

**SOUTH STAFFORDSHIRE LOCAL PLAN
PUBLICATION PLAN NOVEMBER 2022
REGULATION 19 CONSULTATION**

**LAND TO THE WEST OF FENTON HOUSE LANE,
WHEATON ASTON**

REPRESENTATION PREPARED ON BEHALF OF

RICHBOROUGH ESTATES

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1. Introduction

- 1.1. This representation responds to the South Staffordshire District Council's ('SSDC') Local Plan Review 'Publication Plan' ('the Plan') consultation held under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Representations are made with regard to the Plan itself and to the accompanying published evidence, having regard to the National Planning Policy Framework ('NPPF').
- 1.2. This representation is made by Pegasus Group on behalf of Richborough Estates who have a specific land interest in Land to the West of Fenton House Lane, Wheaton Aston, which is being promoted for residential-led development. An Illustrative Masterplan is included at Appendix 1 to this Representation.
- 1.3. The representations are framed in the context of the requirements of the Local Plan to be legally compliant and sound. The tests of soundness are set out in the NPPF, paragraph 35. For a Plan to be sound it must be:
 - a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - 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; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 1.4. The representations also address the legal and procedural requirements associated with the plan-making process.

2. Planning Policy Context

- 2.1. Richborough Estates supports SSDC's review of the adopted South Staffordshire District Development Plan as required by Policy SAD1 of the Site Allocations Document ('SAD') 2018. This provides the opportunity for the Council to comprehensively review the Vision, Strategic Objectives, development requirements, spatial development strategy and policies shaping detailed development proposals.
- 2.2. The Plan review also provides the opportunity for the Council to not only review its own objectively assessed housing need, but also the role of the District in meeting unmet cross boundary needs from the wider Greater Birmingham and Black Country Housing Market Area ('GBBCHMA').

National Requirements for Plan-Making

- 2.3. The existing Core Strategy for South Staffordshire was adopted in 2012, and as such a holistic review of the Plan is overdue and this is also committed to within the Site Allocations Document 2018. This Local Plan Review will therefore ensure that an up-to-date Local Plan for South Staffordshire will be in place to support growth and meet future development needs.
- 2.4. The Proposed Publication Plan consultation follows previous consultations on the Local Plan 'Preferred Options' review which identified a spatial strategy for housing and employment delivery, whilst also identifying strategic objectives and priorities through numerous policies, including affordable housing. The current consultation document represents SSDC's final version of the Plan and is in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), having considered representations previously made to the Plan, as well as further evidence.
- 2.5. NPPF para 24 also confirms that local planning authorities '...are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.' In the context of South Staffordshire, strategic matters include housing, employment, infrastructure, and the Green Belt.



- 2.6. Richborough Estates supports SSDC's proactive approach in continuing with a review of the Local Plan, to ensure that an up-to-date policy framework exists within the District to guide growth to 2039 and to ensure that development is genuinely plan-led but would like to make some representations on the soundness of some parts of the Plan.

3. Vision, Strategic Objectives and Priorities

- 3.1. The Publication Plan (Regulation 19) identifies a number of 'Issues and Challenges' surrounding homes and communities, economic prosperity and the natural and built environment. The Document goes on to present a 'Vision' based upon these issues and challenges, and a number of 'Strategic Objectives' by which the Vision can be achieved.
- 3.2. It is noted that the Vision remains broadly the same as that presented in the adopted Core Strategy with regard to the aspirations to protect and enhance the District's rural character, communities, and landscape.
- 3.3. However, the Plan's objectives should be amended to reflect the need to meet both the present and future housing requirements, including those pressures arising through the Duty to Cooperate with neighbouring authorities. In this instance the well-known unmet housing needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) should be clearly considered. This is considered further, later in these representations.
- 3.4. The Local Plan lacks clarity at Strategic Objective 1 and does not define exceptional circumstances for release of Green Belt land as part of its strategy. It should be made clear that the need to identify land for growth and development over the Plan period, and beyond, means that there are exceptional circumstances arising which have required a full and detailed Green Belt boundary review, with a view to identifying land that it is proposed to be released from the Green Belt to meet the District's growth requirements.
- 3.5. In relation to Strategic Objective 2, reference is made to meeting the housing and employment needs of the District. It is considered this could be strengthened to refer to meeting the needs of both existing and new residents of the District, but the overarching thrust that new housing should be focussed on sustainable locations in the District, including the key villages and the edge of conurbation of the Black Country, is supported.

4. Development Strategy

Housing- Policy DS4

- 4.1. Richborough Estates broadly supports Part a of Policy DS4 which sets a housing target of 9,089 homes over the Plan period whilst providing additional homes to ensure plan flexibility. Upon review of the Local Plan evidence base, though, it is unclear how the Council have concluded that the 'flexibility allowance' should be 13% additional homes. This figure is not evidenced throughout the Evidence Base and Richborough Estates requests the Council provide clarification on this figure.
- 4.2. The principle of the proposed 4,000 houses to support the GBBCHMA shortfall is broadly supported by Richborough Estates. However, the GBBCHMA Housing Need and Housing Land Supply Position Statement (July 2020) identified the housing shortfall of the GBBCHMA as 67,160 dwellings. Further, the 'Mind the Gap' Barton Willmore Paper dated March 2021 and 'Falling Short – Taking Stock of Unmet Needs across GBBCHMA' paper by Turley in August 2021, both commissioned by HBF Members concluded that the significant unmet needs in the GBBCHMA exist now and will continue to exist in the future. Most recently, the now revoked Draft Black Country Plan 2018-2039 (showed a shortfall of circa 28,000 homes in the Black Country alone and Birmingham City Council have recently suggested a potential shortfall of over 78,000 dwellings in their Development Plan review Issues and Options consultation
- 4.3. It is important to stress that the shortfall figures in the GBBCHMA July 2020 paper did not take into consideration the 35% uplift applied to Birmingham or Wolverhampton that were subsequently introduced. The latest Black Country Plan and Birmingham Issues and Options figures therefore show the true extent of the shortfall, which is higher than that which South Staffordshire have taken into account in preparing their Plan. As set out in the HBF representations to the Publication Plan, the Council should confirm that they could proportionately increase their contribution to unmet need based on the latest figures. The Council's commitment to meeting that unmet need should be set out in a Joint Statement of Common Ground with the other GBBCHMA authorities.
- 4.4. As a result of the overwhelming shortfall in both the Black Country and Birmingham and despite South Staffordshire allocating 4,000 homes, Richborough Estates believes there is

scope for an uplift of this figure. The Land West of Fenton House Lane, Wheaton Aston (assessed under site reference 610 in the Housing Site Selection Paper) would make a positive contribution to South Staffordshire's housing allocations. The site can deliver a minimum of 22 dwellings within the site boundary formerly identified as a 'preferred option' however there is the potential to deliver a total of 50 dwellings within parcel 610 and a further 50 dwellings within parcel 608. The site is also sustainably located adjoining the Tier 3 settlement of Wheaton Aston and was previously allocated for housing but has since been removed which is discussed further in Chapter 8 of this representation.

