



## PREFERRED OPTIONS CONSULTATION 2021 REPRESENTATION

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in respect of  
**Land at Blackhalve Lane, Wolverhampton**  
on behalf of  
**St Philips**

9 December 2021  
Client Reference: RCA575b  
Last User: JB

# QMS

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# 1. INTRODUCTION

- 1.1. This is a representation made on behalf of St Philips in respect of land at Blackhalve Lane, Wolverhampton. It is accompanied by an updated drawings pack at Appendix A.
- 1.2. The representation relates to the South Staffordshire Council Local Plan Review, which has reached the Preferred Options stage. The consultation is ongoing and ends on 13<sup>th</sup> December 2021.
- 1.3. We have considered the existing Development Plan as it now stands and have also considered the policies being proposed by the emerging Local Plan. We do not respond to all sections of the emerging plan, only those which we currently consider relevant. These views are without prejudice to future submissions or hearing statements, which may be made in advance of the Examination stages.

## Structure

- 1.4. The response makes comments on the following paragraphs, policies and evidence documents, and we end with further information regarding the Land at Blackhalve Lane, Wolverhampton:

Paragraph	Policy
	Strategic Objective 1
	Strategic Objective 2
	Strategic Objective 9
	DS1
	DS2
4.7	
	DS3
	SA2
	HC1
	HC3
	HC4
	HC6
	HC7
	HC9
	HC11
	HC14

	HC15
	HC17
	HC19
	NB5
	NB7
Sustainability Appraisal (Aug 2021), Appx F	
Green Belt Study (2019)	

## 2. Representation

### Summary

- 2.1. The Council identified the preferred spatial strategy for distributing growth in the Spatial Housing Strategy and Infrastructure Delivery Plan (October 2019) (SHSIDP). The Plan has been prepared to provide a level of housing growth which would meet South Staffordshire's housing needs plus a 4000-home contribution towards the unmet needs of the wider Greater Birmingham Housing Market Area.
- 2.2. Option G from the SHSIDP was identified as the preferred strategy, which is infrastructure-led development with a garden village area of search beyond the plan period. We do not consider that sufficient information has been provided on the calculation and distribution of the 4000-home figure to be able to comment on the suitability of the preferred strategy or the supporting Infrastructure Delivery Plan (IDP).
- 2.3. We are concerned that focussing the majority of growth on large strategic sites that are reliant on the delivery of infrastructure could lead to delayed delivery of numbers in the plan. For resilience and flexibility, we consider that a greater number of smaller sites should be allocated.

### Strategic Objective 1

- 2.4. This Objective states that where Green Belt release is necessary, there will be a mechanism in place to secure compensatory improvements. We are concerned that, given the stage of the plan review, this is not substantiated in any further detail, and it is unclear how the Council intends for this to be delivered. Whilst improving environmental quality and access would be a positive objective, it is unlikely that a developer would have access to another parcel of land to improve and as much of the Green Belt will be in private ownership (such as agricultural land), securing contributions to improve that land is likely to be unlawful. We do not consider this objective to be deliverable.

### Strategic Objective 2

- 2.5. We support this Objective which seeks to meet the needs of the district whilst making a proportionate contribution to the needs of the Greater Birmingham Housing Market Area (HMA). However, it is unclear how this contribution is disaggregated to each Authority within the HMA, so we suggest greater clarity is provided in the plan to give more confidence and clarity in the Plan. Details of any agreements made under the Duty to Co-operate or in Memoranda of Understanding or Statements of Common Ground should be included in the Evidence Base.

### Strategic Objective 9

- 2.6. The Council's preferred spatial strategy for growth was Option G, which was for an Infrastructure-led spatial housing strategy. This strategy relies on new train stations, but rail is not mentioned within the objective. We suggest this Objective therefore requires amending.
- 2.7. Further the importance placed on rail links set out in Option G does not translate into some of the sites selected.

### Policy DS1 Green Belt

- 2.8. Firstly, we consider that this policy largely repeats the Framework, and to simplify the plan, could be – in part – removed, and replaced to refer the reader to the Framework instead.

