

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

LAND WEST OF CODSALL ROAD, WOLVERHAMPTON

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 West of Codsall Road, Wolverhampton, 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

Green Belt – Policies DS1 and DS2

- 4.1. Draft Policy DS1 is broadly in line with the relevant paragraphs of the NPPF relating to development within the Green Belt and is therefore supported. However, it should be noted that Richborough Estates do not accept the Council's proposition that the Green Belt 'contributes towards rural character'. Green Belt is a development restraint policy set out at Chapter 13 of the NPPF and is not a landscape or character policy. The NPPF outlines '*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Therefore, the Council should amend the text within Policy DS1 and its supporting text to represent national policy.
- 4.2. The 2018 Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Strategic Growth Study presented a strategic review of the Green Belt across the 'joint authorities' area. This review was undertaken in the light of the shortfall in housing need identified across the area. It was acknowledged that as a significant proportion of land within the Housing Market Area is covered by Green Belt, 'exceptional circumstances' through Local Plan reviews would be required to alter the Green Belt boundaries.
- 4.3. The supporting text to Policy DS1 identifies that exceptional circumstances exist for Green Belt release within the South Staffordshire District. This is supported, as is the Council's commitment to release some land from the Green Belt for development to meet identified need.
- 4.4. However, to be sound, and accord with national policy the Plan must include a consideration of Green Belt boundaries that will endure beyond the end of the Plan period in 2039. Para 140 of the NPPF states that "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the Plan period."
- 4.5. The Plan should therefore identify opportunities for safeguarded land so that anticipated housing and development needs beyond 2039 are considered as part of the current Local Plan Review and, in particular, are done so in the context of the current reconsideration of

Green Belt boundaries. Safeguarding of land will ensure such needs can be addressed without the need to undertake a further Green Belt boundary review, ensuring the amended boundaries endure beyond the Plan period.

- 4.6. The currently adopted Local Plan at Policy GB2 sets out safeguarded land for the longer term needs of the District. Richborough Estates believes the proposed Local Plan would highly benefit from an introduction of a similar policy within the emerging Local Plan, especially in light of the recent collapse of the Black Country Plan which has led to greater instability of housing supply across the GBBCHMA. The introduction of safeguarded land would allow the Council to assess sites suitable for development and fully maximise the District's capability to greater assist the GBBCHMA growing unmet housing need. Site's such as Land off Codsall Road could provide key safeguarded land which could assist the Council in their long-term strategy for housing.
- 4.7. Relevant Green Belt boundary amendments, including the identification of safeguarded land should therefore be considered in the current LP review.
- 4.8. Policy DS2 (Green Belt Compensatory Improvements) is a new policy included within the Regulation 19 Publication Plan. The Policy provides additional detail on expected compensatory improvements for Green Belt (GB) released sites when compared to the Preferred Options Document. Richborough Estates supports the inclusion of a policy setting out the need for Green Belt compensation in relation to sites being removed from the Green Belt. However, the policy still leaves elements of ambiguity and its practical application unclear. Whilst it is appreciated that the SSDC have outlined that 'applicants must demonstrate proportionate compensatory improvements', this does not provide a clear requirement for Green Belt compensation and a revised policy approach is preferred as outlined below.
- 4.9. Policy DS2 also sets out the following hierarchy for Green Belt compensation.
- a) *Compensatory improvements to remaining Green Belt land adjacent to, or in close proximity to the development site;*
 - b) *Compensatory improvements to remaining Green Belt land within the wider locality accommodating the development;*

- c) *Compensatory improvements to remaining Green Belt land in an area identified through the council's latest Nature Recovery Network mapping or Open Space Strategy.*

In the event that it is robustly demonstrated that none of the above options can be satisfied (e.g., as land is demonstrably not available) then the council will accept a commuted sum that it will use to undertake compensatory improvements.

- 4.10. The hierarchical approach to the GB compensation policy as drafted is not supported. Neither the NPPF nor the PPG refer to a hierarchy of preferred methods of GB compensation. Furthermore, when assessing the policy, it is not at all clear that the preferred methods of GB compensation would deliver a greater benefit than the approaches lower down the hierarchy.
- 4.11. In the first instance, it would appear that all of the potential methods (items a–c plus the penultimate paragraph) require some method of actually delivering the compensation. In practical terms this is likely to be via a S106 agreement associated with a planning permission to develop the allocation (former GB) site and which either delivers contributions towards compensatory improvements or requires the delivery of the identified improvements.
- 4.12. Whilst it is accepted that having the GB compensation located close to the allocation could be advantageous and should be pursued, ultimately it is the overall value of that GB improvement which is of greatest significance. There is also a suggestion within criteria a) and b) of the proposed policy that the preferred approach is reliant on the developer of the allocation owning additional land in the vicinity. This may not always be the case and so care must be taken to ensure that the application of the policy does not result in ransom type scenario. Similarly, a further issue relates to the potential for the lowest ranked element of the compensation hierarchy (the penultimate paragraph involving paying a commuted sum) resulting in the same, or greater, benefit than compensation associated with the highest element in the hierarchy; especially if it results in significant improvements to an existing resource. This could be as a result of the contributions secured in a commuted sum being spent on public land next to the development site.
- 4.13. Therefore, other benefits associated with particular GB compensation schemes which may be more significant than just proximity to the development site need to be explored further. For instance, the compensation could deliver enhancements to give greater public access to a recreation route such as a Canalside walk or deliver improvements to a degraded nature

conservation site. Such GB compensation may deliver wider benefits than merely enhancing land in the immediate vicinity of the site.

- 4.14. In view of the above it is suggested that the policy is amended to delete reference to the hierarchy and instead state that GB compensation is required in conjunction with development of sites removed from the GB which could include improvements to green infrastructure, woodland planting, landscape and visual enhancements, biodiversity improvements, new or enhanced cycle or walking routes and improved access to new, enhanced, or existing recreational and outdoor sports provision. The policy could indicate that this could be delivered through direct improvements to land or via S106 contributions and the Council will seek the optimum public benefits in proportion to the scale of the site being removed from the GB.