- 4.5. In regard to SSDC own housing needs allocation (5,330 dwellings across the plan period), the Council have allocated the minimum figure of housing required by the Standard methodology and as such, Richborough Estates raises concerns regarding a potential insufficient housing to meet the District's housing needs.
- 4.6. The starting point for the identification of housing requirements is the 2014-based sub-national household forecasts as set out in National Planning Policy Guidance ('PPG') and the utilisation of the standard method of calculation. PPG is also clear that the figure produced by the Standard Method represents a minimum figure, rather than a requirement.
- 4.7. PPG provides a non-exhaustive list of examples whereby additional growth beyond the minimum requirement may be appropriate, including relevant growth strategies for the area, strategic infrastructure improvements or accommodating unmet need from neighbouring authorities.
- 4.8. As part of the Publication Plan, the 2021 Strategic Housing Market Assessment (SHMA) was updated, with the South Staffordshire Housing Market Assessment Update published in October 2022. The 2022 SHMA presents further depth of analysis compared to the 2021 assessment and supersedes the 2021 SHMA.
- 4.9. The updated Housing Market assessment at paragraph 4.17 indicates the revised standard method in 2022 is 241 dwellings per year resulting in a minimum of 5,330 new additional homes to be planned for in South Staffordshire to cover the local need across the Plan period 2018–2039. The assessment considers the proposed target of 9,089 homes (5,089 local need and 4,000 home contribution to meet the unmet GBBCHMA need) to be greater than the need for the District as a result of the 2021 Census data which indicated the growth within South Staffordshire to be lower than predicted in 2020.

4.10. However, there are a number of potential flaws in the 2021 Census figures, which took place during the Covid-19 pandemic. In a Paper commissioned by the Land Promoters & Developers Federation October 2022, Quod advised that the 2021 Census figures should be considered with caution. Reasons for such caution are identified in the Paper as:

- Internal Migration – many people spent lockdown somewhere different, for example leaving town to stay with parents whilst working remotely. While the Census record ‘usual residents’ this is open to definition and interpretation by people themselves and for many temporary arrangements would have been deemed to be their ‘usual residence’.
- Students – who were disrupted and learning online for a large proportion of time up to and including March 2021 at the time of the Census.

4.11. The report goes on to note that whilst there has been a general, expected slowdown in population growth, the country has not been building more homes than are needed. As an example, household formation has been artificially low, likely suppressed by unaffordability matters.

4.12. Richborough Estates considers a larger housing contribution would have benefits in reducing the likely shortfall within the GBBCHMA such as improving affordability and choice and providing a more reliable source of supply.

4.13. Richborough Estates object to Policy DS4 as not being justified based on proportionate evidence nor positively prepared in the context of the shortfall in housing across the Greater Birmingham Housing Market Area.

Economic Uplift and Housing Figures

4.14. The South Staffordshire Housing Market Assessment 2021 (HMA) sets out the broad economic consequences of the projected growth in Chapter 5. However, the HMA fails to consider the impact of committed development at the HS2 West Midlands Interchange (‘WMI’), which is projected to create around 8,500 new jobs and up to 8,100 indirect jobs off-site, well in excess of the increase in the working age population between 2018 and 2038 identified by the HMA (6,618 people). The updated HMA 2022 also does not consider the

impact of the committed WMI. In addition, both the 2021 and updated 2022 HMA do not consider that significant job growth will be provided through committed strategic employment developments planned at i54 and ROF Featherstone.

- 4.15. Richborough Estates has raised concerns about the Economic Development Needs Assessment 2020–2040 (June 2022) (EDNA) in other representations. The EDNA was prepared by DLP Planning on behalf on behalf of South Staffordshire District Council and it sought to identify future employment needs across the South Staffordshire area for the period 2020–2040. The EDNA outlines that the approved WMI has the potential to employ 16,600 both on and off site.
- 4.16. The EDNA also identifies the i54 development as a key 'employment corridor' and at paragraph 4.22 states that the facility 'could lead to a profound effect on the local and sub-regional property market as demand for engineering/manufacturing space increases'.
- 4.17. The updated HMA at paragraph 5.10 identifies that the projections profiling the change in population indicate that the working age population in South Staffordshire will grow by 6,618 people between 2020 and 2040. This is notably in excess of the growth of 4,824 jobs indicated by the EDNA, albeit Richborough consider the EDNA underestimated job growth. The updated HMA at paragraph 5.13 suggests that the housing requirement of 9,089 homes over the Plan period is sufficient to address the projected economic growth for the District. However, Richborough Estates, as raised above, have concerns regarding the proposed housing figures due to the large shortfall of housing across the GBBCHMA, which has been exasperated by the rising instability of the Black Country.

Spatial Strategy

- 4.18. SSDC previously consulted on a Spatial Housing Strategy and Infrastructure Delivery (SHSID) document in October 2019. This looked at how the proposed housing target could be distributed between different settlements and other broad locations within the District.

5. Site Allocations- Policy SA5 and Sustainability Appraisal Comments

- 5.1. Following the Preferred Options (Regulation 18) Plan the Council have made a number of additional amendments to certain specific sites, including identification of three additional small brownfield sites and removal of sites where the council suggested the sites were unsuitable.

Housing Allocations- Policy SA5

- 5.2. South Staffordshire District Council at Strategic Objective 2 identify that housing growth will be located at the District's most sustainable locations to facilitate growth and assist in meeting the wider unmet housing needs. The site is not located within the Green Belt and adjacent the St Mary's C of E First School.
- 5.3. It is considered that Land to the West of Fenton House Lane, Wheaton Aston, is a sustainable site, capable of supporting housing growth to meet the housing need. It is in a tier 3 settlement and new housing growth would help sustain existing facilities in the village including the school.
- 5.4. The Site at Land to the West of Fenton House Lane as discussed further in Chapter 8 of this Representation would make a valuable and logical allocation in the Local Plan not only due its location within a Tier 3 settlement where development is to be encouraged but also as the site was previously allocated for housing in the Regulation 18 Plan. The reasons for the removal of the allocation, which relate to the possible impact on Motte Meadows National Nature Reserve are disputed by Richborough Estates and are discussed further later in this representation. To this end, Richborough Estates strongly encourages the Council to reallocate the Land to the West of Fenton House Lane, Wheaton Aston.

6. Development Management Policies

Policy HC1- Housing Mix

- 6.1. Housing mix should be guided by market signals as reflected in the most up to date assessment needs. Such assessments will need to be updated over the course of the plan period.
- 6.2. The requirement that 70% of properties comprise of 3 bedrooms or less is restrictive and does not afford the flexibility expected by NPPF para 62 in order to meet the need to provide for a range of size, type, and tenure for different groups.
- 6.3. The use of the phrase 'disproportionate' in the penultimate paragraph, when describing the quantum of 4+ bedroom houses, lacks the precision and clarity needed for a Plan policy.
- 6.4. The policy should recognise that needs and demand will vary from area to area and site to site and identify that its requirements could be subject to a viability assessment, thus allowing for flexibility in its application.
- 6.5. Clarification should also be made defining 'major' development. It is noted that the Publication Plan has removed footnote 11 from the Issues and Options Plan which defined major development in accordance with the NPPF definition stating major development is "*development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*". Whilst a definition is contained within the NPPF, the statutory definition is actually contained within the Town and Country Planning Development Management Procedure Order, which defines major development as where:
- (Ci) the number of dwellinghouses to be provided is 10 or more; or*
- (Cii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i)*
- 6.6. The text emphasised above is an important qualifier when considering whether or not a proposal constitutes major development. This qualifying text has not been carried through into the definition contained within the NPPF. Richborough Estates suggest a definition of

major development should be reintroduced into the Plan, with the DMPO definition referred to for the avoidance of doubt.

- 6.7. In light of the above, the policy is considered unsound, as it is neither justified nor consistent with national policy for the reasons set out above.

Policy HC2- Housing Density

- 6.8. Policy HC2 sets out an aim to achieve a minimum net density of 35 dwellings per net developable hectare in developments 'within or adjoining Tier 1 settlements, in infill locations within the development boundaries of other settlements in the district or in urban extensions to neighbouring towns and cities'.