- 2.9. The accompanying text again refers to “compensatory improvements to the environmental quality and accessibility of remaining Green Belt, including improving access to the countryside and ecological and biodiversity enhancement, are made”. However, as stated previously, the way in which this would be delivered has not been defined and creates uncertainty for landowners and developers. It is unclear what is meant by “remaining Green Belt”, because whilst it might be feasible to provide high quality, on-site green infrastructure, and open space (within the confines of other policies), if the improvement is made ‘on-site’, it will have been removed from the Green Belt as part of this Plan. If the intention is to improve Green Belt land unrelated to this site, then a contribution would not meet the tests required. It is notable that the Plan refers to the idea of compensation on several occasions, but it is not mentioned within the policy itself.
- 2.10. The policy also states that “Development within the Green Belt must retain its character and openness”. This statement would appear contradictory, and it is unclear how this could be achieved in practice. Development will inevitably have an impact on openness, so the policy wording as it stands appears impracticable and undeliverable.
- 2.11. We would encourage the Council to demonstrate that they have met the exceptional circumstances required to remove sites from the Green Belt. Whilst we are not suggesting that these have not been met, this is likely to be important at the examination to demonstrate why Green Belt releases have been chosen above some non-Green Belt sites, in order to avoid the situation that arose with the West of England Plan.

#### **Policy DS2 Open Countryside**

- 2.12. It is not clear from the wording of proposed policy DS2 what types of development would or would not be acceptable in open countryside. Under DS2 (A) the council to refer to a singular new ‘building’ when this should read ‘building(s)’ in our view. We also consider the policy wording as a whole should be revisited.

#### **Paragraph 4.7**

- 2.13. We consider that in light of known worsening housing affordability during the pandemic that the plan should be revisited when the ONS house price to earnings data is updated in March 2022.
- 2.14. The relative proportion of reserve sites (1,608) against the provision of housing overall (5,348) seems high. Whilst we accept the need for reserve sites which reduce the need for a continuously reactive reassessment of green belt boundaries in future, once must conclude that such a high proportion of reserve sites is surely less ‘plan led’ as a result. The same applies to the windfall allowance, which we also consider to be excessive.
- 2.15. Table 8 of the PO Local Plan seems to include safeguarded land as contributing to the overall OAN and is not included as additional land ‘above and beyond’ their requirement. The role of safeguarded land in the Green Belt is fairly straightforward: it provides flexibility during plan reviews where 5 year supply dips, or there are other problems with delivery. To that end the contribution safeguarded land makes to the current OAN figure should be little to none, with safeguarded sites included that are above and beyond the OAN figure. This would take account of their intended long term permanence and endurance beyond the Plan period, in combination with the requirement at NPPF 143(e) that green belt boundaries should not need to be altered at the end of the Plan period.
- 2.16. If the focus of green belt release in the emerging Plan is solely that needed to meet the emerging Plan requirements, then future planned development needs will necessitate further

green belt releases. We consider it would be more appropriate, both for effective and positive preparation of the emerging Local Plan and to ensure that green belt boundary review is not an ongoing iterative process running alongside Plan preparation on each occasion, to seek to secure sufficient land release to meet anticipated future needs beyond the Plan period. This would be more aligned to the need to plan positively.

#### **Policy DS3 – The Spatial Strategy to 2038**

- 2.17. There is some confusion here whether the new development is being built to address previous infrastructure issues and the extent to which this will address and accommodate new development. Is the proposed growth reliant on new infrastructure, or being proposed as a mechanism to deliver new infrastructure to address existing deficiencies?
- 2.18. We note that policy DS3 indicates that ‘Land at Cross Green’ is put forward and is anticipated to deliver a large scale housing development of 1200 dwellings. Within Policy DS3, it is stated that ‘the Council will continue to work with partners to seek opportunities to deliver’ this site. However, this seems very vague and given the time that has elapsed since housing delivery strategy Option G was chosen, we would have expected more progress to have been made on this.
- 2.19. In relation to policy DS4 – we have a minor observation in relation to this policy is why it is included when it applies to a time period outside of the scope of the plan. Why not extend the plan period instead?

#### **Policy SA2 - Strategic development location: Land at Cross Green**

- 2.20. Policy SA2 sets out the context of the site allocation at Cross Green. We note in this policy that the justification of allocating this site is heavily reliant on the ‘Land at Cross Green SPD’, which has not yet been published and is claimed to be adopted in the ‘early years of the plan period’. The policy’s objectives for the site are ambiguous and may not assist in the delivery of the site in a timely manner.
- 2.21. The heavy reliance on a pending SPD does not provide certainty that the site is deliverable and there is currently no clear justification provided which demonstrates that this allocation can be implemented. With no clear timeline of when this site can be delivered, we consider that the council should look to allocate further sites to ensure that they are still able to meet the housing target of 8,881 dwellings over the plan period.

#### **Policy HC1 – Housing Mix**

- 2.22. This policy states that market housing will need to provide 75% of the development as 3-bed dwellings or smaller. This policy could be more flexible where it would allow for different approaches to phased development and other development outside of the scope of the plan, including rural exception sites.

