publication Stage Report and accompanying SA is also in direct conflict with paragraphs 31 (the Plan-making approach is not based on sufficiently robust and up-to-date evidence) and 82 (indent d – both the Publication Stage Report and accompanying SA are both failing to shape into their Plan-preparation approach the huge and unprecedented rapid shift in adverse economic circumstances now affecting the South Staffordshire District) of the Revised NPPF (2021). We have concerns about the "incapable" management and leadership approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team.

**Policy NB6: Sustainable Construction (pages 157 to 160)**

Response from Goldfinch Town Planning Services: The huge economic shift and significant material change in economic circumstances now facing the Local Plan due to the presence of a severe economic recession caused by the pro-longed, unprecedented and severe global coronavirus (covid-19) pandemic, which has resulted in one of the worst global health pandemic events to affect the United Kingdom (UK) within the last 100 years, should now be viewed as a key material planning consideration by the LPA when shaping future policies within the emerging Local Plan Review.

We have concerns that the Council is taking forward policies that may no longer be deliverable in a severe economic recession. The future financial viability of new housing schemes will be a major issue given the adverse economic landscape now facing the local area. Policy NB6 will add significant financial costs to new development proposals coming forward across the district. We also have concerns how these policies can be monitored on site, as not all the issues are covered by Building Control requirements.

### **Historic Environment Policies**

Policy NB8: Protection and enhancement of the historic environment and heritage assets.

(Policy NB8 located on page 165 of the Council's Publication Stage Report (Regulation 19) (November 2022))

It is important that any historic environment policies (such as Policy MB8) being taken forward within an emerging Local Plan Review and any heritage designations (including the background technical evidence base within a Conservation Area Character Appraisal (CACA) document being used by a Local Planning Authority to support, justify and underpin the designation of Conservation Areas) are supported by a sufficiently robust and defensible platform of up-to-date evidence - consistent with guidance reinforced in paragraphs 31, 35 (indent b) and 192 of the Revised NPPF (2021).

Having considered the evidence, we have concerns that South Staffordshire District Council's Planning Policy Team is taking forward an unsound Policy (Policy NB8) given that many of the Conservation Area Character Appraisals (CACA) background technical evidence base documents which support the designation of Conservation Areas are now heavily out-of-date. For example, the:

- Chillington Estate Conservation Area Management Plan was adopted during November 1971. The evidence base to support and justify this specific Conservation Area **is now 51 years old since the evidence base was last adopted.**
- Weston-under-Lizard Village and Estate Conservation Area Management Plan/ CACA was adopted during November 1973. The evidence base to support and

justify this specific Conservation Area is now 49 years old since the evidence base was last adopted.

- Enville Village and Estate Conservation Area Management Plan/ CACA was adopted during November 1973. The evidence base to support and justify this specific Conservation Area is also now 49 years old since the evidence base was last adopted.
- Shropshire Union Canal Conservation Area Management Plan was adopted during September 1984. The evidence base to support and justify this specific Conservation Area is now 38 years old since the evidence base was last adopted.
- Wombourne Conservation Area Management Plan was adopted during November 2010. The evidence base to support and justify this specific Conservation Area is now 12 years old since the evidence base was last adopted.
- Lower Penn Conservation Area Management Plan was adopted during November 2010. The evidence base to support and justify this specific Conservation Area is now also 12 years old since the evidence base was last adopted.

The Council's Planning Policy Team has commissioned Historic Environment Site Assessments (HESA) Stage 1 Reports (HESA versions dated December 2019, 2020, 2021, and HESA 2022), to support Local Plan preparation. However, these HESA reports provide evidence that is too vague and unclear, and which forms insufficiently robust guidance and should not therefore be being used solely to inform critically important spatial planning policy considerations for the future spatial distribution of major new housing development, within areas of historically sensitive countryside. The position is very clear, there is an incomplete and insufficiently robust up-to-date historic environment evidence base being used by the Council's Planning Policy Team to support and inform Local Plan preparation within the Publication Stage Report (Regulation 19) (November 2022). Given that nearly all of the district's Conservation Area's designations are now heavily out-of-date since they were last surveyed. Some of the Conservation Areas have not been surveyed by the Council's Planning Policy Team for the last 51 years, and many have not been surveyed since the year 2010. So nearly all of the Conservation Areas are being underpinned by an evidence base which is at least 12 years old, and therefore heavily out-of-date evidence. And as stated, alarmingly some of the district's Conservation Area's have not been surveyed for the last 51 years. We have concerns about this level of incompetence.

### **Conclusion:**

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Council's Planning Policy Team to support Local Plan preparation.

Given the concerns raised above, we contend that the Council's Planning Policy Team is taking forward an unsound and insufficiently robust policy NB8 (Protection and enhancement of the historic environment and heritage assets), given that critically

important areas of background technical evidence base to support this policy are now heavily out-of-date and based on insufficiently robust evidence. For example, one of the Conservation Area Management Plans/ Conservation Area Character Appraisals (CACA) is now 51 years old since the Conservation Area was last surveyed, last adopted and was last subject to a Management Plan/ CACA assessment.

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraphs 31, 35 (indent b) and 192 of the Revised NPPF (2021) considered further below. We have concerns that the Council's Planning Policy Team considers that it is appropriate to be taking forward historic environment policies within the emerging Local Plan Review which are being informed by heavily out-of-date Conservation Area designations that have not been surveyed for the last 51 years. We continue to object to the "incapable" management and leadership approach being taken towards Local Plan preparation by South Staffordshire District Council's Planning Policy Team.

Guidance in paragraph 192 (indent a) of the Revised NPPF (2021) is perfectly clear that: "...Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to: (indent a) assess the significance of heritage assets and the contribution they make to their environment..." Paragraph 31 of the Revised NPPF (2021) confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..." Paragraph 35 (indent b) of the Revised NPPF (2021) confirms that:

"...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and **based on proportionate evidence**..."

**In conclusion, by taking forward insufficiently robust and unsound policies which are based on heavily out-of-date and highly questionable evidence, the Plan is clearly unsound and fails the proportionate evidence tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021). The approach taken towards Local Plan preparation is also in direct conflict with paragraphs 31 and 192 of the Revised NPPF (2021).**

**Failing to sufficiently protect natural green space areas landscape-scale wildlife corridors and protected wildlife species across the South Staffordshire District. The Council is using insufficiently robust green infrastructure background evidence to inform Local Plan preparation which is not fit-for-purpose**

### **Natural green space and bat protection focused issues**

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation.

South Staffordshire District Council's Planning Policy Team is proposing heavily urbanising, high density major residential development proposals immediately alongside the South Staffordshire Railway Walk dismantled railway line within the Lower Penn area of the district, which forms a critically important and highly sensitive landscape-scale connecting wildlife corridor, containing highly sensitive mature deciduous broadleaved woodland habitat. The Council's land use spatial planning policy approach and huge levels of environmental destruction being proposed within the Publication Stage Report (November 2022) is failing to protect critically important wildlife corridors and is therefore failing to promote the most sustainable patterns of development.

The plan is therefore failing the 'Sustainability' tests of Soundness as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021). The irresponsible spatial planning policy approach being taken within the Publication Stage Report (November 2022) by South Staffordshire District Council's Planning Policy Team is also in direct conflict with wildlife corridor green infrastructure focused protection guidance as reinforced within paragraphs 174 (indent d), 175 and 179 of the Revised NPPF (2021).

The South Staffordshire Railway Walk dismantled railway line woodland located within the Lower Penn countryside extends across considerable areas of countryside, connecting across the rural landscape. These are highly sensitive wildlife habitats and form critically important landscape-scale linear wildlife corridor features, and should be protected from inappropriate forms of development which could harm their continued wildlife corridor function, consistent with wildlife corridor and green infrastructure focused national planning guidance as reinforced within paragraphs 174 (indents a and d) and 179 of the Revised NPPF (2021).

As a key stakeholder, we have concerns in relation to the adverse impacts on protected wildlife species and their fragile habitats as a result of major new housing development site allocations being proposed alongside important wildlife corridors within the Publication Stage Report (November 2022). Similar to the South Staffordshire Railway Walk dismantled railway line mature broadleaved woodland wildlife habitat located within Lower Penn area of the district, where major new housing site allocations of 350 residential units are being proposed across sensitive Green Belt rural farmland by South Staffordshire District Council's Planning Policy Team alongside the ecologically sensitive South Staffordshire Railway Walk dismantled railway line. A further concern is that some of these woodland sites will contain critically important bat roosts.