- 6.9. Richborough Estates welcome the addition to the policy (set out below) which recognises that a blanket approach to density is unlikely to be effective stating:

'Where it would help to support the delivery of local services and facilities, sites will be encouraged to exceed this minimum density standard where this could be done in a manner consistent with other development plan policies, particularly those relevant to the character of the surrounding area.'

The net density on a site may go below the minimum density standard set above if to do otherwise would result in significant adverse impacts to the surrounding area's historic environment, settlement pattern or landscape character.'

- 6.10. It is also acknowledged that the Council have updated the wording of Policy HC2 to include a direction for settlements within Tiers 2-5 of the Settlement Hierarchy.

Policy HC3- Affordable Housing

- 6.11. Policy HC3 requires proposal for major residential development to provide 30% of all dwellings as affordable housing. The use of the term 'major residential development' in this context requires a definition to save confusion as to what size of development affordable housing becomes a requirement, it is presumed to be the same as that within the NPPF



Glossary. The policy also needs to ensure that evidence is provided when considering viability, especially when looking at brownfield sites.

- 6.12. The requirement for 30% affordable housing appears to be supported by the Viability Study Stage 2 Report 2022 (VA) which confirms at paragraph 3.2.7 that the proposed affordable housing figure can be appropriate for South Staffordshire, but it does highlight the challenges in delivering such a requirement and the need for higher site values to be achieved to deliver this across the board.
- 6.13. The NPPF is clear that the derivation of affordable housing policies should take account not only of need but also have regards to viability and deliverability and a differentiated policy approach should be used to the provision of affordable housing, as set out in the Viability Study.
- 6.14. The Council's position to continue with the established approach of using Section 106 planning obligations to secure the necessary infrastructure to support and mitigate the effects of new development is supported.
- 6.15. The requirement to 'pepper pot' affordable housing in clusters across the development is generally supported. However, the policy should recognise that for management purposes, Registered Providers do require a degree of clustering of affordable housing within a development and this will inform site layouts.
- 6.16. Richborough Estates supports the removal of the suggestion that grant funding for homes to be provided under the requirements of the Policy as requested within the Regulation 18 Representation.
- 6.17. The frequent reference to further guidance being provided by the Affordable Housing SPD is noted. The SPD should do no more than clarify the Local Plan policy and it is suggested that if the requirements for implementing the policy are known to need explanation now then these should either be included within the Plan now or set out within the explanatory text. The SPD is not the appropriate approach for setting new policy and or burdens on delivery, and the Plan should provide clarity at the point of adoption as to what it requires.

Policy HC4- Homes for older people and others with special housing requirements

- 6.18. Policy HC4 notes major development should:

'...clearly contributes to meeting the needs of older and disabled people.'

- 6.19. The above policy wording does not define 'older people', so it is unclear as to exactly who this Policy is targeting or who would be eligible to occupy such dwellings.
- 6.20. It stipulates that all major development should provide bungalows, age restricted single storey accommodation, sheltered/retirement living and extra care housing. The Council do not define what ages will be restricted for single storey development and as such, the policy requires clarification on this matter.
- 6.21. Such specialist housing, especially that related to extra care and retirement living, often need a minimum critical mass to be viable (for example, extra care units typically require 60+ bedrooms to be viable) and therefore the Council needs to determine, through evidence the minimum size of site which should be able to viably support the provision of such accommodation.
- 6.22. The policy then needs to provide much greater clarity on when such housing will be required as part of a major development, and to make clear that some housing types may be required on any given site.
- 6.23. It is further noted that since the Preferred Options consultation, the Plan has moved from expecting 30% all homes to be Building Regulation M4(2) compliant, it now requires 100% of all housing to be M4(2) compliant. This may bring with it issues of affordability, in a context where the access and affordability of housing is an area of wider concern.
- 6.24. The Council's Viability Study, Stage 2 (2022) acknowledges that at present Part M of the Building Regulations requires all dwellings to be built to a minimum of M4(1) with further enhanced requirements to M4(2) and M4(3) required through policy, subject to evidence of need as well as viability.
- 6.25. Currently, the requirement for M4(2) properties is optional within Building Regulations and are described as making "reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users". It is recognised that the older person population is likely to increase over the plan period, however an ageing population affects the whole country and is not an issue specific to South Staffordshire. If

the Government had intended that evidence of an ageing population alone justify adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

- 6.26. Furthermore, the HMA identifies a need for 1,783 accessible and adaptable general homes for those over 65 years and 1,235 for those under 65 years, across the Plan Period. This equates to less than 30% of the overall housing requirement to be delivered by this Plan. The updated SHMA 2022 at paragraph 8.14 concludes that it is calculated that adapted housing M4(2) will be required for 3,978 households by 2040 in South Staffordshire. It is therefore not clear how the 100% requirement within the Policy has been arrived at or how this is justified.
- 6.27. Having highlighted the above, it is also noted that the Council's Viability Study 2022 simply refers to a Government consultation¹ which indicates that M4(2) standards may become mandatory for all new housing.
- 6.28. That consultation was undertaken in 2020 and in July 2022 the Government published their response. This indicates that M4(2) dwellings may indeed become mandatory. This will necessitate a change to Building Regulations and statutory guidance, on which the Government will consult further in due course.
- 6.29. At the present time, though, the requirement for M4(2) dwellings is not mandatory and if the Council wish to pursue a policy requirement of 100% M4(2) dwellings then this needs to be justified, with reference to both need and cost.
- 6.30. As drafted, Policy HC4 is not sound as it is not justified.

Policy HC8 – Self-build and Custom Housebuilding

- 6.31. Policy HC8 requires sites for major residential development to '... have regard to the need on the council's self-build register and make provision of self and custom build plots to reflect this'. The policy should be clear that in having regard to the Council's self-build register, it is only part 1 of the register which needs to be considered. The policy should also recognise,

¹ www.gov.uk: Raising accessibility standards for new homes: summary of consultation responses and government responses (July 2022)

that delivery of self-build housing on new residential sites, successfully occurs when there is a distinct phasing or grouping of plots, secured for such delivery.

6.32. Whilst Richborough Estates generally supports the concept of self-build/custom housing, they do not consider providing them as part of a larger housing development is the most appropriate solution because self/custom builders are more likely to want a more bespoke location/setting. Smaller dedicated self/custom sites are therefore a more appropriate answer.

6.33. Richborough Estates supports the position that should a proposed custom self-build plot not be sold after 12 months following active marketing, then the developer will be permitted to build out the plan as a standard property type.

Policy HC10- Design Requirements

6.34. The introduction of a new set of requirements to ensure high quality design and the creation of beautiful places in line with Government guidance is supported. However, a number of specific comments are made on the policy as drafted:

- The provision of tree lined streets (item c) should be subject to highway authority agreement, and where appropriate, their adoption. In Richborough Estates' experience, local highway authorities do not want trees in immediate proximity of the street due to management concerns or liabilities.
- The point on house types and tenures (item l) is repetition of policy material set out at Policy HC1 and is therefore unnecessary.

Policy HC12- Space About Dwellings and Internal Space

6.35. The continuity of existing external space and dwellings standards is generally supported although there should be a recognition that certain house types, for example Part M4(2) dwellings, should have smaller, more manageable gardens.

6.36. Richborough Estates suggests that some flexibility must be allowed in the application of the Nationally Described Space Standards (NDSS) as occasionally non-compliance with NDSS

may be appropriate for sound urban design reasons and the Policy should therefore build in some flexibility.

6.37. If the NDSS requirement is to be pursued, then the Council need to provide additional evidence for the Local Plan Examination to demonstrate that the policy is sound. National Planning Guidance Housing: optional technical standards (paragraph O20) clearly state that *“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- *Need – evidence should be provided in the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *Timing – there may need to be a reasonable transition period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.”*

6.38. It is clear that the introduction of the NDSS requires a Local Plan policy which has been fully evidenced, justified and viability tested. The South Staffordshire Housing Market Assessment Update 2022 (HMA) refers to the NDSS (paragraph 7.32) only in the context of assessing the need for accessible and adaptable homes. The HMA does not provide any justification or evidence for requiring NDSS in the District.