Housing- Policy DS4

- 4.15. 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.
- 4.16. 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

- 4.17. 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.
- 4.18. 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 Codsall Road (assessed under site reference 510 in the Housing Site Selection Paper Appendix 1 Discounted Sites 2022) would make a positive contribution to South Staffordshire's housing allocations with a proposed minimum capacity of 240 dwellings. The site is also sustainably located adjoining the conurbation of the City of Wolverhampton, with access to shops, education, and public transport.
- 4.19. Should South Staffordshire District Council not consider the site currently appropriate for development, as discussed earlier in this representation, Richborough Estates suggests that SSDC safeguards land within the Green Belt. The site at Codsall Road would represent a logical extension to the existing built-up form of this area of Wolverhampton.
- 4.20. 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.
- 4.21. 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*.
- 4.22. 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.

4.23. 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.

4.24. 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.

4.25. 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.

4.26. 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.

- 4.27. 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.
- 4.28. 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

- 4.29. 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.
- 4.30. 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.
- 4.31. 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'.
- 4.32. 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

- 4.33. 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.

Longer Term Growth Aspirations for a new settlement- Policy DS6

- 4.34. Policy DS6 sets out an aspiration for SSDC to deliver a new settlement beyond the plan period. A broad location comprising the transport corridor formed by the A449 and West Coast Mainline between Wolverhampton and Stafford has been identified as a potential area of search for such proposals.
- 4.35. Richborough Estates made representations to the Preferred Options Plan and continues to support Policy DS6 which recognises the importance and suitability of the identified potential growth corridor. Richborough Estates also supports the objectives for the new settlement as set out within the Policy.

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 Districts most sustainable locations to facilitate growth and assist in meeting the wider unmet housing needs. The Land West of Codsall Road represents a logical and sustainable extension to the City of Wolverhampton and provides an opportunity for delivering a minimum of 240 homes with associated supporting infrastructure, including a Country Park. Due to the size of the site, flexibility exists in terms of the extent of the site which may come forward for development which are discussed further in Chapter 8 of this representation and shown on the illustrative masterplan at Appendix 2.
- 5.3. The Housing Site Selection Topic Paper- Appendix 2 indicates that the site is '*ok in principle subject to significant highway improvements*'. Richborough Estates dispute this given the post-mitigation assessment as identified at Table 6.1 of the SA 2021 sets out that the site has a Minor Negative in regard to Highways. It should also be noted that any planning application which would be submitted would be accompanied by a transport assessment which would inform the proposed masterplan. Furthermore, Richborough Estates would work closely with the Council to ensure the development would not result in any adverse impacts upon the existing road network as part of the planning application.
- 5.4. The Site at Land West of Codsall Road as discussed further in Chapter 8 of this Representation would make a valuable and logical allocation in the Local Plan. Its location adjoining the City of Wolverhampton means that it is accessible to the facilities available in the City. The site is high performing within the Sustainability Appraisal 2021 with it ranked within the best performing options for 'education' and 'economy and employment'. To this end, Richborough Estates strongly encourages the Council to allocate the Land West of

Codsall Road. Such an approach would be consistent with the strategy already established in the Local Plan whereby sites are proposed on the edge of the conurbation to both make use of the sustainability of the location but also as they represent the best location to provide sites to contribute towards meeting the shortfall in the GBBCHMA.

- 5.5. Richborough Estates support the overall strategy of the Plan, however, there is concern over the lack of safeguarded land as outline at paragraph 4.6 of this representation. As discussed previously, the GBBCHMA has a large unmet housing need and is likely to be significantly greater than that previously published. The collapse of the Black Country Plan has also led to further instability across the Black Country and wider area and Richborough Estates considers the South Staffordshire's lack of safeguarded land is misguided. The Council is encouraged to safeguard land of a variety of sizes and locations as to ensure sustainable housing growth can be achieved during the plan period. If the site was removed from the Green Belt a new long term and enduring Green Belt boundary could be established following the field boundary to the west of the area identified for housing development in the masterplan. This would also enable the country park to come forward as a form of Green Belt compensation.

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 in 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)
<p>Major Negative --</p>	<p>The size, nature and location of a development proposal would be likely to:</p> <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 -	<p>The size, nature and location of development proposals would be likely to:</p> <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	<p>Either no impacts are anticipated, or any impacts are anticipated to be negligible</p>
Uncertain +/-	<p>It is entirely uncertain whether impacts would be positive or adverse</p>
Minor Positive +	<p>The size, nature and location of a development proposal would be likely to:</p> <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 ++	<p>The size, nature and location of a development proposal would be likely to:</p> <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 West of Codsall Road- Site Ref: 510

7.5. Land off Codsall Road, Wolverhampton is considered within the SA as 'Land West of Codsall Road' – Site Ref: 510. These assessments are reproduced in Figures 7.1 and 7.2 below.

Site Reference	1	2	3	4	5	6	7	8	9	10	11	12
	Climate Change Mitigation	Climate Change Adaptation	Biodiversity & Geodiversity	Landscape & Townscape	Pollution & Waste	Natural Resources	Housing	Health & Wellbeing	Cultural Heritage	Transport & Accessibility	Education	Economy & Employment
510	+/-	--	-	--	-	-	+	-	-	-	++	+

Figure 7.1: Significance of effects pre-mitigation, Site Ref: 510

Site Reference	1	2	3	4	5	6	7	8	9	10	11	12
	Climate Change Mitigation	Climate Change Adaptation	Biodiversity & Geodiversity	Landscape & Townscape	Pollution & Waste	Natural Resources	Housing	Health & Wellbeing	Cultural Heritage	Transport & Accessibility	Education	Economy & Employment
510	+/-	+	+/-	--	-	-	+	-	0	-	++	+

Figure 7.2: Significance of effects post-mitigation, Site Ref: 510

7.6. Richborough Estates predominantly supports the SA findings in respect of the site, particularly the Major Positive impact that would arise in respect of education.