As a key stakeholder, we are aware of active bat roost within the South Staffordshire Railway Walk dismantled railway line broadleaved woodland at Lower Penn, which immediately borders proposed major housing site allocation site 582 Langley Road, Lower Penn.

We have longstanding concerns that South Staffordshire District Council's Planning Policy Team will destroy critically important bat roosts (and bat foraging habitat

features) and other sensitive wildlife habitat features as part of its highly incompetent and irresponsible approach taken towards Local Plan preparation across the district. This incompetent spatial planning policy approach taken towards Local Plan preparation by the Council's Planning Policy Team cannot be allowed to continue. As a key stakeholder, we have concerns about the "incapable" leadership being taken towards Local Plan preparation and the irresponsible spatial planning policy approach being proposed, which will deliver huge levels of heavily urbanising and environmentally damaging patterns of built development and urban sprawl across the district within highly sensitive greenfield development site locations within the Green Belt countryside.

The Council's Planning Policy Team preparing the emerging Local Plan (Review) have a Legal obligation to fully consider bat protection issues and bat conservation measures when preparing South Staffordshire District Council's emerging Local Plan Review (2022). Bat protection issues have not been taken into account at all by the Council's Planning Policy Team when preparing the emerging Local Plan Review. Biodiversity will be seriously damaged by the many greenfield Green Belt development site locations being proposed for major new housing development by the LPA. Particularly those Green Belt farmland site locations immediately bordering areas of mature deciduous broad-leafed wildlife corridor woodland habitats as discussed above.

As a key local stakeholder, we are just needing to highlight these critically important issues to try and help the Council's Planning Policy Team improve its approach to Local Plan making.

South Staffordshire District Council's Planning Policy Team's continual failure and ongoing refusal to wanting to promote the most environmentally sustainable patterns of development across the South Staffordshire District within the emerging Local Plan Review (2022), means that the Council's planning policy position and stance on these issues is no longer defensible, and is in direct conflict with guidance reinforced within paragraphs 7, 10, 11 (indent a), 35 (indent d), 38, and 120 (indent d), 179 of the Revised NPPF (2021). These NPPF paragraphs expect Local Planning Authorities to promote the most environmentally sustainable patterns of development when preparing emerging Local Plan Reviews. The Council's Planning Policy Team and Managers leading the Team appear to have no understanding whatsoever about natural green space and protected wildlife species planning policy issues at all. This is highly alarming given that this Planning Policy Team is leading on such a critically important Local Plan Review which is now in its very final last stages of Local Plan preparation. As a key stakeholder, we have concerns about the "incapable" leadership being taken towards Local Plan preparation, and the huge levels of natural green space environmental destruction being caused across the South Staffordshire District by the Council's Planning Policy Team.

**The natural environment is a key Sustainability issue which has been completely overlooked and neglected, and has not been given sufficient consideration and sufficient material planning weight by the Council's Planning Policy Team within both the Council's Sustainability Appraisal (SA) supporting**

**background evidence base document, as well as the Council's Regulation 19 Publication Stage Report (November 2022), as well as earlier stages of Local Plan preparation.**

As a key stakeholder we find it a disappointing and highly concerning situation that South Staffordshire District Council's Planning Policy Team appears keen and absolutely determined to do everything that it possibly can to promote the most environmentally damaging and unsustainable patterns of new housing development possible across the South Staffordshire District within the Council's emerging Local Plan Review Publication Stage Report (Regulation 19) (November 2022). Contrary to an extensive range of nature conservation focused NPPF guidance. The Council's Planning Policy Teams highly incompetent planning policy position on this issue is no longer defensible, and vulnerable to future Legal challenge at the future Local Plan (Review) Examination in Public (EIP) stage, against the 'Sustainability test' for Local Plan preparation tests of Soundness as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021). The position is perfectly clear, South Staffordshire District Council's Planning Policy Team is not promoting the most environmentally sustainable patterns of development, contrary to the above NPPF guidance.

We have long standing planning policy concerns in relation to the Council's ongoing refusal and continued failure to promote the most environmentally sustainable patterns of development across the South Staffordshire District within the emerging Local Plan Review, in direct conflict with an extensive range of NPPF guidance referred to above and further below. **The position is perfectly clear, more needs to be done to stop South Staffordshire District Council's Planning Policy Team from causing huge levels of irreparable environmental damage within the local area's heavily rural countryside. The Council is promoting inappropriate, damaging and unsustainable patterns of development within the local area. This incompetent Planning Policy approach and huge levels of environmental destruction cannot be allowed to continue.**

**South Staffordshire District Council's Planning Policy Team is actively promoting and encouraging disturbance to, and the irreparable destruction of critically important and highly sensitive bat roost features. As well as the irreparable destruction of critically important bat foraging green space habitats immediately bordering bat roost features. Such as the area of Green Belt farmland (containing wetland habitat features) being promoted as part of major new housing site allocation reference: site 582 Langley Road, Lower Penn which will deliver a heavily urbanising form of residential development alongside a highly sensitive mature woodland wildlife corridor.**

**This area of rural farmland provides critically important bat foraging habitat immediately bordering active bat roost features located within the immediately adjacent established broadleaved mature woodland located along the South Staffordshire dismantled railway line.**

All bat species and their roosts and bat foraging habitats in the UK are legally protected by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations. Disturbing bats or their roosts is a criminally

prosecutable offence. The Council's Planning Policy Team preparing the emerging South Staffordshire Local Plan Review have a Legal obligation to fully consider bat protection issues when preparing the Council's emerging South Staffordshire Local Plan Review. South Staffordshire District Council's Planning Policy Team is destroying critically important bat roosts located within the wider mature woodland natural green space habitat area immediately bordering proposed major housing site allocation reference: site 582 Langley Road, Lower Penn (as well as destroying critically important bat foraging habitats located alongside this broad-leaved woodland), and therefore contravening the above Legislation and wildlife protection focused guidance as reinforced within paragraphs 174 (indents a an d) and 179 of the Revised NPPF (2021).

As stated further above, the approach taken to Local Plan preparation within South Staffordshire District Council's Publication Stage Report (November 2022) is therefore failing Local Plan tests of Soundness (directly failing the Sustainability test) as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021).

South Staffordshire District Council's Planning Policy Team and Managers leading the Planning Policy Team appear to have no interest and no understanding whatsoever of natural green space and wildlife/ nature conservation Planning Policy matters. This is a highly disappointing situation given that the Council's Planning Policy Team is leading on such an important Local Plan Review, which is proposing huge levels of development across areas of sensitive rural Green Belt countryside, at the detriment of the local environment. This is a highly alarming and highly concerning situation given that the Council's Planning Policy Team is leading on such a hugely influential, critically important, and highly significant Local Plan Review.

The Council's approach taken towards Local Plan preparation is insufficiently robust, is not fit-for-purpose, and negligent to take on board the specialist needs of the natural environment, to help conserve biodiversity to help conserve populations of rare and vulnerable wildlife species.

**This underlines the ongoing failure and continued incompetence of South Staffordshire District Council's Planning Policy Team in relation to natural green space and wildlife/ nature conservation focused Planning Policy matters.**

The Council's Planning Policy Team is causing huge levels of environmental destruction within the local area.

**We have concerns in relation to the continued poor quality of the evidence base being used by South Staffordshire District Council's Planning Policy Team to inform and support Local Plan preparation: Insufficiently robust green infrastructure background technical evidence.**

As a key local stakeholder, we have ongoing concerns about the continued poor quality of the background technical evidence base being used by South Staffordshire District Council's Planning Policy Team to support Local Plan preparation and justify spatial planning policy decisions relating to the spatial distribution of new housing

development. For example, the emerging Local Plan Review is not even supported by a robust and up-to-date Green Infrastructure Study (GI Study), and therefore the approach taken towards Local Plan making by the Local Planning Authority (LPA) is in direct conflict with paragraphs 174 (indents a and d), 175 and 179 of the Revised NPPF (2021).