Policy HC14- Health Infrastructure

6.39. This policy refers to proposed developments causing ‘unacceptable impact’ on existing health care facilities but fails to define what level of impact is deemed unacceptable or how

that is to be measured. The policy should also acknowledge that not all residents of a development will be new to a catchment area and may indeed already be registered by the local health care provider, thereby not creating a net additional burden.

- 6.40. Careful analysis is required therefore with regard to the capacity of existing infrastructure to accommodate new patients, before reaching a conclusion as to what any CIL Regulation 122 compliant financial request might be. The requirement for CIL Reg compliance of any request should be clearly specified within policy.
- 6.41. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

Policy HC15- Education

- 6.42. Richborough Estates broadly supports the policies' objective for the improvement or construction of schools to meet the demand generated by children in new development. However, as currently written, the policy makes a blanket assumption that new education infrastructure will be required from all new development.
- 6.43. The Policy text requires further clarification as any such provision to be delivered by a S106 agreement, must have regard to the tests of CIL Regulation 122. The policy should make this explicit. In this regard, the policy should also recognise new infrastructure will be required from new development, only where it can be demonstrated that existing capacity to accommodate growth does not currently exist.
- 6.44. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

Policy HC17- Open Space

- 6.45. Whilst there is no in principle objection to the requirements of the policy or the provision of open space within developments, some clarifications are required in order to ensure that the Policy is sound.
- 6.46. The policy requirement for on-site equipped play provision as default is not supported as it will not be appropriate for every site, for example where there is already high-quality

equipped play provision in the locality it would not make sense to duplicate this provision. In addition, it is not appropriate to require open space to be centrally located on all sites as this does not take into consideration differences in development sites opportunities and constraints. It is requested that the Council amend the policy to allow policy a more flexible approach to achieve the right design solution for each site.

- 6.47. The focus of Green Infrastructure provision should be based on quality rather than quantity or 'useability' and the exclusion of small incidental green infrastructure (GI) without a clear recreational purpose from on-site open space provision is not supported. The policy text cites landscape buffers as an example of incidental GI which may be excluded. This is not appropriate as landscape buffers can be of a significant size and clearly contribute towards open space provision on a site. They should therefore be included in these calculations. Planning Practice Guidance acknowledges that '*Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals, and other water bodies*' (Paragraph 004 - ref ID: 8-004-20190721).
- 6.48. The policy should therefore be revisited and clarified, with clear reference to national guidance ensure that open space and green infrastructure is properly and clearly defined and to recognise the contribution that a range of spaces and uses will bring to a development.
- 6.49. The policy as drafted is unsound as it is *inconsistent with national policy* and is *unjustified* for the reasons set out above.

Policy HC18- Sports facilities and playing pitches

- 6.50. Policy HC18 is informed by the playing pitch and sport facilities assessments produced by KKP in 2020 and is broadly supported.
- 6.51. It is noted that further guidance on the procedure for determining provision required from new development will be set out in an Open Space, Sport, and Recreation SPD. However, the policy requires all new major residential development to contribute towards sports facilities and playing pitches, but no further quantitative details are provided to set out the detail of what will be expected within the Publication Plan.

- 6.52. The requirements for playing pitches are set out in the Future Housing Growth and Playing Pitch Requirements Topic Paper (November 2022). The requirements in regard to the Land West of Wrottesley Park Road, are considered broadly appropriate and is supported. It would be more appropriate for SSDC to define standards expected from development as part of policy (as per the open space standard defined by Policy HC17, for example). This approach provides greater certainty in respect of the infrastructure delivery requirements expected from sites, which ultimately impacts upon their viability. The level of provision expected, and the associated viability implications should be considered within both the Infrastructure Delivery Plan and Viability Assessment.
- 6.53. The requirements of delivering sports facilities and playing pitches through on-site provision or S106 contributions is only one element of the package and things sites will need to provide and the Council must ensure the delivery of all potential obligations are taken into account for both on and off-site provision to support the soundness of the Plan at examination.

Policy EC3- Inclusive Growth

- 6.54. The requirement for an Employment and Skills Plan to be prepared for all developments of 100 or more residential dwellings is not supported. Whilst the benefits of such plans are acknowledged, it is considered more appropriate to implement them on a site-by-site basis, dependent on local circumstances and the labour market and such a requirement can be sourced by condition. This is especially important in the context of modular methods of construction inevitably increasing in the coming years, probably sourced from outside South Staffordshire.
- 6.55. If the Policy is to be found sound it should be amended to incorporate flexibility and allow for Employment and Skills Plans to be requested on a site-by-site basis, where appropriate. In so doing the relevant criterion for requesting such policies must be clearly defined and set out within the policy in order to ensure the policy is justified.

Policy EC11- Infrastructure

- 6.56. Policy EC11 commits SSDC to work with and support infrastructure providers and also offer support for the delivery of infrastructure. This is broadly supported, but any assessment of

cumulative impact and mitigation requested must be proportionate and CIL Regulation 122 compliant. The policy should be explicit that this is the case.

- 6.57. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

Policy NB2- Biodiversity

- 6.58. Richborough Estates are supportive of the need to address net losses to Biodiversity, through the provision of enhancement to deliver an overall net gain. The Council's policy requirement to deliver 10% Biodiversity Net Gain, reflects that of the Environment Act and is not objected to. Indeed, it reflects one of the core principles of the NPPF to conserve and enhance the natural environment.

- 6.59. In delivering net gain, however, the policy needs to provide as much flexibility as possible. The key test of policy is whether the 10% BNG is being delivered, not necessarily the specific method by which it is delivered. It is important that the way in which these 'net gains' are calculated is given careful consideration and that a pragmatic view is taken in terms of biodiversity enhancements, where there are clear landscape and habitat improvements, rather than being wholly reliant on the output of rigid calculator, in particular where this would impede the delivery of much needed housing.

- 6.60. In this regard, certain aspects of the policy would benefit from clarification. Subsection a) for example, discusses 'maintaining and enhance existing habitats' on development sites as a priority. It has to be questioned, however, that where sites are allocated for delivery, whether such a goal is achievable. Certainly, it is good practice to retain where possible, hedgerows, mature trees, and other key ecological assets. However, for the policy to indicate that habitat protection on site is a priority, over matters such as high-quality urban design, or delivery of any of a raft of other local plan policies, gives this specific element of policy delivery an undue prominence.

- 6.61. The policy would benefit from some limited re-wording (replace 'as a priority' with 'where possible' for example) to provide a more balanced and practical response to achieving the necessary 10% BNG delivery.

Policy NB4- Landscape Character

6.62. Policy NB4, would benefit to an amendment in the text, which reflects the comments made on Policy NB2 above. As drafted, the second paragraph states:

"All trees, woodland, and hedgerows should be protected and retained"

6.63. Whilst it is appreciated that the following sentence identified that should a loss be required, appropriate mitigation measure must be delivered by the developer, the above sentence should be amended to the following:

"All trees, woodland and hedgerows should be protected and retained wherever possible"

Policy NB6– Sustainable Construction

6.64. Given that the Environment Act 2021 has recently been made into law, it needs to be made clear that this policy reflects the Act and its purpose and that it repeats the laws written within it.