7.7. In respect of other aspects related to Landscape and Townscape, the site was only found to have 'moderate' landscape sensitivity and a 'minor negative' impact on landscape character, views from the public right of way network, views for local residents, urbanisation of the countryside and coalescence).

7.8. The finding that the site would have a Major Negative impact upon landscape and townscape accordingly appears to be solely based upon the finding that the site would result in a 'high' level of harm to the Green Belt. Not only is this considered inaccurate regarding the summary of Green Belt impact, it also implies that the consideration of Green Belt impact carries significantly greater weight than other landscape considerations in the overall assessment of impact upon Landscape and Townscape.

7.9. It should also be highlighted that the site was recognised as one of the best performing options for education, and for economy and employment opportunities. It is also noted that



at paragraph B.2.2.1 of the SA 2021 that the site falls wholly within Flood Zone 1 and as such a minor positive impact would be expected at this site.

8. Land off Codsall Road, Wolverhampton

Site Description and Proposed Development

- 8.1. Richborough Estates has current land interests in land known as Land West of Codsall Road (site reference 510), as shown on the Site Location Plan appended to this representation (Appendix 1). The site is currently in agricultural use and is currently accessed from Codsall Road.
- 8.2. This land represents a logical and sustainable extension to the existing urban area and provides an opportunity to deliver a minimum of 240 new homes associated supporting infrastructure. Richborough Estates control an additional 43 acres adjacent to the north of site reference 510 that is proposed to deliver a new publicly accessible Country Park to compliment the development proposals.
- 8.3. An Illustrative Masterplan is included at Appendix 2 to this representation, which demonstrates how the site is capable of accommodating 240 new dwellings, as well as associated public open space, drainage, play areas and landscaping. The Site also proposes the inclusion of a Country Park which would form a natural buffer and prevent any future potential merge of Wolverhampton and Codsall. The Illustrative Masterplan introduces an initial proposal, providing an indication of how the site could be delivered and function as a natural sustainable, urban extension. An Illustrative Landscape Strategy is also included at Appendix 3, demonstrating how the development of the site would relate to the surrounding area.
- 8.4. Due to the size of the site, flexibility exists in terms of the extent which may come forward for development. However, the size of the site also allows for the delivery of other community benefits, including community facilities and public open space.
- 8.5. There are no significant physical features which would prevent the development coming forward. There are, however, a number of physical features which serve to shape the development shown on the Illustrative Masterplan, including existing hedgerow boundaries and existing public footpaths. Furthermore, a Grade II Listed structure (sewer ventilation pipe) is located immediately opposite the site on Codsall Road. This structure is set within



the context of existing residential development and, as such, would not be subject to harm through the development of the site.

- 8.6. To date, a range of high-level technical work has been undertaken in respect of the site. This indicates that there are no constraints which would preclude development, including environmental or heritage constraints. This technical work has informed the illustrative masterplan for the site.

Sustainability

- 8.7. The site is sustainably located immediately adjacent to the major built up area of Wolverhampton. In terms of services, Palmer's Cross Primary School is located approximately 230m to the east of the site, whilst Aldersley High School is located approximately 750m to the north east. A local shopping parade exists on Pendeford Avenue, approximately 600m south-east of the site, which includes a Co-op, Post Office, butchers, takeaways, hardware store, card/gifts shop, hairdressers, and dental practice. A number of other shopping opportunities existing in nearby Codsall and the City of Wolverhampton. The site is therefore well sustainably located in terms of access to local facilities and services.
- 8.8. In terms of public transport, the number 5/5A bus service runs along Codsall Road (with stops immediately opposite the site) connecting Wolverhampton with Codsall Town Centre. These services begin at approximately 6:00 and end at 23:30 in both directions, running at 20–30-minute intervals throughout the day. Regarding rail services, the site is located approximately 1.5km away from Bilbrook Station, with services running between Birmingham, Shrewsbury, and Wolverhampton at approximately hourly intervals.
- 8.9. The site therefore benefits from significant and genuine opportunities to utilise transport modes other than the private car.

Green Belt

- 8.10. In August 2022, SSDC published the South Staffordshire Green Belt Study Addendum. The reports are an addendum to the South Staffordshire Green Belt Study (2019) and provides additional sub-parcel assessment and amended maps and plans to reflect the addition of a sub-parcel.

- 8.11. The South Staffordshire Green Belt Study was published in July 2019, alongside a study employing the same methodology for the Black Country authorities. The study forms an important piece of evidence for the review of the South Staffordshire Local Plan.
- 8.12. The Green Belt Study comprised of two parts; the first was to assess 'strategic variations' between the contribution of land to the five purposes of the Green Belt, whilst the second includes a more focused assessment of the potential 'harm' of removing land from the Green Belt.
- 8.13. Alongside the Green Belt Study, a Stage 3 assessment involved undertaking a landscape sensitivity assessment in order to assess the sensitivity of land within the South Staffordshire to housing and employment development. Whilst there is a relationship between landscape sensitivity and Green Belt contribution/harm in that physical elements which play a role in determining landscape character, there are fundamental distinctions in the purposes of the two assessments. As such, the findings of the Stage 3 landscape sensitivity assessment for South Staffordshire and the Black Country are presented in a separate document (Landscape Study 2019) and is considered later in this representation.