South Staffordshire District Council's Planning Policy Team is totally relying on the "South Staffordshire District Nature Recovery Network (NRN) Mapping (2020)" to provide the backbone of critically supporting technical evidence base to justify and support Local Plan preparation within the Publication Stage Report (November 2022) (Regulation 19). This is highly concerning situation given that South Staffordshire District Nature Recovery Network (NRN) Mapping (2020) is not fit-for-purpose and is not sufficiently robust to meet the requirements of paragraphs 174 (indent d) and 179 of the Revised NPPF (2021). And does not therefore provide sufficiently robust 'proportionate evidence' to satisfy the Legal tests of Soundness for Local Plan preparation as reinforced within paragraph 35 (indent b) (the proportionate evidence test) of the Revised NPPF (2021). We have concerns that the South Staffordshire District Nature Recovery Network (NRN) Mapping (2020) is being used as a land use planning place shaping tool to influence spatial distribution of new housing development across the district, given that this document is not fit-for-purpose or sufficiently robust.

**The South Staffordshire District Nature Recovery Network (NRN) Mapping (2020) is a highly aspirational document which provides very weak, not fit-for-purpose and insufficiently robust background technical evidence from which to make planning policy assumptions, and from which to inform critically important land use spatial planning policy considerations, to inform the future spatial distribution of new housing development across the district. Particularly those housing sites coming forward alongside landscape-scale wildlife corridors, such as the South Staffordshire Railway Walk dismantled railway line within the Lower Penn area of the district as discussed further above.**

**We are alarmed that the Council is relying on this weak evidence base to inform Local Plan preparation and critically important spatial planning policy considerations. In accordance with paragraph's 174 (indent d) and 179 of the Revised NPPF (2021) the Council should have used a sufficiently robust and up-to-date Green Infrastructure Study (GI Study) to inform the Publication Stage Report (November 2022) (Regulation 19) Local Plan document.**

The weak, not fit-for-purpose and insufficiently robust background technical evidence base being used by South Staffordshire District Council's Planning Policy Team to support Local Plan preparation as discussed above is a highly alarming situation given that the South Staffordshire District's countryside contains sensitive and critically important landscape-scale natural green space wildlife corridor features, which extend across large areas or heavily rural countryside - linking wildlife habitats together within the surrounding intensively farmed rural landscape. For example, major new build housing development involving completely inappropriate site allocations of 350 residential units are being proposed on Green Belt farmland directly alongside the

South Staffordshire Railway Walk dismantled railway line broadleaved woodland habitat within the Lower Penn area of the district, as discussed further above. These major new build housing site allocations will introduce heavily urbanising and high-density residential development alongside critically important wildlife corridors, damaging their continued wildlife habitat corridor function, contrary to guidance reinforced within paragraphs 174 (indents a and d) and 179 of the Revised NPPF (2021), which both emphasize the critical importance of protecting important ecological networks/ wildlife corridors.

Yet South Staffordshire District Council's Planning Policy Team still considers it appropriate to rely on weak and insufficiently robust green infrastructure focused background technical evidence to inform this Regulation 19 Publication Stage Report (November 2022).

Whilst we are aware that South Staffordshire District Council's Planning Policy Team has no understanding of, or interest in paragraphs 174 (indents a and d) a 179 of the Revised NPPF (2021), as a key local stakeholder it is critically important that we highlight these substantial ongoing failings in Local Plan preparation to try and help the Council's Planning Policy Team improve its approach to Local Plan making. By taking on board the needs of the natural environment and the need to conserve critically important wildlife corridors in Local Plan preparation – and ensuring that sufficiently robust evidence base supports Local Plan preparation. However, for this Plan, it is unfortunately now far too late given that the emerging Plan is now far too advanced in its Plan-preparation stage. These issues should have been taken on board at the very start of Local Plan preparation. As such, the Council is taking forward an insufficiently robust and unsound Plan for the reasons explained below.

### **Conclusion – substantial failings in protecting the natural environment within the Publication Stage (Regulation 19) (November 2022) public consultation report**

**The approach taken towards Local Plan preparation by the Council's Planning Policy Team is clearly unsound, negligent to the needs of the natural environment, and is in direct conflict with tests of Soundness (the proportionate evidence test and the sustainability test) reinforced within paragraph 35 (indents b and d) of the Revised NPPF (2021). As well as being in direct conflict with green infrastructure focused guidance as reinforced within paragraphs 174 (indents a and d) a 179 of the Revised NPPF (2021).**

**In conclusion therefore, given that the destruction of highly sensitive and critically important wildlife habitat features is being actively proposed and actively encouraged by South Staffordshire District Council's Planning Policy Team, the emerging Local Plan Review Publication Stage Report (Regulation 19) (November 2022) is therefore failing the 'Sustainability test' for Local Plan preparation tests of Soundness as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021). The emerging Local Plan Review is failing to promote the most environmentally sustainable patterns of development and is failing to protect the habitats of highly vulnerable and fragile protected wildlife species,**

**such as bats which are legally protected by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations.**

**In addition, given that there are key pieces of background supporting technical evidence base are missing, such as a missing, insufficiently robust and up-to-date Green Infrastructure Study (GI Study), the Publication Stage Report (Regulation 19) (November 2022) is also failing the ‘proportionate evidence test’ as reinforced within paragraph 35 (indent b) of the Revised NPPF (2021), as well as NPPF (2021) paragraph 31 which is clear that: “...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence...”**

**The position is perfectly clear, the incompetent approach taken towards Local Plan preparation by South Staffordshire District Council’s Planning Policy Team as described above means that the Council is now taking forward an insufficiently robust and unsound Local Plan Review which fails the above Legal tests of ‘Soundness’ (for Local Plan preparation) to the forthcoming Local Plan Submission stage, and to the later Examination in Public (EIP) stage.**

**The Council’s existing ‘Open Space Audit Assessment Report’ (adopted October 2019) (Open Space Needs Assessment) (the Green Space Audit) forms insufficiently robust background technical evidence and fails to robustly respond to requirements of paragraphs 31 and 98 of the Revised NPPF (2021)**

South Staffordshire District Council’s existing ‘Open Space Audit Assessment Report’ (adopted October 2019) (Open Space Needs Assessment) (the Green Space Audit) does not effectively respond and provide meaningful steer, fit-for-purpose and robust supporting background technical evidence to robustly address the planning policy requirements expected by paragraphs 31 and 98 of the Revised NPPF (2021).

Put quite simply, the Council’s existing Green Space Audit (adopted 2019) does not give sufficiently clear and meaningful steer and direction, and does not provide robust recommendations to help inform Local Plan-preparation work going forward. In respect of the identification future open space needs required for the local area. These are critically important issues which should inform open space policy direction within the emerging Local Plan Review, and help inform the approach taken towards spatial planning across the district.

Essentially, to ensure that the significantly increased and expanded new local population who will move into the thousands of new homes being proposed by the LPA within the emerging Local Plan Review, have a sufficient supply and sufficient access to a range of conveniently located different types of publicly accessible open space/ green space provision. Ranging from publicly accessible amenity green space areas to help support informal recreation activities, equipped children’s play area provision, allotments provision, natural green space areas provision, town parks and local parks, areas for formal sport, etc.

These future public open space supply issues (e.g. what are the future needs for open space provision required by a significantly expanded new residential population (as

well as existing residents living within long established residential communities) over the lifespan of the new Local Plan, extending up until the year 2039) are critically important, in order to help promote the future delivery of more sustainable residential communities. Which are well-served and have good access to a range of conveniently located different types of public open space provision. This is important to help support community well-being, community cohesion and integration, help support more physically active healthy lifestyles, as well as support biodiversity.

Health issues are particularly important, given that access to public open space areas can help to tackle levels of childhood and adult obesity rates, help reduce coronary heart disease, reduce rates of Types 1 and 2 Diabetes, as well as help to reduce cases of certain cancers linked to physically inactive lifestyles. The need to ensure that the major new housing development site allocations being proposed within the emerging Local Plan Review (2022) have good access to nearby public open space provision is therefore considered particularly important. As stated, the Council's existing Green Space Audit (2019) fails to respond to these key issues.

The 16 months of continuous lock-down restrictions across the UK due to the years 2020 and 2021 ongoing global coronavirus pandemic (Covid-19) has highlighted and placed into very sharp focus the continued relevance of publicly accessible green space areas to health, and the important role that green space areas can play in helping to improve the communities resilience to current and future global health pandemics. For example, obese people were particularly more vulnerable to suffering from the more severe effects of the coronavirus pandemic (COVID-19) at the height of the pandemic, before the rollout of the UK coronavirus vaccine.