6.65. Concern is raised with some of the technical detail raised in Policy NB6. Clause 3 regarding embodied carbon, includes the statement:

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

6.67. Whilst Richborough Estates fully appreciate the value of Whole Life-Cycle Carbon assessments and the need for some form of post construction, pre-occupation assessment, there is concern raised about this policy. Firstly, once sold the properties will be owned by the purchasers and their mortgagees. There are issues of data protection and consent surrounding the recording and sharing of energy use, air quality and overheating risk data with a third party, in respect of properties that the developer will not own.

6.68. Secondly, with the above in mind, it must be noted that whilst it may be possible to introduce some form of data gathering within the homes, once sold and the responsibility of a third



party, it may become difficult to ensure that all of the devices installed for monitoring will remain active for the entire period.

- 6.69. There is no evidence to suggest that the Council have considered or addressed the GDPR implications of this requirement, its effect on 'mortgage-ability', or indeed its effect on sales values. Presumably properties which are wired to share private individual's lifestyle data, would be less attractive in the marketplace, and that would be reflected in reduced sales values. This element of the possible is not practical to be delivered in the form proposed, and is therefore considered unsound, on the grounds of being neither justified nor consistent with national policy for the reasons set out above.
- 6.70. Further, the requirement of the policy for developments to demonstrate a minimum 63% reduction in carbon emissions, with each dwellings achieving at least a 10% improvement on the Building Regulations Part L 2021 Target for Fabric Energy Efficiency, plus post development requirements to achieve as least zero regulated carbon across the scheme is unnecessary. with the improved Part L Building Regulations and emerging Future Homes Standards we do feel that this may be an unnecessary early step however would support the introduction of early improvements once further details are available within the market to achieve these high standards of construction, without unintended consequence of increased air tightness/efficiency is known. We don't feel that the Council does not need to set local energy efficiency standards to achieve the shared net zero goal.
- 6.71. Having worked in areas of water stress and the emerging requirement for water efficiency playing a bigger part in other areas of construction, we would support the 110l/p/d target.

7. Sustainability Appraisal

7.1. The Publication Plan is supported by a Sustainability Appraisal ('the SA'), prepared by Lepus Consulting². The purpose of the SA is stated as being to appraise the sustainability performance of all potential site allocations for development. The potential sites are assessed in relation to each of the stated objectives in the SA Framework as follows:

- **SA Objective 1. Climate change mitigation:** Minimise the Plan area's contribution to climate change.
- **SA Objective 2. Climate change adaptation:** Plan for the anticipated impacts of climate change.
- **SA Objective 3. Biodiversity and geodiversity:** Protect, enhance, and manage the flora, fauna, biodiversity, and geodiversity assets of the district.

SA Objective 4. Landscape and townscape: Conserve, enhance and manage the character and appearance of the landscape and townscape, maintaining and strengthening their distinctiveness.

- **SA Objective 5. Pollution and waste:** Reduce waste generation, increase the reuse of, and recycling of, materials whilst minimizing the extent and impacts of water, air, and noise pollution.
- **SA Objective 6. Natural resources:** Protect, enhance, and ensure the efficient use of the district's land, soils, and water.
- **SA Objective 7. Housing:** Provide a range of housing to meet the needs of the community.

² Sustainability Appraisal of the South Staffordshire Local Plan Review – Regulation 19 SA Report Volume 1 to 3, October 2022



- **SA Objective 8. Health and wellbeing:** Safeguard and improve the physical and mental health of residents.
- **SA Objective 9. Cultural heritage:** Conserve, enhance and manage sites, features, and areas of historic and cultural importance.
- **SA Objective 10. Transport and accessibility:** Improve the efficiency of transport networks by increasing the proportion of travel by sustainable modes and by promoting policies which reduce the need to travel.
- **SA Objective 11. Education:** Improve education, skills, and qualifications in the district. Raise educational attainment and develop and maintain a skilled workforce to support long-term competitiveness.
- **SA Objective 12. Economy and employment:** To support a strong, diverse, vibrant, and sustainable local economy to foster balanced economic growth.
- **SA Objective 13. Equality:** Reduce poverty, crime and social deprivation and secure economic inclusion.

7.2. The SA also appraises the draft development management policies and their likely outcomes.

7.3. The significance of effects is scored as follows:

Significance	Definition (Not Necessarily Exhaustive)
Major Negative --	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Permanently degrade, diminish, or destroy the integrity of a quality receptor, such as a feature of international, national, or regional importance; • Cause a very high-quality receptor to be permanently diminished; • Be unable to be entirely mitigated; • Be discordant with the existing setting; and/or

	<ul style="list-style-type: none"> Contribute to a cumulative significant effect.
Minor Negative -	The size, nature and location of development proposals would be likely to: <ul style="list-style-type: none"> Not quite fit into the existing location or with existing receptor qualities; and/or Affect undesignated yet recognised local receptors.
Negligible 0	Either no impacts are anticipated, or any impacts are anticipated to be negligible
Uncertain +/-	It is entirely uncertain whether impacts would be positive or adverse
Minor Positive +	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> Improve undesignated yet recognised receptor qualities at the local scale; Fit into, or with, the existing location and existing receptor qualities; and/or Enable the restoration of valued characteristic features.
Major Positive ++	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> Enhance and redefine the location in a positive manner, making a contribution at a national or international scale; Restore valued receptors which were degraded through previous uses; and/or Improve one or more key elements/features/characteristics of a receptor with recognised quality such as a specific international, national, or regional designation.

Table 7.1 Guide to scoring significance of effects

7.4. The SA represents an update to previous iterations of the SA which have supported previous consultation versions of the LPR.

Land off Marston Road Fenton House Lane – Site Ref: 610

7.5. Land to the West of Fenton House Lane is assessed within the SA as 'Land off Marston Road Fenton House Lane' under site reference: 610. This includes an assessment of the nature and magnitude of the impact of the development, both pre- and post-mitigation. These assessments are reproduced in Figures 7.1 and 7.2 below

Site Reference	1 Climate Change Mitigation	2 Climate Change Adaptation	3 Biodiversity & Geodiversity	4 Landscape & Townscape	5 Pollution & Waste	6 Natural Resources	7 Housing	8 Health & Wellbeing	9 Cultural Heritage	10 Transport & Accessibility	11 Education	12 Economy & Employment
610	+/-	--	-	--	0	-	+	-	-	-	-	-

Figure 7.1: Significance of effects pre-mitigation, Site Ref: 610

Site Reference	1 Climate Change Mitigation	2 Climate Change Adaptation	3 Biodiversity & Geodiversity	4 Landscape & Townscape	5 Pollution & Waste	6 Natural Resources	7 Housing	8 Health & Wellbeing	9 Cultural Heritage	10 Transport & Accessibility	11 Education	12 Economy & Employment
610	+/-	+	0	--	0	-	+	-	0	-	-	-

Figure 7.2: Significance of effects post-mitigation, Site Ref: 610

- 7.6. Richborough Estates supports the above scoring overall but disputes the finding that developing the Site would result in a Major Negative impact upon landscape and townscape.
- 7.7. The SA sets out that "...sites within the Wheaton Aston cluster were not assessed by the Green Belt Study [due to Wheaton Aston not falling within the Green Belt]. Therefore, development of these sites are assessed as having a negligible impact [upon the Green Belt]".
- 7.8. Having reviewed numerous other sites within the SA, the importance of the Green Belt is apparent when considering the impact of a development upon Landscape and Townscape, with many sites receiving Major Negative ('--') scores due to their Green Belt impact, often at the expense of all other considerations.
- 7.9. In respect of other aspects pertaining to Landscape and Townscape, the site was only found to have 'moderate-high' landscape sensitivity (as opposed to 'high') and a 'minor negative' impact on Cannock Chase Area of Outstanding Natural Beauty, landscape character, views

from the public right of way network, views for local residents, urbanisation of the countryside and coalescence.