Green Belt Purposes

- 8.14. The National Planning Policy Framework (NPPF) (2021) states that the Green Belt should serve the five following purposes:
- To check the unrestricted sprawl of large built-up area;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Land West of Codsall Road: Contributions to Green Belt Purposes

8.15. The Green Belt Study shows the site as falling within Green Belt Sub-Parcel reference: S46Bs2 – ‘Wergs Hall/Palmers Cross’, which is identified as making the following contribution to the five purposes of the Green Belt:

GB Purpose	Assessment	Rating
P1: Checking the unrestricted sprawl of large built-up areas	Land is close or adjacent to the edge of the West Midlands conurbation, contains no significant urban development, and has strong openness. It retains a relatively strong relationship with the wider countryside.	Strong
P2: Preventing the merging of neighbouring towns	Land plays no significant role due to the distance between the West Midlands conurbation and Albrighton, its nearest neighbouring town.	Weak / No contribution
P3: Safeguarding the countryside from encroachment	Land contains the characteristics of open countryside (i.e., an absence of built or otherwise urbanising uses in Green Belt terms) and does not have a stronger relationship with the urban area than with the wider countryside.	Strong
P4: Preserve the setting and special character of historic towns	Land does not contribute to the setting or special character of a historic town	Weak / No contribution
P5: Assist urban regeneration, by encouraging recycling of derelict and other urban land	All parcels are considered to make an equal contribution to this purpose.	Strong

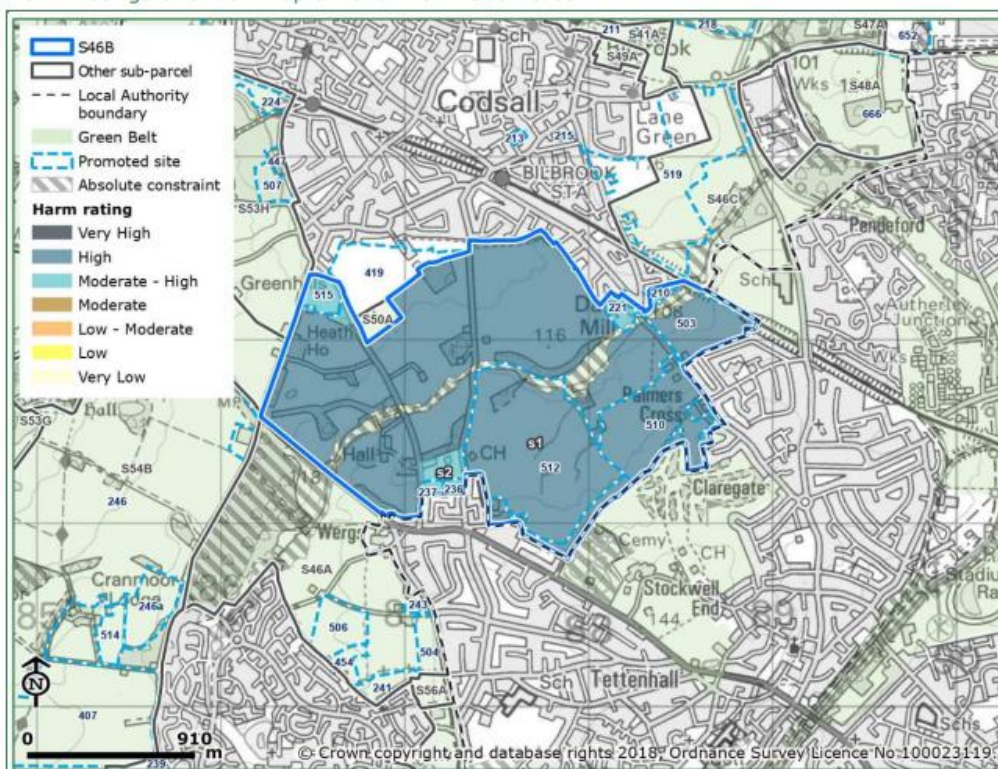
Table 8.1: Land Parcel S46B Contribution Towards Green Belt Purposes

8.16. The Study goes on to identify that:

‘The sub-parcel makes a strong contribution to preventing sprawl of the West Midlands conurbation and preventing encroachment on the surrounding countryside. It lies between the inset village of Bilbrook (Codsall) and the edge of the West Midlands conurbation (the Wolverhampton suburbs of Tettenhall,

Claregate and Blakeley Green). The shallow valley of the River Penk provides separation between the settlements, so releasing all of this sub-parcel would lead to a loss of distinction between settlements and would constitute significant sprawl; however more limited release of land that retains a clear settlement gap, retaining the integrity of the river corridor as a separating feature, would weaken the integrity of surrounding Green Belt land to a lesser extent. Release of land to the south of the river would increase containment of

Harm Ratings Overview Map of Land within Sub-Parcel



adjacent open land to the southeast (largely occupied by South Staffordshire Golf Club) but this would not increase overall harm to Green Belt purposes.'

Figure 8.1: Harm Ratings for Land Parcel S46B

- 8.17. Whilst the conclusions of the above assessment are noted, it remains that Green Belt Sub-Parcel ref: S46B extends significantly beyond Land West of Codsall Road, which itself serves a reduced function against the five purposes of the Green Belt, as assessed below.

To Check the Unrestricted Sprawl of Large Built-Up Areas

8.18. The development of the Site would not extend further into the countryside than the existing built extent of Wolverhampton (defined by Coniston Road and properties on Codsall Road). As such, the development of the site would not result in the 'sprawl' of the built-up area. Instead, it would serve to 'round off' the urban area in this location.

To Prevent Neighbouring Towns from Merging into One Another

8.19. The existing edge of the Wolverhampton conurbation runs parallel with the southern boundary of the site. As such, the development of the site would not diminish the existing separation distance between the Black Country conurbation and Codsall. A Green Belt buffer on land within Richborough's control, beyond the developable area of the site would remain along Codsall Road to prevent merging of Codsall with the urban area.