These **pandemic-related factors** and the key role that public open space areas play in helping support more healthy lifestyles continue to be given no consideration or material planning weight whatsoever by the Local Planning Authority in the approach being taken towards Local Plan-preparation within the Publication Stage Report (2022). The position is being made worse by the fact that the Council is allowing insufficiently robust Green Space background technical evidence to be taken forward to inform Local Plan-preparation work. The Council's planning policy approach and stance on this issue is therefore in direct conflict with 'health and green space focused' guidance as reinforced within paragraphs 92 (indent c) and 98 of the Revised NPPF (2021).

Similar to the same issues affecting its close neighbours, Wolverhampton City Council and Dudley Metropolitan Borough Council, the South Staffordshire District is also being affected by an obesity epidemic, with some of the worst health data across the whole UK, in relation to adult and childhood obesity rates, and rates of Types 1 and 2 Diabetes.

It is quite concerning and disappointing that South Staffordshire District Council's Planning Policy Team does not seem to care about these Public Health issues by continuing to take forward insufficiently robust and not fit-for-purpose green space technical evidence to inform Local Plan-preparation work.

This is an alarming situation given the huge levels of new residential development growth which is being proposed across the district within the Publication Stage Report (Regulation 19) (November 2022), across sensitive 'greenfield' site locations within the designated Green Belt. Many of these areas will be isolated from and poorly served by existing off-site public open space areas. The evidence base within the Council's existing Green Space Audit remains silent on these critically important issues, which as a key stakeholder we find quite concerning.

Given that the Council's existing Green Space Audit (2019) remains silent on these critically important planning policy issues, the Council's existing Green Space Audit is therefore not sufficiently robust, is not fit-for-purpose to inform future Local Plan preparation work going forward across the district. And does not therefore conform to guidance expected by paragraph 98 of the Revised NPPF (2021) which remains perfectly clear that:

"...Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. **Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate...**"

This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraph 31 of the Revised NPPF (2021) which maintains its view that:

"...The preparation and review of all policies **should be underpinned by relevant and up-to-date **evidence****. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned..."

By taking forward an insufficiently robust evidence base as referred to above, the Council's Planning Policy Team is failing in its duty to protect the health of its existing and future new local residents by ensuring that there is a sufficient supply of important public open space areas, close to heavily populated residential areas and within easy reach of the various major new housing site allocations being proposed within the emerging Local Plan Review. The Council's position on this issue is therefore in direct conflict with guidance reinforced in paragraph 92 (indent c) of the Revised NPPF (2021) which confirms that:

"... Planning policies and decisions should aim to achieve healthy, inclusive and safe places which (indent c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure..."

## **Conclusion – Green Space Audit concerns**

We object to the continued poor quality of the evidence base that is being used by South Staffordshire District Council's Planning Policy Team to justify and support Local Plan preparation within the South Staffordshire District.

The position is perfectly clear, the Council's existing Green Space Audit (adopted 2019) does not conform to the requirements expected by paragraphs 31, 92 (indent c) and 98 of the Revised NPPF (2021). The emerging Local Plan Review is therefore being informed by a huge mountain of background technical evidence that is not sufficiently robust or fit-for-purpose to provide meaningful evidence and steer to help shape future Local Plan open space policy within the emerging Local Plan Review. As well as help assist the future delivery of sustainable residential communities - in respect of clearly identifying their future needs and requirements for new public open space provision, natural green space areas, children's outdoor play areas, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

The approach taken towards Local Plan-preparation by the Council's Planning Policy Team by continuing to take forward insufficiently robust background technical evidence to inform and support emerging Local Plan-preparation work within the Publication Stage Report (Regulation 19) (November 2022), therefore strongly conflicts with tests of 'Soundness' for Local Plan-preparation as reinforced within paragraph 35 indents (indent a – The Plan does not identify the area's objectively assessed needs with regards to future publicly accessible open space provision), (indent b - The Plan is not based on proportionate evidence) and indent d – the Plan is not promoting sustainable patterns of development by continuing to remain silent on future open space needs.

The Plan making approach being taken forward by the Council's Planning Policy Team is therefore unsound and strongly conflicts with the above tests of Soundness as reinforced within paragraph 35 of the Revised NPPF (2021).

**Substantial failings taken in the approach to public consultation and engagement with key stakeholders. Withholding vitally important and key pieces of information (e.g. representation previously received 12 months ago by the LPA to the Autumn 2021 Preferred Options Stage Report public consultation) from the public domain, placing members of the public, community pressure groups, local businesses, rural landowners, Duty to Co-operate partners, and other key stakeholders at a considerable disadvantage when trying to respond to this latest November 2022 Publication Stage Report consultation.**

We continue to object to the ongoing failings taken towards the public consultation approach and engagement with key stakeholders, local businesses, statutory consultees, Duty-to-co-operate partners, rural landowners and community pressure groups, etc during Local Plan preparation

Planning Policy webpage insufficiently clear. Impossible to locate Publication Stage Report (Regulation 19) (November 2022) public consultation document on the Council's Planning Policy Team webpage.

It is near on impossible to locate the South Staffordshire District Council's Publication Stage Report (November 2022) public consultation document on the Council's Planning Policy webpage. In order to achieve effective public consultation, the document should be clearly viewable on the Council's Planning Policy webpage. This is not the case. This does not bode well for an effective public consultation approach. The approach taken to the South Staffordshire District Council's Publication Stage Report (November 2022) public consultation stage is therefore in direct conflict with guidance reinforced within paragraph 16 (indent c) of the Revised National Planning Policy Framework (NPPF) (July 2021) which is perfectly clear that: "**...Plans should (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...**"

The above issues will place local communities, the local South Staffordshire business community and other key stakeholders at a considerable disadvantage when trying to respond to the South Staffordshire District Council's Publication Stage Report (November 2022) public consultation stage. This underlines the ongoing failure and incompetence of the Council's Planning Policy Team in its approach taken towards community engagement/ Local Plan public consultation. These issues do not bode well for an effective and community engagement approach, in direct conflict with guidance reinforced within paragraph 16 (indent c) of the Revised NPPF (2021).

#### Consultation Portal (Opus Consult) Local Plan consultation

Consistent with our previous concerns set out in our earlier Representation to South Staffordshire District Council's Preferred Options Stage Report Local Plan consultation (November 2021), we continue to have concerns in relation to the use of the Consultation Portal (Opus Consult) Local Plan consultation system which is being used by the Council's Planning Policy Team to support Local Plan preparation. As a key stakeholder we maintain our view that the Local Plans Consultation Portal (Opus Consult) is unclear and highly confusing for members of the public, community pressure groups, local businesses and other key stakeholders. The Consultation Portal is not fit-for-purpose.

This creates a highly restrictive approach and forms a barrier to effective community engagement. These types of public consultation portals, which are both highly ineffective and unnecessarily complex, are not effective ways for Local Planning Authorities (LPA's) to consult local communities for Local Plan Reviews. South

Staffordshire District Council's Planning Policy Team now needs to move on and start to begin to finally accept that these types of public consultation portals are wholly ineffective, as well as a considerable waste of local South Staffordshire residents Council Tax payer's money, given that these IT systems are very expensive to maintain due to the ongoing high financial service charges from the private sector IT companies.

And, as stated, merely create a barrier to effective community engagement. We would urge South Staffordshire District Council's Planning Policy Team to stop wasting local tax payer's public money at a time when the local communities across the district are facing a severe cost-of-living crisis. This is a completely unacceptable situation that the Council's Planning Policy Team is wasting significant amounts of public money on these ineffective public consultation portals during an ongoing severe cost-of-living crisis. More needs to be done to stop South Staffordshire District Council's Planning Policy Team from wasting considerable amounts of public money.

Why are the Council's Planning Policy Team so determined to waste so much public money during an economic crisis and recession? Particularly when local residents across the district are facing a severe cost-of-living crisis.

South Staffordshire District Council's Planning Policy Team should now therefore start to explore much clearer and much more financially cost-effective methods for consulting local communities and other key stakeholders as part of future Local Plan Reviews, to help assist much more effective community engagement, consistent with guidance reinforced within paragraph 16 (indent c) of the Revised NPPF (2021).

Use of the current public consultation approach through Opus Consult is therefore ineffective, and fails to deliver a clear, meaningful, transparent and effective community engagement approach, consistent with paragraph 16 (indent c) of the Revised NPPF (2021).