- 7.10. The Site at Fenton House Lane was previously a proposed housing allocation in the Regulation 18 Plan. The site was removed as an allocation in the Preferred Options Regulation 19 Plan, however there is no direct evidence for the sites removal within the evidence base. It is assumed that the site was removed as an allocation due to the sites proximity to Motte Meadows Special Area of Conservation (SAC).
- 7.11. The Motte Meadows SAC consists of a service of agriculturally unimproved and seasonally inundated meadows near Wheaton Aston. The Habitat Regulation Assessment Regulation 19 2022 identifies that Motte Meadows SAC has no formal public access and only conceivable risks from recreation are likely to relate to development in close proximity. An Ecology Summary supports this application and can be found at Appendix 3. The Ecology Summary identifies that Motte Meadows is 0.5km west of the Site. The Site is located within an Impact Risk Zone for Motte Meadows which are used to assess applications for likely impacts on statutory designated sites. The qualifying criteria for the IRZ in which the site is located includes 'any residential development of 50 units or more'. While Richborough Estates has a land interest in a wider land parcel (610 and 619) the previous allocation was for circa 22 dwellings which is significantly below the IRZ qualifying criteria. As such, Richborough Estates do not consider the site's removal from the Plan on this basis as justified and strongly urge the Council to reallocate the site within the Plan, given the site is available, deliverable, and sustainable.
- 7.12. In light of the above, Richborough Estates consider that the SA impact score of Major Negative ('--') should be reduced to a Minor Negative ('-') score in respect of Landscape and Townscape.

8. Land to the West of Fenton House Lane, Wheaton Aston

Site Description

- 8.1. Richborough Estates has land interests in Land to the West of Fenton House Lane, Wheaton Aston, which is identified within the LPR as draft site allocation reference: 610. However, it should be noted that Richborough Estates' land interest actually extends beyond the land allocated within the LPR, to include land identified within the SHLAA as site ref: 608.
- 8.2. Richborough Estates has produced a Wider Site Masterplan for the Site (see Appendix 2) which encompasses both land parcels, demonstrating how development can be sensitively delivered to the western edge of Wheaton Aston.
- 8.3. However, the proposed Illustrative Masterplan included at Appendix 1 to this Representation includes only an additional 0.4ha of land beyond the allocation (site area totalling approx. 1.4ha). The difference in these two land areas is delineated by orange and red lines on the Plan.
- 8.4. Justification for this proposal is provided later within this section.
- 8.5. The site is located to the north-west of Wheaton Aston, adjacent to Marston Road and Fenton House Lane. The site is located immediately opposite St Mary's C of E First school and public open space (including skate park) to the north of Marston Road.
- 8.6. The site is located within Flood Zone 1; the area at least risk from flooding. There are no heritage assets in the immediate proximity of the site. The site is located approximately 400m from both the Canal Conservation Area and the Wheaton Aston Conservation Area.
- 8.7. The site has no statutory ecological or environmental designations. The site is not located within the Green Belt.
- 8.8. Motty Meadows is located approximately 0.5km to the west of the site, which is a designated Site of Special Scientific Interest, a National Nature Reserve and Special Area of Conservation. Richborough Estates encourages the Council to reallocate the site and will work closely with

the Council to ensure that any required mitigation measures in relation to the protection of Motte Meadows are planned for and achieved. It should be noted that the previous proposed housing allocation at the site was under the IRZ threshold and as such, the site should be reallocated for housing within the Plan.

Sustainability

8.9. South Staffordshire District Council has prepared a Rural Services and Facilities Audit (2021) ('the RSFA') which presents evidence on the relative level of services and facilities present in settlements within South Staffordshire.

8.10. The RSFA identifies five key indicators to compare the relative sustainability of settlements within the District as follows:

- Access to food stores;
- Diversity of accessible community facilities/services;
- Access to employment locations;
- Access to education facilities; and
- Public transport access to higher order services outside of the village.

8.11. Wheaton Aston is identified as falling within 'Tier 3 Settlements' which are described as:

'Settlements within this tier typically have a small food store but generally have far fewer educational facilities in comparison to Tier 1 and 2 villages and generally have less of a range of services and facilities within the village compared to Tier 1 and 2 villages. These villages still have a degree of access to services and facilities outside the village via public transport.'

8.12. The overall settlement hierarchy scoring for Wheaton Aston is presented below.

Access to convenience stores/ supermarkets	
Diversity of other accessible community facilities/ services	
Retail Centres Study	

Access to employment locations	
Access to primary/ first school within settlement	
Access to secondary/ high school within settlement	
Access to 6th form/college within settlement	
Public transport access to higher order services outside of the village	

Table 8.1: Settlement Hierarchy Scoring for Wheaton Aston, RSFA (2021)

8.13. Richborough Estates supports the findings of the RSFA in relation to Wheaton Aston.

Landscape Sensitivity

8.14. The site is located within landscape parcel ref: SL79 as identified within South Staffordshire Landscape Sensitivity Assessment (July 2019), which suggests that land around the north-western edge of Wheaton Aston has a 'moderate-high' sensitivity to development.

Landscape Sensitivity Rating

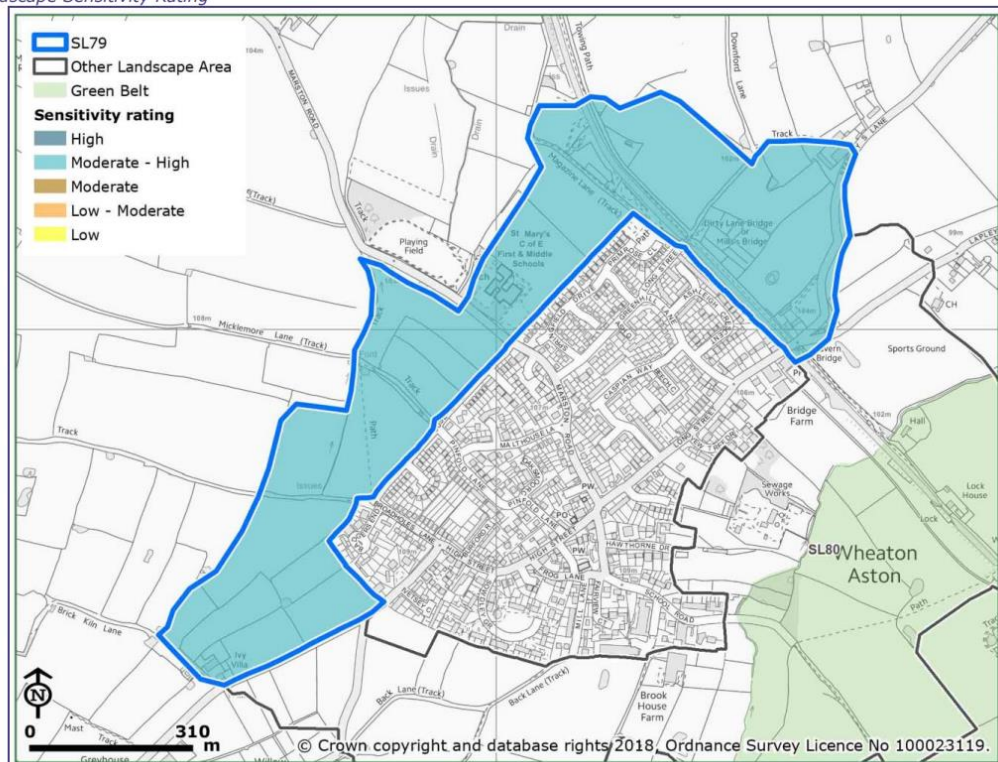


Figure 8.1: Landscape Sensitivity Rating for Land Area Ref: SL79.