To Assist in Safeguarding the Countryside from Encroachment

8.20. Similarly, whilst it can be argued that the development of the site would result in encroachment into the countryside, the same can be said for all sites located within the Green Belt. It remains that the surrounding land uses are predominantly residential and therefore the release of the site would not result in significant encroachment into the countryside.

To Preserve the Setting and Special Character of Historic Towns

8.21. The site is not located in a conservation area and there is only one Listed Structure in the vicinity of the site. Whilst Wolverhampton is undeniably an historic City, this history is predominantly based within the City centre, rather than the edge of the conurbation. As such, the release of this site from the Green Belt will not impact upon the setting and special character of historic towns.

To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and other Urban Land

8.22. It is recognised through the Local Plan Review that there is a deficiency of suitable brownfield sites to accommodate the prevailing housing need. As such, the release of this site from the Green Belt would not prejudice the recycling and redevelopment of urban land.

Summary of Green Belt Purposes

8.23. Overall, it is therefore considered that Land West of Codsall Road, makes a reduced contribution to the five purposes of the Green Belt than that identified within the Green Belt for Green Belt Sub-Parcel ref: S46B. This contribution is summarised in the table below:

GB Purpose	Previous Rating	Revised Rating
P1: Checking the unrestricted sprawl of large built-up areas	Strong	Moderate
P2: Preventing the merging of neighbouring towns	Weak / No contribution	Weak / No contribution
P3: Safeguarding the countryside from encroachment	Strong	Moderate
P4: Preserve the setting and special character of historic towns	Weak / No contribution	Weak / No contribution
P5: Assist urban regeneration, by encouraging recycling of derelict and other urban land	Strong	Moderate

Table 8.2: Land West of Codsall Road, Green Belt Assessment

Green Belt

8.24. Given the reduced impact upon the five purposes of the Green Belt set out above, is contented that the Green Belt harm identified within the Study should be reduced from 'high' to 'moderate'.

8.25. It is the view of Richborough Estates that the site makes a moderate contribution to preventing sprawl of the West Midlands conurbation and preventing encroachment on the countryside. The released of the site for development would provide the opportunity to strengthen the Green Belt boundary in this location with the delivery of a country park, as well as rounding off the existing settlement edge.

8.26. The Country Park as shown as land under land ownership on the Landscape Strategy would remain within the Green Belt, creating a strong and sustainable pattern of development as required by NPPF 142. The Country Park would prevent any future encroachment into the

Green Belt and prevent the merging of Palmers Cross and Codsall on this side of Codsall Road.

- 8.27. The site would form a logical location for the expansion of the settlement edge, and new Green Belt boundaries could be readily drawn and strengthened without compromising the functions of the designation.
- 8.28. Therefore, release of this site would constitute a limited weakening of the Green Belt.

Landscape Sensitivity

- 8.29. South Staffordshire District Council has produced a Landscape Study (2019) which forms part of the Local Plan Review evidence base. Land off Codsall Road, Wolverhampton, falls within Landscape Parcel Reference: SL34, which falls within the 'Ancient Clay Farmlands' Landscape Character Type. The area is located between Codsall/ Billbrook to the northwest, Palmers Cross/ Pendeford to the south east and Wergs to the south, with the River Penk and associated floodplain running north east to south west through the area. The boundaries are formed by the settlement edges, except the western boundary which is formed by Keepers Lane and the north/north-eastern boundary formed by Pendeford Bridge and the Shropshire Union Canal.
- 8.30. Parcel SL34 is assessed as having a 'moderate' overall landscape sensitivity, which is supported by Richborough Estates. However, given that the site does not extend beyond the existing urban edge of the West Midlands conurbation, it is considered that the site performs better in landscape terms than the wider landscape parcel.
- 8.31. This representation is accompanied by a Landscape Strategy (shown at appendix 3) and identifies any development that takes place on the site would be focused on the eastern edge, adjacent to the existing built form of the West Midlands conurbation. Reduced densities and open space would be located to the western edge of the site, providing a transition between built form and the countryside.
- 8.32. The Landscape Strategy also identifies there is potential to offer improved linkages to Codsall Road which will in turn assist pedestrian accessibility to the site.

- 8.33. The Strategy also indicates that the site will strengthen the boundary of vegetation required to address the amenity of the adjoining golf course.
- 8.34. The development of the site also represents an opportunity to strengthen the existing boundary to its western edge. This would provide an improved landscape buffer and restrict views of the site from the wider countryside.