#### **Policy HC3 – Affordable Housing**

- 2.23. It is unfortunate that flexibility has not been afforded in respect of the affordable housing tenure mix. We consider that this policy should be amended to avoid it being fixed, so that other evidence (such as that provided by Registered Providers or through housing needs assessments for individual parishes) and the SHMA can be considered. The Plan also seems to suggest that this could therefore not be reviewed until the Plan itself is reviewed in more than 5 years’ time.



- 2.24. This Policy comments on the desirability of ‘pepper potting’, but to provide greater clarity for applicants, this should be quantified. For example, including a statement such as “unless the application is for entirely affordable housing, clusters of approximately 9 dwellings or less, should be used”, would assist.
- 2.25. The policy contains a suggestion that the Council will not support forms of grant funding, it is not clear what is meant by this and should be removed as it relates to the policies of third party grant providers (such as Homes England) which are outside the control of the Local Plan.
- 2.26. When discussing potential offsite/financial contributions, this should be clarified by stating that this will be subject to viability/market evidence.
- 2.27. It is suggested that the final bullet point be removed. It is unclear on what basis the Council could assume that all policy compliant developments will be viable, this risks failing to take into account the nuances of site specific circumstances.

#### **Policy HC4 – Homes for Older People**

- 2.28. The requirement for 30% of all market and affordable homes to meet Building Regulations Standard Part M4(2), in addition for the requirement for all homes to meet Nationally Described Space Standards, is unnecessary burdensome on developers. What is the justification for 30%? What is the justification for both standards being required? The land-take for a dwelling to meet both NDSS and M4(2) can be high and can lead to dwellings that are of a floor area that takes them above local affordable housing price thresholds and local market price levels. It can also lead to an inefficient use of land.

#### **Policy HC6 – Rural Exception Sites**

- 2.29. This policy accepts that a small amount of market housing would be permitted in proposals outside of the Green Belt where essential to the viability of the scheme. Whilst we generally support this policy, we are unclear why this is only something permissible outside the Green Belt, since being within or outside the Green Belt will have no impact on the viability of the scheme. Given that the vast majority of South Staffordshire is within the Green Belt, this is a sweeping restriction that appears to lack clear justification.
- 2.30. There have been a small number of Green Belt exception sites that have been supported by S78 appeal inspectors, such as Shop Lane, Oaken – because they were aligned to the provisions within the NPPF. Why therefore would this local plan take a different approach? We do not consider this is consistent with national policy.

#### **Policy HC7 – Self & Custom Build Housing**

- 2.31. The requirement to put Self Build dwelling plots on all major developments is onerous and the policy provides no certainty in terms of the level of provision, providing no reassurance to the Council, developers, or would-be self-builders. Providing self-build dwellings within a wider development provides significant health and safety concerns, introducing potential new contractors.
- 2.32. In addition, this policy does not recognise that self and custom builders are very unlikely to want to position themselves within a volume housebuilder site, so the uptake of these plots is likely to be poor. We consider that it would be a far better policy to allocate specific small plots to meet this need instead.

#### **Policy HC9 – Design Requirements**

- 2.33. Whilst the majority of this policy is supported, we do have concern about the requirement for 'Tree lined streets'. Whilst it is appreciated that this is a national requirement, it should be the role of the Local Plan to put 'meat on the bone' in terms of how this should be implemented. We would also question whether this has been discussed with the highways adoptions team.
- 2.34. Developers are also likely to have to contribute towards exorbitant maintenance fees, which will need to be factored into the plan viability. There should also be guidance in terms of which streets will be expected to be tree lined, and an appreciation for circumstances where this may not be appropriate because it is out of character, for example.
- 2.35. The policy introduces a requirement for a Design and Access Statement (DAS) to be submitted with every application. This seems onerous and would add unnecessary costs for householders proposing very minor applications, where the DAS is likely to add very little value in any event.

#### **Policy HC11 – Space about dwellings and internal space standards**

- 2.36. We suggest that some flexibility is added to this wording policy, perhaps to suggest that *most* development *should* meet NDSS. Affordable Housing providers do not want NDSS in some areas as the floor area can take them above local affordable housing price thresholds. The same can also be true for market homes, which can price out first time buyers. It can also lead to inefficient use of land and, depending on the mix (particularly in light of the policies proposed by this Plan to focus on homes with lower numbers of bedrooms), can make it challenging to achieve 35dph. This can also ultimately threaten site viability and therefore, deliverability.

#### **Policy HC14 – Health Infrastructure & Policy HC15 – Education**

- 2.37. We consider, these policies should be amended to reflect the fact that new development should not be solving existing infrastructure problems.