- 8.15. Landscape Sensitivity Judgement concludes that the "overall sensitivity of this landscape area to residential development is judged to be moderate-high, due to the combination of small-scale historic field patterns which are important to landscape character, and natural character with strong rural perceptual qualities, and the visual relationship with the edge of Wheaton Aston".
- 8.16. It is nonetheless considered that the site can be developed in a manner sensitive to the local landscape, including providing screening and buffer planting to the north-western boundary to restrict views of the site from the surrounding landscape.
- 8.17. Richborough Estates have wider land interests than just the previously allocated site. Should the site be reallocated, the Council should consider the wider land parcel as a suitable for safeguarded land. The wider development of the land parcels 610 and 619 would allow for greater public open space to the west of the site, which would also provide a buffer for the Motte Meadows located 0.5km west of the Site. However, it should be noted that previously allocated site would provide any required mitigation measure in relation to Motte Meadows.

Ecology

- 8.18. While there are no statutory designations within the site, it is close to Motte Meadows which is located approximately 0.5km to the west. Motte Meadows SSSI is described as an 'outstanding floristically diverse mesotrophic grassland where traditional late hay cutting and aftermath grazing has been perpetuated, largely unaffected by modern agricultural practices. The site is important because of its large size, variety of grassland community types and presence of rare species. Furthermore, it contains an extensive example of an alluvial flood meadow.'
- 8.19. This representation is supported by an Ecology Summary. The Summary details that whilst the site is located within an Impact Risk Zone, which are used to assess applications for likely impact on statutory designated sites, the qualifying criteria for an IRZ is 'any residential development of 50 units or more'
- 8.20. The modest scale of the development proposed at Land to the West of Fenton House Lane, coupled with the intervening separation distance, is considered to be a significant mitigating factor to the development having any detrimental impact upon Motte Meadows. This is reinforced by the fact that Motte Meadows is not publicly accessible and therefore the

development of new housing at the site would not result in more recreational trips to the nature conservation site.

- 8.21. This impact and any necessary site-specific mitigation will be considered as part of any application for planning permission.

Heritage

- 8.22. Wheaton Aston is within a Conservation Area identified within the historic village centre within the south east of the settlement and a further Conservation Area to the north focused upon the Shropshire Union Canal. There are no listed buildings identified within or within the vicinity of the site. There is unlikely to be any significant intervisibility between the appraisal site and heritage assets.

Proposed Development

- 8.23. The Illustrative Masterplan included at Appendix 1 to this Representation illustrates how the site is capable of accommodating up to 25 new homes (32dph net), with associated public open space and landscaping.
- 8.24. This development would be delivered across a slightly larger land area than was previously included within the Issues and Options Local Plan as a draft allocation (ref: 610). However, the built element of the development would be retained within the former allocation boundary (shown orange on the Illustrative Masterplan). The proposed public open space and attention feature would be delivered beyond the boundary shown in the former allocation.
- 8.25. Whilst 25 dwellings would slightly exceed the minimum number homes identified within the LPR (22 homes), this approach would still serve to limit the built envelope of Wheaton Aston in line with the north-western edge of St Mary's School, whilst maximising the efficiency of the allocation site. This approach would also allow for the proposed public open space to be significantly larger than would have otherwise been possible, had the proposal was restricted to within the allocation boundary.
- 8.26. The layout depicts a small number of homes fronting onto Fenton House Lane, accessed via a newly created private drive. The remainder of the properties will be accessed from a newly created access onto Marston Road, towards the western edge of the site.



- 8.27. The provision of dwellings fronting onto Fenton House Lane will serve to create a strong street scene to the eastern frontage of the site, whilst the eastern access leads to a hierarchy of roads within the site.
- 8.28. The scheme also includes approximately 0.6ha of public open space, which is well in excess of the standard required by the LPR (0.006ha per dwelling x 25 dwellings = 0.15ha). This is considered to be a significant benefit of the scheme.
- 8.29. Overall, the illustrative masterplan has shown that the site can be developed to provide a high quality development which would bring a limited number of new residents to the village who can assist in maintaining the current level of services and facilities. Its development would be consistent with the housing strategy set out in the LP which does provide for small scale housing growth in the village. The proposal would have particular benefits in delivering a new area of public open space which could be used by new and existing residents.



9. Conclusion

- 9.1. This representation is made by Pegasus Group on behalf of Richborough Estates Limited to the South Staffordshire Local Plan Review, Publication Plan (Regulation 19). This representation relates to Land to the West of Fenton House Lane, Wheaton Aston, which Richborough Estates is promoting for residential development.
- 9.2. Richborough Estates is supportive of the Local Plan Review undertaking but has made specific comments on key matters associated with the Local Plan Review. These include on the amount of land identified for housing and safeguarded land, on some development management policies, and, on site specific matters associated with the Council's consideration and evidence base on to Land to the West of Fenton House Lane, Wheaton Aston.
- 9.3. The information contained within this representation, read in conjunction with the appended illustrative masterplan, demonstrates that to Land to the West of Fenton House Lane, Wheaton Aston is a suitable and deliverable site for residential development, and should be allocated for housing in the South Staffordshire Local Plan review to assist in meeting housing needs especially on land within the north of the District and which is not within the Green Belt.



Appendix 1

Illustrative Masterplan

The contractor is responsible to ensure that no products are to be utilised that do not comply with relevant British and/or European Standards and/or Codes of Practice, COSHH Regulations, Construction Regulations, or which are known or suspected at the time of product selection and/or construction to be deleterious to health and safety or to the durability of the work or not in accordance with good building practices.

The contractor is responsible for checking dimensions, tolerances, levels and references. This drawing is to be read in conjunction with all relevant consultants or specialists drawings. Any discrepancy to be notified to Baily Garner LLP and rectified before proceeding with the works on site or shop drawings. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to.

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Notes:
 This drawing is for illustrative purposes only and subject to detailed design and site survey.
 In accordance with Richborough Estates constraints plan: RE/WHAS/CONS/01C

LEGEND

Site location 3.50 Acres 1.41 Hectares	Residential development 25 dwellings@ 32dph NDA: 1.94 Ac/ 0.78 Ha	Proposed landscape	Sustainable drainage (indicative)	Principal pedestrian routes
Draft allocation boundary (Site 610)	Public open space 1.56 Acres 0.63 Hectares	Existing trees & hedgerows (indicative)	Mown footpath and wildflower planting	Existing public footpaths

DESIGN NOTES

- Proposed vehicular and pedestrian accesses via Marston Road;
- New private drive access;
- Outward facing edges;
- Indicative offsets to existing trees and hedgerows/hedgerows; and Landscaped edge, retaining existing hedgerow and trees.