Landscape Sensitivity Rating

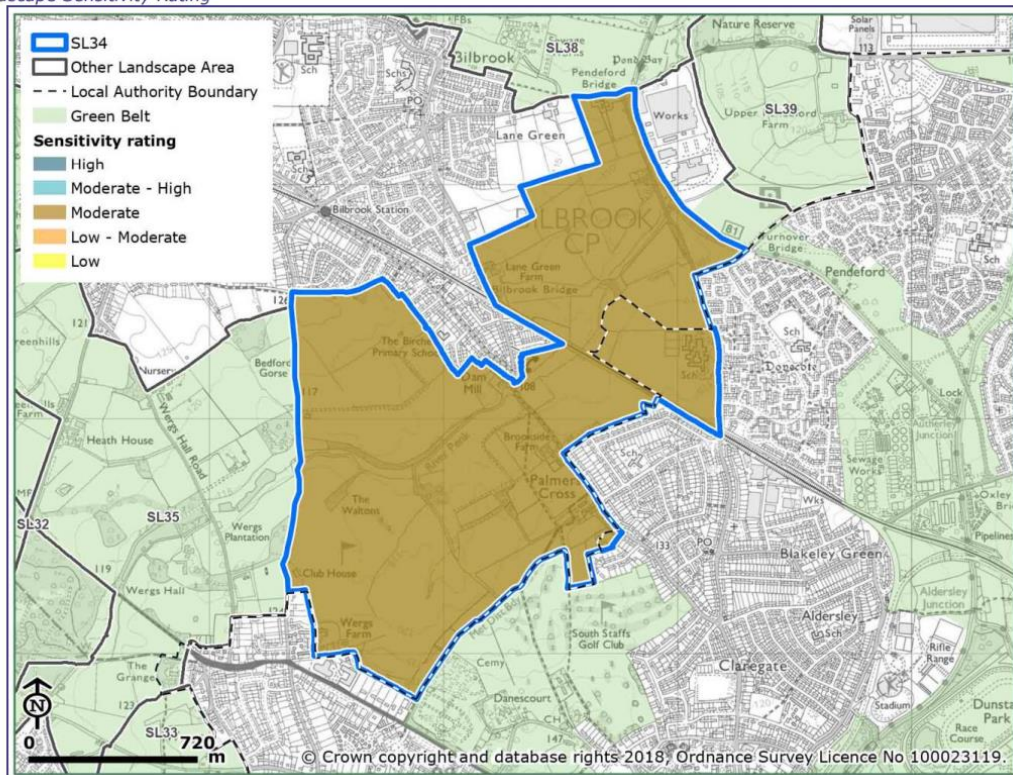


Figure 8.2: Landscape Sensitivity Rating Parcel SL34

Availability

- 8.35. As a collection of landowners, Richborough Estates has demonstrated, through the submission of this site through the Call for Sites consultation, that they are supportive of the development of the site to deliver much needed new homes.
- 8.36. As such, this call for sites submission confirms that there is nothing to prevent this site from being delivered immediately upon its removal from the Green Belt and the receipt of the necessary consents. The site can therefore be considered to be available.

Suitability

- 8.37. Despite its location in South Staffordshire District, the site is geographically located immediately adjacent to the Wolverhampton conurbation. The site benefits from a highly sustainable location and is therefore well placed to meet the current and future development needs of the Black Country area.
- 8.38. As identified above, the site is well served by public transport and a number of local services and facilities are within a short walking distance or short public transport journey from the site. The site would therefore be well placed to ensure that future residents would have excellent sustainable access to a diverse range of services and facilities, representing an opportunity to deliver a cohesive, sustainable community that acts as a natural urban extension to Wolverhampton and the wider Black Country.
- 8.39. The site is located within an area surrounded by residential land use to the east and south-east. Whilst the site is located in the Green Belt, its development would not result in encroachment towards Codsall beyond the established edge of the Wolverhampton conurbation (as defined by Coniston Road to the north-east).
- 8.40. Given the above it is respectfully suggested that the site be considered to be suitable for development.

Achievability

- 8.41. The site is located within Flood Zone 1, the area at lowest risk from flooding. A Grade II Listed structure is located immediately opposite the site. The presence of this structure would be carefully considered when drawing up proposals for the site. However, the presence of this structure does not preclude development.
- 8.42. It is not known at this stage whether any of the trees on site are subject to a tree preservation order, however, the site is not located within a conservation area. There are no other known environmental or historical designations which affect the site.
- 8.43. In terms of access, new accesses would be required from Codsall Road, subject to detailed highways assessments.
- 8.44. The site is therefore not subject to any major physical constraints which would prevent development from being achieved.

Deliverability



- 8.45. The information set out above demonstrates that Land West of Codsall Road, Wolverhampton is a suitable site for development.
- 8.46. There is an agreement in place between the landowner and Richborough Estates to facilitate the development of the site.
- 8.47. There are no constraints likely to render the site undeliverable in the Plan period. The site is available now.
- 8.48. There are no existing uses that would require relocation and no issues of contamination that would require remediation. Many of the impacts of the development of the site can be mitigated and, in many cases, a positive outcome can be achieved.
- 8.49. The site is deliverable and immediately available and subject to allocation, could deliver homes and associated community early in the plan period.