#### **Policy HC17 – Open Space**

- 2.38. This policy creates a requirement for play provision to be provided automatically in all areas of development associated public open space. This would seem disproportionate, particularly for smaller sites and those in proximity to existing play facilities. This requires amendment or further justification. Provision should also relate to bed spaces and not number of units, to be proportionate. Proposed requirements for open space to be centrally located and contain play equipment should also be omitted, as the suitability and requirements for the open space should be assessed on a site specific basis, taking into account the site constraints and existing local provision.

#### **Policy HC19 – Wider green infrastructure design principles**

- 2.39. Whilst we support the need for good quality green infrastructure, the information provided within this policy is vague for such an advanced stage, this should be substantiated within the emerging local plan, rather than left for an SPD which may not be produced for some time.
- 2.40. We would also like further clarity as to whether provision of Open Space (HC17) and Sports Facilities and Playing Pitches (HC18) would qualify as green infrastructure within this policy. If not, this would represent an unduly onerous set infrastructure requirements.

#### **Policy NB5 - Renewable and low carbon energy generation**

- 2.41. Whilst the aims of this policy are clearly laudable, the omission of energy storage as a strategic policy is something that requires addressing in the local plan. Energy storage is crucial in the transition towards renewable forms of energy generation, because unlike fossil fuelled power

stations which can be turned on and off like a tap, the way renewable energy is generated can rarely be controlled; it is intermittent and unpredictable.

- 2.42. With battery technology, energy can be stored during times of high production, and then discharged when demand is at its peak, when the grid becomes strained. This becomes even more important because the peaks and troughs of renewable energy generation and energy demand do not overlap when using renewable sources, so this is a crucial way of balancing the grid.
- 2.43. The importance of energy storage has been recognised by National Government in recent years, as battery storage technologies have advanced and become more viable. If electric car charging points and a move away from the use of gas in domestic settings happens in the short term, national grid capacity must be increased and this local plan should have a policy to cover this.

#### **Policy NB7 - Managing flood risk, sustainable drainage systems & water quality**

- 2.44. National policy dictates that a Flood Risk Assessment (FRA) should be provided for all development in Flood Zone 2 and 3, and on sites over 1ha in Flood Zone 1 (see footnote 55 of the Framework<sup>1</sup>). Therefore, it is unclear why this policy is seeking to request an FRA on all major sites. Whilst we would agree to the provision of a drainage strategy on all major sites, we disagree with an automatic requirement for a FRA. This would appear another onerous requirement.
- 2.45. We agree with the importance placed on providing SuDS, but we disagree that all major developments should provide them. Brownfield sites, for example, may struggle with this requirement and risks stymieing the drive towards any 'brownfield first' approach.

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<sup>1</sup> [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

### 3. THE SITE AND PROPOSALS: LAND AT BLACKHALVE LANE, WOLVERHAMPTON

- 3.1. The land at Blackhalve Lane has already been subject to previous representations at Issues and Options and the Spatial Housing Strategy stages of the emerging plan.
- 3.2. As a whole, the site could deliver around 100 new homes (around 70 market and 30 affordable homes) as well as green infrastructure (and necessary biodiversity net gain) and areas of sustainable drainage and other public benefits, during the first 5 years of the plan.

#### Previous Representations

- 3.3. A Vision Document and Masterplan were submitted to the Council in late 2018 and referred to in subsequent representations. The approach has been landscape-led and a detailed study of the constraints of the site has been made and evidenced in the Vision Document. Some of this work has now been updated and is resubmitted at Appendix A of this document.
- 3.4. The site has now been partly proposed for housing as an allocation in the emerging Black Country Plan, focussing on the area of the site which falls into Wolverhampton. The split of the site between the two authority areas is shown below, together with the proposed allocation in the BCP:



Figure 1 Extract from Vision Document

- 3.5. The following plan is an extract from the 'Local Context' plan, prepared by Node, which accompanies this representation, at Appendix A:

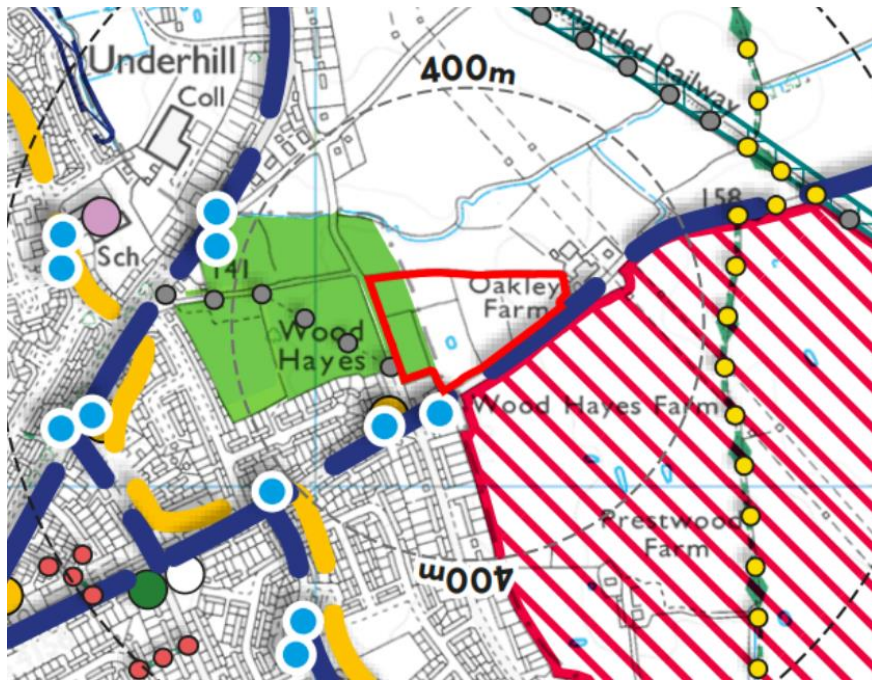


Figure 2 Extract from Local Context plan showing site with Black Country Plan allocation (in Green).

- 3.6. The site (reference 520), where it falls into South Staffordshire has now been omitted as an allocation in the Preferred Options document, and we strongly object to this.
- 3.7. In considering the content of the Lepus Consulting Interim SA dated August 2021, it assessed the site as falling within the 'Essington Cluster'. The site was assessed against a number of objectives and performs well against many of them, indeed better than a number of neighbouring sites in some cases. Accessibility to local schools being a particular benefit.
- 3.8. The SHELAA sets out that site 520 is '*Potentially suitable but subject to policy constraints - Green Belt & Core Policy 1*'. It also states that '*The site is adjacent the urban area of the Black Country, although approximately 1.2ha of the site which directly adjoins the conurbation sits within the local authority area of Wolverhampton. Urban edge site modelled at 35 dwellings per hectare*'.
- 3.9. The site was considered 'potentially suitable' alongside neighbouring sites controlled by Taylor Wimpey, which have since been proposed as allocations at part of the Linthouse Lane allocation. Given its position relative to the proposed allocations adjacent, it is not clear from the evidence base why the entire site has been excluded from the allocations, as a result.
- 3.10. The overall assessment of the site in the SA (at Appendix F, F47) is as follows: '*Key positives and negatives · Similar Green Belt harm to the majority of land in this broad location (site is 'high') · Similar landscape sensitivity to the majority of land in this broad location (site is 'low moderate') · Major positive impacts predicted against education in the Sustainability Appraisal*'
- 3.11. ... *Major negative impacts predicted against the landscape criteria in the Sustainability Appraisal, but failing to consider such areas for development may result in an unsustainable pattern of*



*development and would run contrary to the Association of Black Country Authorities' proposed use of the Green Belt/landscape evidence base as set out in Duty to Co-operate correspondence. · Site does not present an opportunity for a mixed-use urban extension · May require allocation of additional land in neighbouring local authority (Wolverhampton) to be delivered Conclusion Having regard to all site assessment factors set out in the proforma, the site is not considered to perform so well compared to other site options that it should be allocated instead of, or in addition to, Sites 646 a&b and 486c'*

- 3.12. We do not understand how such distinctions can be drawn between the large neighbouring urban extension at Linthouse Lane and the subject site, when, in reality there is very little to distinguish one site from the other in terms of overall harm. This is brought into sharper focus when considering the fact that some of the site is now already proposed for allocation in the BCP where it sits within the boundary of Wolverhampton, answering part of the concern set out above.
- 3.13. We strongly consider that the locational sustainability of the site remains the same, in its entirety: whether it falls into Wolverhampton or over the border in South Staffordshire. We firmly believe the council should reconsider their position in relation to the remainder of the site.
- 3.14. We have considered a masterplan for the area solely within the Wolverhampton boundary in the event that the site is not brought forward in its entirety – this is included as part of this representation. However, St Philips maintain that there is very little in the way of justification to exclude the remainder of the site from the allocation, for the reasons given.

## APPENDIX A: UPDATED DRAWINGS PACK BY NODE (PROVIDED SEPARATELY)