Local communities, Duty-to-co-operate contacts and other key stakeholders have been fully obstructed by the LPA from viewing the earlier Representations made by respondents to the Autumn 2021 Preferred Options Stage Report earlier public consultation stage, which closed 12 months ago on the 13<sup>th</sup> December 2021.

South Staffordshire District Council's Planning Policy Team has failed to place the Representations received to the earlier Autumn 2021 public consultation stage for the Preferred Options Stage Report (November 2021) Local Plan consultation which closed on the 13<sup>th</sup> December 2021 within the public domain. This is not a proper, fair and reasonable way for a Local Planning Authority to conduct a Local Plan Review, and is in direct conflict with the approach expected by paragraph 16 (indent c) of the Revised NPPF (2021). Duty-to-co-operate partners, private sector planning consultancies, local residents, community green space pressure groups, rural landowners, local businesses, environmental groups, housing developers, and other key stakeholders have all been totally excluded and totally obstructed, and placed at considerable disadvantage by South Staffordshire Council's Planning Policy Team by

not being able to view the various earlier Representations (made 12 months ago!) received to the previous November 2021 public consultation stage.

We have concerns about the ongoing failure and continued incompetence taken towards Local Plan preparation by the Council's Planning Policy Team. As a key stakeholder, we have concerns about the "incapable" leadership being taken towards Local Plan preparation by the Local Planning Authority.

This highly obstructive approach taken towards Local Plan preparation (by fully withholding key pieces of information from the public domain over an extended 12 month period – e.g. fully withholding all of the Preferred Options Report (November 2021) Representations from the public domain during the last 12 months) has placed Duty-to-co-operate partners and the other key stakeholders referred to above at a considerable disadvantage when trying to respond to this latest Autumn 2022 Regulation 19 public consultation stage.

The approach taken by the Council's Planning Policy Team towards community/ key stakeholder engagement is highly obstructive and lacks sufficient transparency given that the earlier representations to the Preferred Option Stage have been deliberately withheld from the public view for a 12 months period. As a key stakeholder, we have concerns about the incompetent approach being taken towards Local Plan preparation by the Local Planning Authority.

This highly exclusionary, highly obstructive and incompetent approach taken towards public consultation and engagement with Duty-to-Co-operate partners, local residents and key stakeholders (including community green space pressure groups, rural landowners, developers, planning consultancies, local businesses, environmental groups, statutory consultees, etc) **is in direct conflict** with guidance reinforced within paragraph 16 (indent c) of the Revised NPPF (2021), which is perfectly clear that: **"...Plans should (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."**

**This underlines the ongoing failure and continued incompetence of South Staffordshire District Council's Planning Policy Team in relation to its approach taken towards Local Plan-preparation and its failure to sufficiently involve key stakeholder in the Local Plan making process.**

As a key stakeholder, we are just needing to highlight these critically important issues to try and help the Council's Planning Policy Team improve its performance and its approach taken towards Local Plan making, so the Council can more effectively involve local communities within future Local Plan Reviews public consultation stages. Whilst it is now far too late for this specific Local Plan Review (2022) given its now very advanced Plan-preparation stage, the Council needs to take on board and accept these longstanding failings when it prepares other Local Plan Reviews in future years. We therefore urge the Council's Planning Policy Team to reflect on the considerable mistakes that it has made during the various public consultation plan preparation stages for this Local Plan Review.

**As a planning consultancy and key stakeholder, we strongly object to the way that we have been obstructed and totally excluded from the Local Plan making process by South Staffordshire District Council's Planning Policy Team, by not being able to view the earlier Representations made to the earlier Preferred Options Stage Report (November 2021) public consultation – the public consultation stage for this Local Plan document closed 1 year ago. As a key stakeholder, we are needing to complain given that the Council's highly obstructive approach has placed us at a considerable disadvantage when trying to respond to this latest Publication Stage Report (Regulation 19) (November 2022) public consultation stage. This does not provide us with a fair and proper opportunity to respond to this Publication Stage Report consultation (November 2022), given that critically important pieces of information have been fully withheld from the public domain. This is not the way for Local Planning Authorities to conduct a Local Plan Review and is in direct conflict with paragraph 16 (indent c) of the Revised NPPF (2021).**

The Publication Stage Report (Regulation 19) public consultation stage is being undertaken on the run up to the Christmas holiday period and during the middle of a December 2022 UK wide postal strike

We are surprised that the Council's Planning Policy Team has decided to undertake this critically important public consultation stage over the Christmas holiday period. The public consultation stage closes on the 23<sup>rd</sup> December 2022 just one day away from Christmas day. Running a critically important Local Plan consultation over the Christmas holiday period will have a damaging impact on key stakeholder engagement and will have a detrimental effect on public participation rates.

The public consultation stage is also taking place during the middle of a UK wide postal strike.

Royal Mail workers are to strike on six days in December 2022, including Christmas Eve, usually one of the busiest days of the year for the company. The new strikes have been called for 9, 11, 14, 15, 23 and 24th December 2022, the busiest time of the year for deliveries.

The above postal strike extending over long periods of December 2022 will have a damaging impact on the public consultation stage given that many elderly residents (over 75 years of age) within the South Staffordshire District do not have access to a computer and the internet, and are therefore totally reliant on submitting written Representations to Local Plan Reviews using the local postal service, which is now experiencing extensive strike action.

## **Conclusion**

**As such, the approach taken towards Local Plan preparation by the LPA is in direct conflict with paragraph 16 (indent c) of the Revised NPPF (2021). The**

**substantial failings made on this issue as highlighted above have also had a highly damaging impact on the ability of Duty-to-co-operate partners to fully and effectively participate in the Local Plan making process.**

For example, given that all of the Representations as described above have been fully withheld from public domain for the last 12 months as well as withheld from Duty-to-co-operate partners. This has had a highly damaging impact on the ability of Duty-to-co-operate partners to participate in “effective joint working on cross-boundary strategic matters” with South Staffordshire District Council’s Planning Policy Team. The Plan is therefore failing the tests of Soundness as reinforced in paragraph 35 (indent c) of the Revised NPPF (2021) which confirms that: “...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are (indent c) **Effective** – deliverable over the plan period, and **based on effective joint working on cross-boundary strategic matters** that have been dealt with rather than deferred, as evidenced by the statement of common ground...”

The position is perfectly clear, the highly incompetent approach taken towards Local Plan preparation by South Staffordshire District Council’s Planning Policy Team as described above means that the Council is now taking forward an insufficiently robust and unsound Local Plan Review which fails the above Legal tests of ‘Soundness’ (for Local Plan preparation) to the forthcoming Local Plan Submission stage, and to the later Examination in Public (EIP) stage.

**Gypsy and Travellers – The ongoing refusal and continued failure of South Staffordshire District Council’s Planning Policy Team to promote the most sustainable patterns of development across the district.**

The emerging Local Plan (Review) area is heavily rural in its character and appearance, with a series of mainly small rural village settlements that do not have the scale of required infrastructure facilities and services in place to serve and support new Gypsy and Traveller and Travelling Peoples sites. Particularly, the scale of growth being proposed within the Preferred Options Stage Report and the supporting Gypsy and Traveller Accommodation Assessment (GTAA) evidence base document.

Whilst we recognise that the above ‘pitch needs’ figures/ requirements have been informed by evidence to emerge from the Council’s updated Gypsy and Traveller Accommodation Assessment (GTAA) technical evidence base document, the figure of 121 Gypsy and Traveller pitches required within the district over the new Local Plan period does appear a little high and overly excessive. Particularly, given the heavily rural character and appearance of this rural district as described below.

South Staffordshire is dominated by large expanses of open countryside with small village settlements and larger settlements. The scale of proposed growth in new pitch

numbers does not appear sustainable within this heavily rural district. The scale of growth being proposed by the LPA will have a significantly damaging impact on the areas special rural landscapes, its local distinctiveness, its special rural identity, by introducing significant adverse and damaging landscape impacts into the districts sensitive countryside as a result of excessive pitch numbers, creation of numerous new stand-alone Gypsy and Traveller and Travelling sites within rural countryside, etc

The district has special rural landscapes and is mainly dominated by small rural village settlements that define the areas special character, its unique identity, and historic appearance, setting and significance. As well as its picturesque and special rural landscapes as described above. We continue to maintain our view that these small rural village settlements do not have the level of required infrastructure, services and facilities in place such as a wide range of shopping facilities (including convenience food retail), cultural facilities, a range of employment infrastructure, sufficient healthcare facilities and adult and children's welfare facilities. Good levels of high-quality public transport facilities to help promote sustainable travel choices, etc.