02A2

CLIENT:
 RICHBOROUGH ESTATES LTD

PROJECT:
**LAND OFF FENTON HOUSE LANE
 WHEATON ASTON**

DRAWING TITLE: PROPOSED ILLUSTRATIVE MASTERPLAN	D CJL	C CJL	DATE: 06.12.2021
JOB NUMBER: 33743	DRAWING NUMBER: 4	REVISION: -	SCALE: 1:1250GA2



REVISION: D: C: DATE:



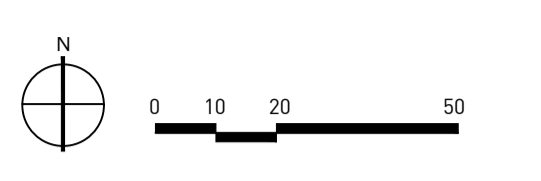
Appendix 2

Wider Site Masterplan

The contractor is responsible to ensure that no products are to be utilised that do not comply with relevant British and/or European Standards and/or Codes of Practice, COSHH Regulations, Construction Regulations, or which are known or suspected at the time of product selection and/or construction to be deleterious to health and safety or to the durability of the work or not in accordance with good building practices. The contractor is responsible for checking dimensions, tolerances, levels and references. This drawing is to be read in conjunction with all relevant consultants or specialists drawings. Any discrepancy to be notified to Baily Garner LLP and rectified before proceeding with the works on site or shop drawings. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to. Do not scale drawings. Figured dimensions to be worked to in all cases. This drawing and the copyrights and patents therein are the property of Baily Garner LLP and may not be used or reproduced without consent or attribution. Baily Garner LLP, 55 Charlotte Street, Birmingham, B3 1PX. 0121 236 2236. birmingham@bailygarner.co.uk



REVISION: D. C. DATE:
A. Drawing notation amended to JJ comments. C.J. C.J. 10.05.2022



LEGEND

	Site location 4.52 Acres 2.64 Hectares
	Residential development: 2.18 Acres/ 0.88 Hectares Circa 24 dwellings @ 275pph
	Other potential residential development: Parcel A: 1.38 Acres/ 0.64 Hectares Circa 21 dwellings @ 320pph
	Parcel B: 1.75 Acres/ 0.71 Hectares Circa 23 dwellings @ 330pph
	Parcel C: 2.65 Acres/ 1.07 Hectares Circa 35 dwellings @ 330pph
	Overall total: 107 dwellings 8.14 Acres 3.30 Hectares
	Public open space 4.34 Acres 1.76 Hectares
	Wildflower meadow
	Proposed landscape
	Community Orchard
	Existing trees & hedgerows (indicative)
	Existing public footpaths
	Sustainable drainage (indicative)
	Principal pedestrian routes

- DESIGN NOTES**
- Proposed vehicular and pedestrian accesses via Marston Road;
 - Private drive access;
 - Proposed vehicular and pedestrian access via Fenton House Lane (no connection to Marston Road access);
 - New pedestrian connection to existing public footpath;
 - New pedestrian route leading to Fenton House Lane;
 - Potential new footpath;
 - Linear new building line with consistent set back;
 - Green corridor and development setback retaining existing hedgerow;
 - Existing dwelling excluded from development proposal;
 - Min. 15m development setback to existing ponds;
 - Street narrowing to curtail vehicle speeds;
 - Outward facing residential edges;
 - Indicative offsets to existing trees; and
 - Existing watermain requiring diversion.

Notes:
This drawing is for illustrative purposes only and subject to detailed design and site survey.
In accordance with Richborough Estates constraints plan: RE/WHAS/CONS/01C

BAILY GARNER
Richborough Estates

CLIENT: RICHBOROUGH ESTATES LTD

PROJECT: LAND OFF FENTON HOUSE LANE WHEATON ASTON

DRAWING TITLE: PROPOSED ILLUSTRATIVE MASTERPLAN OPTION 1

JOB NUMBER:	DRAWING NUMBER:	REVISION:
33743	1	A
DATE:	D	C
28.10.2021	CJL	CJL
SCALE:		
1:1250BA1		
PURPOSE OF ISSUE:		
PRELIMINARY		



Appendix 3

Wheaton Aston Ecology Summary

14799 Wheaton Aston Ecology Summary

An Extended Phase 1 habitat survey, bat emergence and activity surveys, great crested newt environmental DNA (eDNA) and population class surveys, and accompanying Ecological Assessment have been undertaken to demonstrate a technical understanding of the ecological constraints of the site in relation to the proposed development.

A desk-based data trawl of local environmental records and nearby planning applications has also been undertaken to supplement the field-based work carried out to date.

Statutory and Non-Statutory Sites

Mottey Meadows Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) lies approximately 0.5km west of the site, which is designated for its lowland hay meadows which hold a relatively large area of the habitat in the English Midlands.

The site is located within an Impact Risk Zone (IRZ) for Mottey Meadows which are used to assess applications for likely impacts on statutory designated sites. The qualifying criteria for the IRZ in which the site is located includes 'any residential development of 50 units or more'.

Midland Meres and Mosses Phase 2 Ramsar site and its constituent SSSIs are located 9km north-west of the site, and are designated as part of a network of nutrient rich open water bodies.

Three non-statutory Local Wildlife Site (LWS) are located within 2km, with the closest being Whitehouse Farm located 0.2km north-east of the site, which is designated for marshy grassland.

There is no hydrological linkage between the site and Mottey Meadows SAC SSSI NNR, the Midland Meres and Mosses Phase 2 Ramsar, or any LWS, and providing precautionary methods of construction are adopted (to be detailed in a Construction Environment Management Plan), no adverse impacts to the statutory sites are anticipated during the construction phase of development. As the number of proposed units are below the threshold set out in the IRZ, no adverse impacts to statutory designated sites as a result of any potential increased recreational activity are anticipated during the operational stage of the development, and as such no further consultation with Natural England should be required.

Habitats

The Phase I habitat survey identified the primary ecological features of the site as treelines, native hedgerows, mature boundary trees, ponds, and modified grassland which is currently used as cattle pasture.



Protected Species

Amphibians

The desk study identified presence of great crested newt (GCN) *Triturus cristatus* in the local area. eDNA surveys were undertaken on five ponds within 250m, with negative results returned on four ponds. A positive eDNA result was returned on one pond, located immediately to the south of the site. Six population class assessment surveys were undertaken, recording a small population of GCN in the pond.

No GCN were recorded in the onsite pond, and precautionary methods will be adopted during construction to ensure no adverse impacts to the offsite population. Habitat creation will include suitable habitats to provide enhancement for the species.

Badgers

The site offers some opportunity for foraging and commuting badgers. No evidence of setts were present at the time of the Phase I or subsequent ecology surveys. Opportunities for badgers should remain in the site following completion of the development.

Bats

The site overall is of moderate suitability for foraging bats due to the presence of grassland habitat and linear green features, including hedgerows, treelines and mature boundary trees. Local records have identified mostly common bat species present in the local area.

Where possible, the development has been designed to avoid impacts on any trees with bat potential and likely key foraging and commuting routes, such as the treeline on the western boundary. Emergence surveys were undertaken on two trees located on the northern and eastern boundary, which were considered likely to be effected through inevitable disturbance during the construction and operational phases. No evidence of roosting bats were recorded during these surveys.

Given the masterplan seeks to retain and where possible enhance the features of most importance to commuting and foraging bats (including the boundary treelines and hedgerows), it was considered appropriate to undertake seasonal activity surveys, with walked transects and static deployments.

The walked transect surveys identified low numbers of common species, including common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, and noctule *Nyctalus noctula* foraging along boundary features, particularly along the mature treelines, with commuting behavior observed along hedgerows.



TEAM NOTE: The results of the static detector deployments is currently being analysed.

Key boundary features of use by bats, including the majority of the hedgerows and mature trees, will be retained within suitable habitat buffers and sensitively lit 'dark corridors' to maintain commuting links and habitat connectivity for bats and other nocturnal species.

Habitat creation incorporated into the landscape proposals will incorporate enhancements for invertebrates, to provide a continued foraging resource for bats, and new roosting opportunities.

Design Considerations

A Biodiversity Impact Assessment is underway, to include biodiversity metric calculations for baseline and post-development biodiversity units. This, together with the data collected during the Phase I Habitat Survey, desk study, GCN and bat surveys, has been used to provide design steer and ensure that the evolving masterplan incorporates an ecological strategy that seeks to enhance retained habitats, and create new habitats in-line with local and national planning policy.

TEAM NOTE: specific details of mitigation and compensatory habitat creation TBC following completion of BNG assessment and receipt of fixed masterplan layout.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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