9. Conclusion

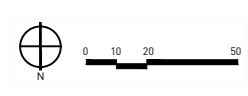
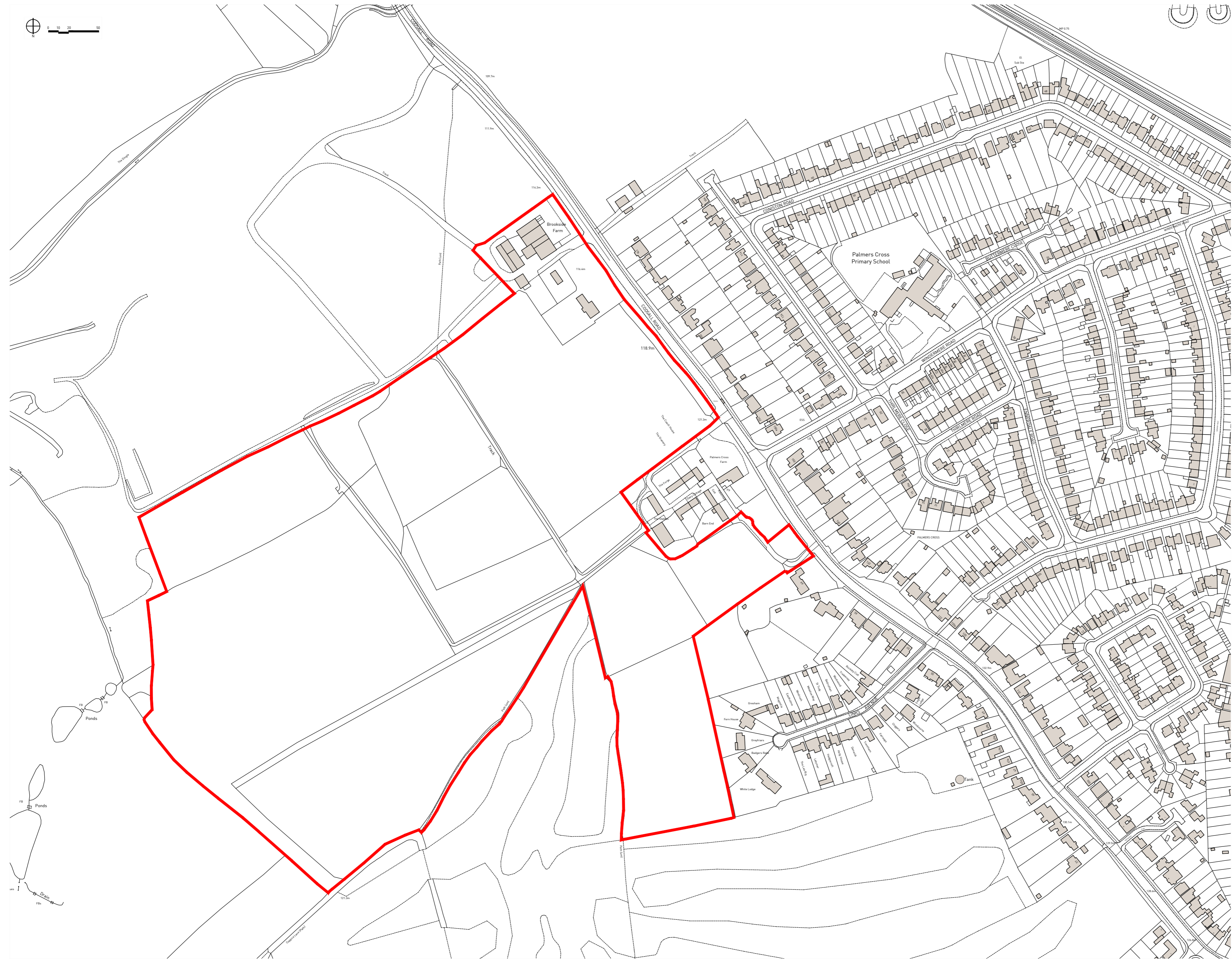
- 9.1. This representation is made by Pegasus Group on behalf of Richborough Estates Limited to the South Staffordshire Local Plan Review, Publication Plan (Regulation 19). This representation relates to Land West of Codsall Road which Richborough Estates is promoting for residential development.
- 9.2. 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, Green Belt land release and safeguarded land, on some development management policies, and, on site specific matters associated with the Council's consideration and evidence base on the Land West of Codsall Road. These matters must be addressed in order for the Plan to be found sound.
- 9.3. The information contained within this representation, read in conjunction with the appended illustrative masterplan, demonstrates that Land West of Codsall Road is a suitable and deliverable site for residential development, subject to its release from the Green Belt and should be allocated for housing in the South Staffordshire Local Plan review under Policy DS5.
- 9.4. Richborough Estates considers that their land interests Land West Codsall Road, are a suitable and deliverable site for residential development, subject to release from the Green Belt and that the site could deliver development to meet the identified housing needs within the Plan period.



Appendix 1

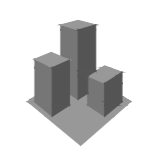
Site Location Plan

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:
 REVISION A: 06.09.17 C.J.L. C.J.L. 06.09.17
 Drawing size changed. Red line boundary and schedule updated to JB comments.