The Council is also promoting sites to isolated parts of the district which do not have the necessary range of services and infrastructure facilities in place to serve new gypsy and traveller site, particularly as they further expand over the coming years. The policy approach to scatter new gypsy and traveller sites across different geographical parts of the borough is promoting a heavily unsound spatial planning approach and will result in conflict with the settled community as new sites come forward. This policy approach is not promoting sustainable patterns of development.

There are no major urban settlements and no large urban populations present within this heavily rural small District characterised by large expanses of sensitive open countryside. In parts of the United Kingdom with large urban populations and areas with significant large urban settlements, we could understand these types of high pitch requirements. However, the pitch figures do appear a little high and overly excessive for what is essentially a small, heavily rural District. The scale of infrastructure services and facilities that would be required to serve an additional 121 number new Gypsy and Traveller pitches within the district does raise fundamental concerns. We question whether this level of growth is sustainable over the long term. We also have concerns whether these types of figures for new pitches are not just sustainable, but whether they are also realistic, reasonable and capable of being delivered, in accordance with clear Local Plan tests of Soundness as reinforced by guidance in paragraphs 16 (indent b) 35 (indent c) of the Revised NPPF (2021)

In conclusion therefore, we consider that the Council's proposed planning policy approach being taken forward within the emerging Publication Stage Report (Regulation 19) (November 2022) conflicts with the following guidance:

- Paragraphs 7, 8, 10, 11 (indent a), 16 (indent a) and 35 (indent d) of the Revised NPPF (July 2021) - which all reinforce the need for Local Planning Authorities to promote the most sustainable patterns of development when preparing emerging Local Plan Reviews.

- The scattered distribution of sites across a large area is promoting heavily unsustainable patterns of development, contrary to the above NPPF guidance.
- The sustainability implications of this scale of growth in pitch numbers is concerning.
- Paragraphs 4 (indent k), 10 (indent e), 13 and 23 of the DCLG 'Planning policy for traveller sites' (August 2015).
- The 'level of scale of growth' in new pitch numbers across the district being proposed is very concerning in terms of the impacts of this scale of growth on the district's historic rural landscapes, areas of natural green space, environment offer, and potential for considerable adverse and damaging landscape impacts within areas of open heavily rural countryside.
- The potentially considerable, adverse and damaging impacts of this proposed scale of growth on the Local Plan areas local distinctiveness and unique character, and sensitive rural landscapes.
- We have concerns about the "incapable" management and leadership approach being taken towards Local Plan-preparation, with regards to gypsy and traveller Planning Policy matters.
- Careful dialogue is required between the LPA and affected local communities within the district so this scale of growth in new pitch numbers can be more carefully further explored with local communities in accordance with advice in paragraph 16 (indent c) of the Revised NPPF (2021).
- The impacts of this proposed scale of growth on existing sensitive small rural village settlements which lack the range of services, facilities (schools, healthcare facilities, welfare facilities) and highway infrastructure necessary to accommodate this proposed scale of growth in new pitch numbers.
- Both the emerging Local Plan Review 'Publication Stage Report' (2022) and the Gypsy and Traveller supporting background technical evidence base are both promoting highly unsustainable patterns of environmentally damaging development across the South Staffordshire District.
- The potentially huge adverse and highly damaging residential amenity impacts on the settled community raises concerns has not been given sufficient material planning consideration.
- The highly damaging landscape impacts on the districts heavily rural open countryside.
- The future expansion needs of these new pitches (allocated gypsy and traveller sites) and the worsening landscape impacts as they expand and grow in future years within rural countryside has all been given an insufficient level of Planning Policy consideration.
- This scale of growth in new 'high pitch numbers' being proposed would appear to be more appropriate and suitable within a large urban area rather than a small, heavily rural District.
- This scale of growth in new pitch numbers does not appear sustainable in a heavily rural area, dominated by small rural village settlements, within remote areas of countryside.

- In its current format and proposed planning policy approach, the position is perfectly clear, the emerging Local Plan Review 'Publication Stage Report' (November 2022) is promoting inappropriate, damaging and unsustainable patterns of development within the local area, contrary to the above NPPF (2021) and DCLG guidance.
- 'Sustainability principles' should underpin and form the planning policy backbone and should be at the heart of any site selection approach taken by the LPA in the both the emerging Local Plan Review (2022) and the Council's background technical evidence being used to support Local Plan Policy, such as the GTAA.
- More needs to be done to stop South Staffordshire District Council's Planning Policy Team from causing huge levels of environmental damage within the local area, by introducing significant levels of inappropriate harmful urbanising development within sensitive countryside locations. Which will result in highly damaging and adverse impacts affecting the residential amenity of the nearby existing settled community, as well as damage the area's unique rural identity.

## **Conclusion**

Unsustainable levels of pitch numbers are being proposed which will promote inappropriate, damaging and unsustainable patterns of development within the local area, and cause significant residential amenity conflicts with the settled community, as well as damage sensitive rural landscapes and wildlife habitats, and place unreasonable pressure loads on road infrastructure, existing healthcare and welfare facilities, and local schools.

The Council's Publication Stage Report (Regulation 19) (November 2022) public consultation report is promoting both irresponsible and unsustainable patterns of development across the district in direct conflict with the 'Sustainability' test of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents d) of the Revised NPPF (2021).

## **Article 2 of the Human Rights Act: The Legal Right to be able to breath clean and healthy air**

Article 2 of The Human Rights Act Legislation – The Right to Life - Placing local communities at increased risk of exposure to harmful levels of air pollution (therefore contravening their Right to Life) by actively encouraging promoting unsustainable patterns of residential development, which will be highly dependent on private motor car journeys given their isolated locations.

**Local residents living within the South Staffordshire District have a fundamental, clear and basic Legal Right “to be able to breathe clean and**

**healthy air”.** This basic Legal right is supported under Article 2 of the European Convention on Human Rights (The Human Rights Act) Legislation, which is still in force as legislation despite Britain recently leaving the European Union (EU).

In total, **10,000** new homes are being proposed across the district within the emerging Local Plan Review during its shelf-life from the years 2018 to 2039. Based on 3 cars per household, this would generate an additional **30,000 thousand** cars on the districts already heavily constrained and pressured road networks. Which are already at capacity and unable to cope with this significant increase in vehicular traffic.

Types of air pollution typically associated with vehicular traffic (cars, vans and lorries) include Nitrogen Dioxide (NO<sub>2</sub>), Fine Particulate Matter (PM<sub>2.5</sub>), carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>), volatile organic compounds (VOCs) or hydrocarbons (HCs) and nitrogen oxides (NO<sub>x</sub>). These pollutants are all harmful to human health and help cause lung disease.

Air pollution is anything in the air that could harm people’s health. There are many types, but the main focus are Nitrogen Dioxide (NO<sub>2</sub>) and fine Particulate Matter (PM<sub>2.5</sub>) as they are at already very high levels across the United Kingdom (UK) and are extremely harmful to human health.

Clean and healthy air is a basic Legal human right, but many residents living within urban areas, near to busy road networks, those living within the Green Belt countryside on the edge of urban areas, and near to large residential estates that generate high levels of car borne vehicular traffic, are breathing in heavily polluted and poisonous air each and every day. Air pollution is often invisible, with residents in heavily polluted areas not realising the extent of the problem and the resulting health impacts.

By placing thousands of local residents within the South Staffordshire District at increased risk of developing lung disease due to exposure to significantly increased levels of harmful air pollution from the huge levels of vehicular traffic that will be generated from considerable levels of new housing development across the district, being proposed on areas of sensitive open Green Belt farmland, **South Staffordshire District Council’s Planning Policy Teams proposed spatial planning policy approach being taken within the Publication Stage Report (Regulation 19) (November 2022) consultation document, is contravening Article 2 of the Human Rights Act Legislation which protects a person’s right to life.**

Article 2 of the Human Rights Act protects your right to life. This means that nobody, including the Government, can try to end your life. It also means the Government should take appropriate measures to safeguard life by making laws to protect you and, in some circumstances, by taking steps to protect you if your life is at risk.

**Public authorities should also consider your right to life when making decisions that might put you in danger or that affect your life expectancy.**

The thousands of local residents living across the South Staffordshire District, have a clear, justified, and fundamental basic Legal right to ‘be able to breathe Clean and Healthy Air’.

We demand that this fundamental basic Legal Human Right to ‘be able to breathe Clean and Healthy Air’ continues to be respected by South Staffordshire District Council’s Planning Policy Team when preparing the emerging Local Plan (Review).

When preparing Local Plan Reviews, the need for Local Planning Authorities to carefully consider and take into account the impacts of future development proposals on air quality and the need to protect local communities from being placed at unacceptable risks from both noise and air pollution is reinforced by guidance within paragraph 174 (indent e) of the Revised NPPF (2021). It states that:

“...Planning policies and decisions should contribute to and enhance the natural and local environment by: (indent e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, **air**, water or noise **pollution** or land instability. Development should, wherever possible, help to **improve local environmental conditions such as air and water quality**, taking into account relevant information such as river basin management plans...”

The Council’s Planning Policy Teams approach to spatial planning being taken across the district within the Publication Stage Report (Regulation 19) (November 2022) **will cause a future Public Health Emergency** by significantly increasing levels of air pollution within the district, due to its determination to promote highly unsustainable patterns of new housing development across the district, which will massively increase the numbers of additional cars on the districts road networks.

To address these fundamental public health concerns, South Staffordshire District Council’s Planning Policy Team should be significantly reducing the amount/ number of new homes being proposed within the emerging Local Plan Review, as well as focusing new housing development proposals towards previously-developed land sites, adjacent to existing good quality public transport facilities, to help minimise the need to travel by private cars. In accordance with transport focused guidance set out in Section 9 (Promoting sustainable transport) of the Revised NPPF (2021).

The Council should stop pursuing and continuing to prioritise the re-development of sensitive rural farmland locations located inside the Green Belt for massive housing-led urban extensions, in order to help promote more environmentally sustainable patterns of development across the district, to help ensure that the emerging Local Plan meets its NPPF paragraph 35 various Legal tests of Soundness, particularly the ‘Sustainability test’ for Local Plan preparation tests of Soundness, as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021).

To continue to promote isolated, remote, highly sensitive, heavily rural Green Belt site locations for huge levels of new housing development is promoting a reckless and highly irresponsible spatial planning policy approach within the emerging Local Plan (Review).

## **Conclusion – Air quality concerns**

Air pollution caused mostly by road traffic – is one of the United Kingdom's (UK's) biggest killers, and is responsible for 36,000 premature deaths per year across the UK (source: Friends of the Earth (2020)).

In South Staffordshire, the main contributor to poor air quality is from the emissions produced by transport. The two most harmful are Nitrogen Dioxide (NO<sub>2</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>) air pollution.

As a key stakeholder, we have air quality planning policy concerns that the huge levels of new housing development being proposed by the Council's Planning Policy Team in highly unsustainable Green Belt rural countryside locations within the Publication Stage Report (Regulation 19) (November 2022), will cause a future Public Health Emergency by exposing thousands of local residents living in existing long established residential communities to dangerously high levels of Nitrogen Dioxide (NO<sub>2</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>) air pollution. Due to the huge increase in vehicular traffic levels (private car journeys) that will be created by the huge increase in new residential development, as part of considerable major housing site locations, involving hundreds of new houses within major urban housing-led extensions. Such as those being proposed in Lower Penn (390 residential units) within major housing site locations within Green Belt rural farmland.

For example, the council's housing target of 10,000 dwellings to be delivered in the emerging Local Plan Review between the years 2018 and 2039, based on 3 cars per household, would equate to an additional **30,000 thousand cars** being placed onto the district's already pressured road networks. This would result in a huge increase in traffic levels across the district, and a major increase in traffic related air pollution.

As a key stakeholder, we have air quality planning policy concerns that the huge amounts of new housing development being proposed across the South Staffordshire District within the Publication Stage Report (Regulation 19) (November 2022) and the huge levels of additional cars being placed onto the districts road networks as a result of this major residential development, will expose local residents to dangerously high levels of Nitrogen Dioxide (NO<sub>2</sub>) air pollution breaching legal limits. As well as expose local residents to harmful levels of Fine Particulate Matter (PM<sub>2.5</sub>) air pollution (there is no safe legal limit for exposure to fine Particulate Matter (PM<sub>2.5</sub>) air pollution, as any exposure to this form of air pollution is very dangerous to human health).

**We contend therefore that the huge and excessive levels of new housing development being proposed within South Staffordshire District Council's Publication Stage Report (Regulation 19) (November 2022) will breach the basic Human Rights of local residents living within the South Staffordshire District to be able to breathe clean and healthy air. As such, the emerging Local Plan Review is therefore in direct conflict with Article 2 of the European Convention on Human Rights (The Human Rights Act) Legislation.**

**Given the above concerns, the emerging Local Plan Review is also in direct conflict with air quality focused guidance as reinforced within paragraph 174**

**(indent e) of the Revised NPPF (2021), and is also failing the ‘Sustainability test’ for Local Plan preparation tests of Soundness as reinforced within paragraph 35 (indent d) of the Revised NPPF (2021).**

## **Appendix 1**

**Appendix 1 – Extract taken from Goldfinch Town Planning Services Autumn 2021 Representation to South Staffordshire District Council’s Preferred Options Stage Report (Regulation 18) (November 2021) public consultation**

### **The evidence base: The spatial planning policy origins and foundations of the emerging Local Plan Review (2021) – the Preferred Options Stage Report (November 2021)**

The existing adopted Local Plan for South Staffordshire comprises two documents. An existing adopted Core Strategy (adopted December 2012) which sets out the vision, objectives and planning framework for future development in South Staffordshire; and the South Staffordshire Site Allocations Document (SAD) (adopted 11th September 2018), which seeks to deliver the ‘spatial planning framework for the future distribution of new development across the South Staffordshire District’ as reinforced, set down, and fixed by the existing adopted Core Strategy (2012). Therefore, essentially a considerable and significant part of the spatial planning ‘place shaping’ policy origins being taken forward and forced into the Council’s emerging Local Plan Review within the Preferred Options Stage Report (November 2021) date back from 9 years ago (December 2012) -from the fixed spatial planning template set down in the now very dated adopted Core Strategy (2012). This is important for reasons identified further below.

The existing adopted Core Strategy (2012) is referred to by the Local Planning Authority (LPA) as a Tier 1 plan. The Site Allocations or SAD is referred to as a ‘Tier 2’ plan, and therefore (the Tier 2 plan – the SAD) seeks to deliver the spatial planning framework for future development set and fixed by the adopted Core Strategy (2012).

Essentially, the existing South Staffordshire adopted Core Strategy (2012) sets and fixes the future place shaping agenda across the district for the future spatial distribution of new housing development sites across the South Staffordshire District, as well as the future spatial distribution of new employment land sites across the South Staffordshire District. As well as the planning policy approach being taken towards existing established employment sites within the district, and their future expansion needs.

As stated above, the origins of this relatively rigidly fixed place-shaping agenda can be traced back to the existing adopted Core Strategy (adopted 2012), which is now 9 years old since its adoption and therefore provides a heavily out-of-date spatial planning framework. This is important for the reasons set out below.

(Issue 1) Concerns that South Staffordshire Council's existing adopted 'Core Strategy' (adopted December 2012) and South Staffordshire Council's existing adopted 'Site Allocations Document (SAD)' (adopted September 2018) are being used to force through a seemingly inflexible, rigid, insufficiently robust, unsound and heavily out-of-date spatial planning framework for the future spatial distribution of new housing development and employment land requirements across the District, into the South Staffordshire Preferred Options Report (November 2021). (Issue 2) The Recent significant material changes in economic circumstances facing the South Staffordshire District: The impact of the severe economic recession as a result of the years 2020 and 2021 ongoing global coronavirus (COVID-19) pandemic

Initial work on Plan preparation for the Council's emerging South Staffordshire Local Plan Review was undertaken (at both evidence gathering and Issues and Options Stages) under a significant and entirely different set of economic circumstances. Essentially, a significant and substantial amount of Local Plan-preparation work has already been undertaken by the LPA (at the emerging Local Plan Review's earlier previous preparation stages and right up until the Draft Preferred Options Stage Report – November 2021) on the emerging Local Plan Review before the year March 2020 coronavirus (COVID-19) pandemic (which did not start to cause severe economic implications until late during the year 2020 onwards). Which is likely to cause one of the worst United Kingdom (UK) economic recessions in living memory, extending well into the shelf life of the new Local Plan Review plan-period, once the Council's new Local Plan has been formally adopted.