 Site location
 57.25 Acres/
 23.17 Hectares



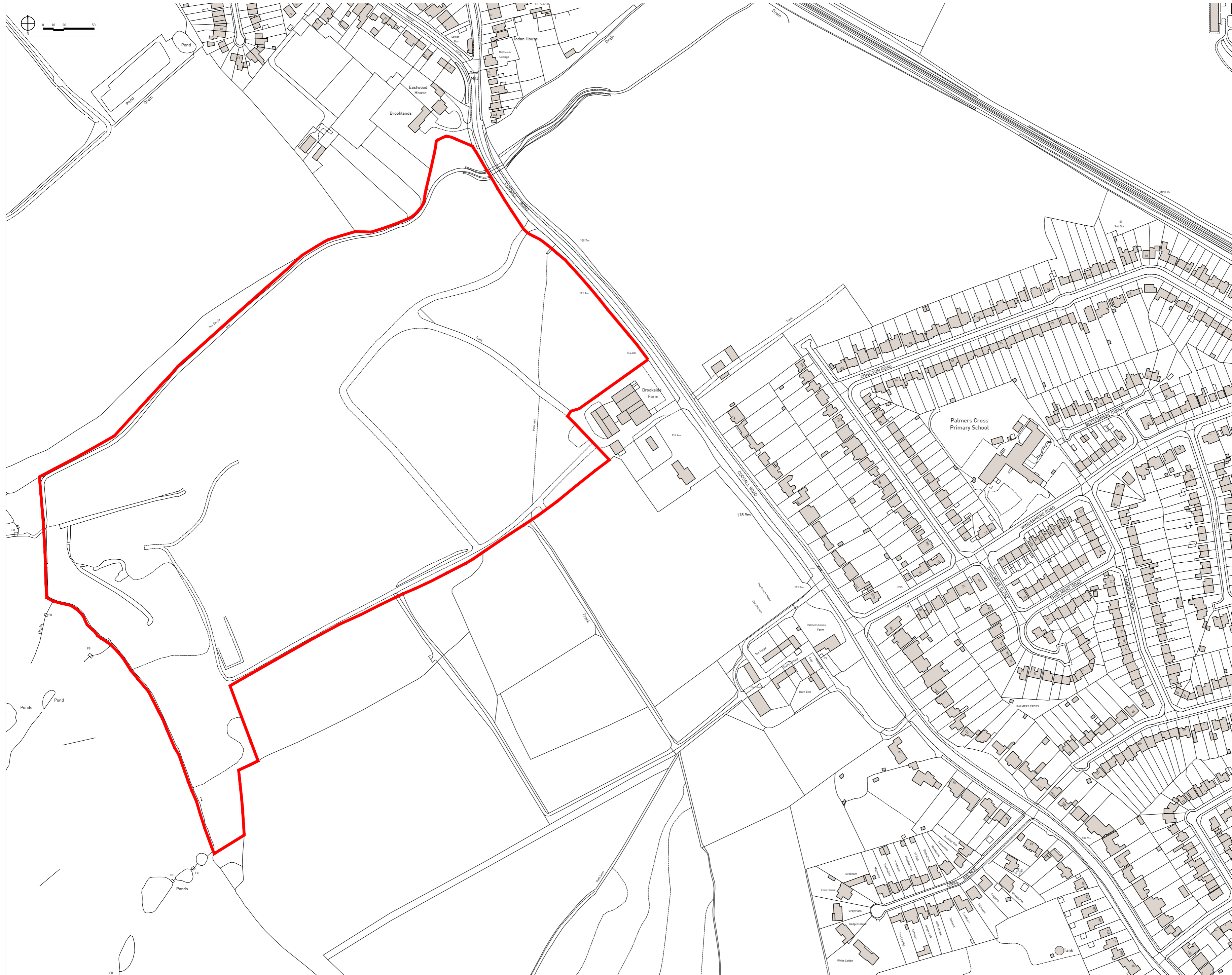
BAILY · GARNER

BA2 CLIENT: PALMERS CROSS CONSORTIUM
 PROJECT: LAND OFF CODSALL ROAD, PALMERS CROSS

DRAWING TITLE:
 SITE LOCATION PLAN

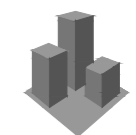
JOB NUMBER: 30211	DRAWING NUMBER: 4	REVISION: A
DATE: 06.09.2017	C.J.L.	C.J.L.
SCALE: 1:2500BA2		
PURPOSE OF ISSUE: PRELIMINARY		

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REVISION: D: C: DATE:

Site location
45.08 Acres/
18.24 Hectares



BAILY · GARNER



CLIENT:
THE HOLMES FAMILY

PROJECT:
LAND OFF CODSALL ROAD,
PALMERS CROSS

DRAWING TITLE:
SITE LOCATION PLAN

JOB NUMBER:	DRAWING NUMBER:	REVISION:
30211	5	-

DATE:	D:	C:
06.09.2017	CJL	CJL

SCALE:
1:2500GA2

PURPOSE OF ISSUE:
PRELIMINARY



Appendix 2

Illustrative Masterplan



KEY

- Site location
57.25 Acres/
23.17 Hectares
- Other residential
redevelopment potential
2.68 Acres/ 1.08 Hectares
- Proposed
residential
development
- Public open
space
- Existing
landscape
- Proposed
landscape
- Proposed
indicative
Sustainable
drainage
- Key
pedestrian
routes
- Existing public
footpaths and
routes

- KEY DESIGN PRINCIPLES**
1. Two points of vehicular access proposed via Codsall Road;
 2. Existing on-site public footpath incorporated into new streets and green infrastructure (no diversions proposed);
 3. Existing trees/ frontage to be retained;
 4. Existing track to be rationalised with some tree removal to achieve visibility plays;
 5. New pedestrian footpath network joining with existing public footpaths;
 6. Linear housing frontage replicating contextual characteristics;
 7. Formal tree lined approach into development;
 8. Focal point spaces to achieve legibility and assist movement around the development;
 9. Green links/corridors integrating existing landscape;
 10. Linear 'lock' structure layout of housing drawing on contextual principles;
 11. Low density housing patterns with verdant plots (drawing on character of Link Avenue);
 12. Wider street safeguarding potential bus service;
 13. Treed plots retaining existing landscape;
 14. Lower density development edges;
 15. Landscaped edge, retaining existing trees and hedgerow as new Green Belt boundary;
 16. Estimated site low point for sustainable drainage;
 17. Equipped children's play spaces (LEAP/ LAP);
 18. New linear housing frontages to define green links/ corridors.



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GAO CLIENT: PALMERS CROSS CONSORTIUM
 PROJECT: LAND OFF CODSALL ROAD, PALMERS CROSS

DRAWING		REVISION	
TITLE:	NUMBER:	NUMBER:	DATE:
PROPOSED ILLUSTRATIVE MASTERPLAN IN CONTEXT	4	-	-
JOB NUMBER: 30211	DATE: 06/09/2017	DRAWING NUMBER: 4	REVISION: C, C/L
SCALE: 1:125000	PURPOSE OF ISSUE: PRELIMINARY		



Appendix 3

Illustrative Landscape Strategy



- Site boundary
- Additional land under ownership
- Potential Development areas
- Primary Green Infrastructure corridor/development edge transition
- Street interface/road frontage character considerations
- Retention of existing field pattern
- Brookside farm complex - amenity considerations
- Local Public Rights of Way (PRoW)
- Opportunities for new circular walk/cycleway
- Orientation of proposed development plots

Retain internal field pattern and utilise to define development parcels.

Interface with Brookside Farm complex requires consideration/landscape treatment.

Enhanced settlement edge with improved planting and recreation/circulation opportunities. Outward facing plots to take advantage of views across the River Penk valley

Street scene considerations to reflect large plots within a verdant domestic setting.

Explore potential to offer improved linkages through to Codsall Road

Strengthen the vegetation to the west to maintain the sense of enclosure and visual separation with Wergs.

Opportunity to utilise triangular field parcel for public open space provision or for development and maximise the good visual enclosure. If used for public open space, it has good central proximity and linkages to the existing footpath network.

Strengthening of boundary vegetation required to address the amenity of the adjoining golf course.



Project | Land off Codsall Road, Tettenhall

Drawing Title | **Landscape Strategy - Option 1**

Scale | NTS

Drawing No. | 10901/P02

Date | June 2017

Checked | JB/TRS



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