The ongoing global coronavirus (COVID-19) pandemic has caused one of the worst global health pandemic events to affect the UK within the last 100 years. According to central Government (London) estimates released by the Chancellor of the Exchequer during his Autumn Budget and Spending Review to Parliament on Wednesday, 27th October 2021, the coronavirus (COVID-19) pandemic has also caused one of the worst economic recessions to affect the United Kingdom (UK) economy within the last 300 years. Causing unprecedented record levels of Government borrowing due to the huge decline in economic activity during the years 2020 and 2021 ongoing COVID-19 pandemic, and the pro-longed 15 months of continuous lock-down restrictions, and the shutdown of the UK economy. This severe long-term economic recession is highly likely to harm the future financial viability of many small, medium and large strategic housing development sites coming forward within the South Staffordshire Borough over the coming years.

The future recession caused by the ongoing coronavirus (COVID-19) pandemic is also likely to heavily and adversely impact on the local business community within South Staffordshire and the wider UK (all scale and sizes of businesses that operate on both a local and national level). Affecting investment decisions, future cash flow (with some companies permanently ceasing trading) - which will all have a major impact on the future business expansion needs of companies within the district. This will have future implications in terms of the need and demand for new employment land across the South Staffordshire District.

The huge spatial planning modelling assumptions and the huge foundation of supporting background technical evidence base being used to underpin, form and force through the entire Place-making policy agenda and planning policy foundation for the Draft Preferred Options Stage Report (November 2021), and further later preparation stages (year 2022 onwards) of the emerging Local Plan Review going forward are considered to be unsound, heavily out-of-date, and insufficiently robust, given that the existing long out-of-date existing adopted Core Strategy (2012) is being used by the LPA to shape, force-through, set and fix very rigid policy parameters and direct economic future spatial distribution policy and housing distribution spatial policy within the emerging Local Plan Review coverage area.

Goldfinch Town Planning Services (West Midlands) maintains its view that the potentially massive implications of the forthcoming severe UK economic recession on both future housing delivery and employment land delivery across (and how the recession will affect new future housing and employment land delivery within the District going forward over the lifespan of the new Local Plan once it has been adopted) the District going forward has been given an insufficient level of planning policy consideration by South Staffordshire Council's Planning Policy Team, when preparing the Draft Preferred Options Report (2021). Or seemingly no planning policy weight at all.

Yet the Council is still determined to force-through and take forward a highly onerous, inflexible, heavily out-of-date, and restrictive 'future place shaping agenda' from the existing adopted Core Strategy (2012), to dictate fundamental areas of future spatial distribution policy within the emerging Draft Preferred Options Report (November 2021). As stated, all of which have their place-shaping origins from a heavily out-of-date year 2012 Core Strategy.

The insistence of continuing to use a heavily unsound, out-of-date, place shaping agenda (from the year 2012 Core Strategy (2012) and its huge mountain of unsound and unreliable evidence prepared long before the year 2020 COVID-19 pandemic) to shape fundamental areas of future spatial distribution policy going forward within the District, despite the massive economic shift and significant material change in economic circumstances going forward, does raise concerns for local communities within the District who are being adversely affected by this place shaping agenda. As well as the local business community, rural landowners, site promoters, housing developers, environmental groups, and other key stakeholders

The Council's Preferred Options Stage Report (November 2021) is sitting on top of a huge mountain of unsound and insufficiently robust background technical evidence base given that the substantial economic impacts on future spatial planning as stated above have been given no consideration or material planning weight. Having assessed and carefully considered the various background technical evidence base being used to underpin the emerging Local Plan Review (2021), none of the supporting evidence (prepared pre-COVID before March 2020) has taken into account the severe economic impacts of one of the worst economic recessions to affect the UK within the last 300 years as a result of the global coronavirus (COVID-19) pandemic.

The evidence would seemingly suggest that the Council's evidence base on these issues is unsound and no longer fit-for-purpose to inform future Plan preparation work going forward within the emerging Local Plan Review.

The policy approach being taken forward within the Council's emerging Local Plan Review is therefore considered to be insufficiently robust, the proposed policy approach lacks any kind of planning policy credibility, and the policy approach is therefore considered unsound.

**This is not a sound and robust way to undertake a Local Plan Review and does not conform with the planning policy approach expected by paragraphs 31, 35 (indents b and c) and 82 (indent d) of the Revised National Planning Policy Framework (NPPF) (July 2021).**

Paragraph 31 of the Revised NPPF (2021) is perfectly clear that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

Paragraph 35 focuses on Local Plan 'tests of Soundness'. In indents b and c, paragraph 35 reinforces that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and **based on proportionate evidence**. (Indent c) Effective – **deliverable over the plan period...**"

Paragraph 82 (indent d) reinforces the need for Local Plan Reviews to remain sufficiently flexible in their Plan-making approach and remain sensitive to rapidly changing economic circumstances. It states that: "...Planning policies should (indent d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., **and to enable a rapid response to changes in economic circumstances...**"

The evidence is perfectly clear, all of the above 'pandemic-related' factors appear to have been given an insufficient level of material planning weight by the LPA when preparing the Council's emerging South Staffordshire Local Plan Review (2021).

## **Conclusion**

**Given the above issues, we contend that the proposed planning policy approach being taken by the LPA is considered to be insufficiently robust, lacks any kind of planning policy credibility, is unsound, unjustified and inconsistent with Government planning guidance as set out in paragraphs 31, 35 and 82 (indent d) of the Revised NPPF (July 2021).**



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Goldfinch Town Planning Services Ltd is a Company registered in England and Wales with Company No. 13280260.

Supporter of the 'Save the Lower Penn Green Belt Group' (2022)

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### Goldfinch Town Planning Services (West Midlands)

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Goldfinch Town Planning Services (West Midlands) specialise in the following types of work:

- Urban green space planning policy specialists.
- Thorough and precision based green space planning advice
- Preparation of Representations to emerging Local Plan Reviews for members of the public and community green space pressure groups.
- We work for community pressure groups and individuals, specialising in all types of green space sites town planning work.
- We work for both community pressure groups and individuals objecting to all types of planning applications.
- Local Plan Planning Policy specialists
- Number of years previous Local Planning Authority (LPA) Planning Policy Team experience, previously spent working within the Black Country sub-region (West Midlands). Specialised in dealing with complex and very wide-ranging urban green space planning policy work.
- Ability and knowledge to promote sites and influence policy through the local plan process.
- Preparation of Planning Statement Reports to support formal Planning Applications
- Preparation of Pre-Application Planning Statement Reports to support emerging pre-application proposals.
- Objections to planning applications on behalf of members of the public and community green space pressure groups.
- Expert witness at Public Local Inquiries specialising in objecting to open space re-development proposals on behalf of individuals and community green space pressure groups.
- Development site promotion work (for the house building industry and rural landowners) through Local Planning Authority (LPA) emerging Local Plan Reviews
- Preparation of Planning Statements to support Planning Applications.
- Greenfield housing development site promotion specialists
- Site feasibility studies and development site appraisals
- Strategic housing site promotion work
- Preparation of Green Infrastructure Studies (GI Studies) (paragraphs 174 (indent d), 175 and 179 Revised NPPF (July 2021) compliant) for both competent LPA's and the private sector.
- Preparation of Green Space Audits (Open Space Needs Assessments) (paragraph 98 of the Revised National Planning Policy Framework (NPPF) (July 2021) compliant) for both LPA's and the private sector.
- Ecological services including incorporation of on-site and off-site nature conservation habitat features as part of new housing development proposals and habitat mitigation solutions.
- Woodland nature conservation enhancement projects.
- Wildlife corridor enhancement specialists within both rural farmland and urban settings – consistent with paragraph 179 of the Revised NPPF (2021).
- Rural farmland nature conservation habitat mitigation specialists and habitat restoration work.
- Bat habitat enhancement specialists.
- Supply of both summer maternity roost and hibernation roost bat boxes for habitat restoration work.
- Bat Emergence Surveys (dusk surveys).
- Bat foraging activity and commuting route dusk surveys.
- Tracking and monitoring service available for developers and rural landowners to monitor progress of LPA emerging Local Plan Reviews and subsequent public consultation timescales, to assist in timely site promotion work at all Local Plan public consultation stages.