

Representations to South Staffordshire District Council's emerging Local Plan Review: Publication Plan (Pre-Submission) Public Consultation Report (Regulation 19) (April 2024)

Representation prepared by:

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Director


Goldfinch Town Planning Services (West Midlands)

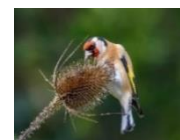
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29 May 2024



Goldfinch Town Planning Services (West Midlands)

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This 'Made' Representations Statement document is submitted by Goldfinch Town Planning Services (West Midlands) in connection to the above referred to Local Plan Review.

This 'Made' Representations Statement document has been submitted by e-mail to the following public consultation address on the 29th May 2024:

localplans@sstaffs.gov.uk

Copies of this Goldfinch Town Planning Services Local Plan Representation (May 2024) have been copied to:

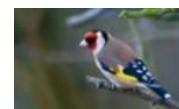
action@savelpg.com; clerk@bilbrookparishcouncil.gov.uk;
codsallparishcouncil@googlemail.com; kinverparish@btconnect.com

Previous Local Plans Representations activity by Goldfinch Town Planning Services (West Midlands) during the year 2022.

This latest May 2024 Representation submitted to South Staffordshire District Council's emerging Local Plan (Review) Publication Stage Report (Regulation 19) (April 2024) public consultation, should also be considered alongside the following earlier representation previously submitted by Goldfinch Town Planning Services (West Midlands). Most notably, the representation previously submitted to:

- South Staffordshire District Council's emerging Local Plan (Review) Publication Stage Report (November 2022) (Regulation 19) public consultation.

The above representation provides important background information and context and should therefore be considered alongside this latest May 2024 Local Plan representation.



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Limitations

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Representations to South Staffordshire District Council's emerging Local Plan (Review) "Publication Plan" Stage Public Consultation Report (Regulation 19) (April 2024).

- Comment Form

Part A – Personal Details

South Staffordshire District Council's emerging Local Plan Review – Publication Plan Stage Public Consultation Report (Regulation 19) (April 2024).		
	1 Personal details	2. Agent's details (if applicable)
Title	MR	Not Applicable
First name	ROBIN	As above
Last name	WHITEHOUSE	-
Job Title (<i>where relevant</i>)	DIRECTOR	-
Organisation (<i>where relevant</i>)	GOLDFINCH TOWN PLANNING SERVICES (WEST MIDLANDS)	-
House No./Street/ Town	Personal information withheld as part of our Legal rights under the UK General Data Protection Regulation (Regulation (EU) (2016/679) ('UK GDPR') (as amended); the Data Protection Act 2018 ('the Act'); the Privacy and Electronic Communications (EC Directive) Regulations 2003 ('PECR'); and 'data misuse' covered by the Computer Misuse Act 1990.	-
Post code	As above	-
Telephone number	As above	-
E-mail address	As above	-

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

Type of Representation: Is this Representation supporting or objecting to South Staffordshire District Council’s emerging Local Plan (Review) “Publication Plan” Stage Public Consultation Report (Regulation 19) (April 2024)?			
Supporting		Objecting	X
We are neither supporting or objecting to this specific public consultation stage		Supporting with concerns	

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

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

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	No , I do not wish to participate in hearing session(s)		X	Yes , I wish to participate in hearing session(s)
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Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Summary of key issues:

1. Whilst Goldfinch Town Planning Services welcomes the removal of previously proposed major housing site allocation (for 350 units) at site 582 Langley Road, Lower Penn, we share the Council for the Protection of Rural England's (CPRE) view in their May 2024 Representation to South Staffordshire District Council's Publication Stage Report, that too much Green Belt land still risks being lost to development within the South Staffordshire District. As part of proposals being forced through and taken forward within South Staffordshire District Council's April 2024 Publication Stage Report. As a result, the proposed Publication Stage Report (April 2024) is failing the 'Sustainability' test of Soundness as set out in paragraph 35 (indent d) of the Revised NPPF (December 2023), given its continued failure to promote the most sustainable patterns of new housing development across the district.
2. Local people are fed up of the chaos, division and non-delivery in relation to the range of issues considered within this representation.
3. We object to the continued poor quality of the evidence base being used by South Staffordshire District Council's Planning Policy Team to support Local Plan preparation.
4. Rapidly changing set of adverse economic circumstances: Local plan preparation has refused to accept the presence of a 300-year economic recession event now adversely affecting the Local Plan area, in direct conflict with paragraphs 16 (indent b: plans should be aspirational but also deliverable), 31 (policies should be based upon the most up-to-date and robust evidence), 35 (indents b: Local Plans should be based on proportionate evidence – indent c: contain deliverable policies) and 86 (indent d: policies should remain flexible to enable a rapid response to changes in economic circumstances) of the Revised NPPF (December 2023). This recent rapid shift in highly adverse economic circumstances has not been shaped into Local Plan preparation.
5. Given the above issues, Goldfinch Town Planning Services continues to maintain its view that South Staffordshire District Council's Publication Stage Plan (April 2024) is not based on the most up-to-date and robust housing evidence, as it has failed to effectively respond to and shape into Local Plan-preparation the substantial shift in central government (London) housing policy. Which has now removed the need for "mandatory" (compulsory) housing targets (political announcement made December 2022). The Local Planning Authority is therefore taking forward an insufficiently robust and unsound Local Plan Review forward, in direct conflict with the tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – the plan is not based on proportionate evidence) and paragraph 35 (indent d – the plan's continued failure to promote the most sustainable patterns of development) of the Revised NPPF (December 2023).
6. Goldfinch Town Planning Services has concerns that highly onerous Climate Change Net Zero policies are being taken forward and being forced through into the emerging Local Plan Review, which will place a financially damaging burden on new housing development proposals coming forward at a time when the house building construction industry is operating within a severe 300-year-

economic recession-event climate. And at a time when the construction industry is being adversely affected by prolonged and stubbornly high interest rates, continued high inflation, high energy costs, UK political uncertainty, weak consumer demand during an economic recession and high mortgage borrowing costs. And at a time when the construction industry is facing a huge spike in the financial costs of both building construction materials and significant increases in skilled construction labour costs. This will all mean that the financial viability of new housing development schemes coming forward across South Staffordshire District will be very finely balanced from a financial viability perspective. This is a totally unfair and unreasonable tax on housing developers and does not accord with current UK Government Policy, which is now starting to significantly dilute and weaken Net Zero policy targets across the UK. The Council Planning Policy Teams position on these matters is no longer defensible. We have raised similar concerns in relation to the Council's proposed highly onerous affordable housing planning policy approach, which is discussed in detail further below.

7. We have concerns how the Local Plan Review can help tackle South Staffordshire Districts worsening and out-of-control childhood and adult obesity crisis (protect public health), minimise air pollution and address South Staffordshire's critical, urgent and increasingly severe climate change emergency.
8. The emerging Local Plan Review is failing to respond effectively to guidance in paragraphs 16 (indent b – the plan is not deliverable) and 35 (indent c – the plan is not effective and deliverable) of the Revised NPPF (December 2023), given its substantial failure to provide 'deliverable' and 'effective' planning policy solutions on a wide range of policy matters. Including wildlife corridor protection, improving climate change resilience, biodiversity protection, economic recovery and new jobs growth, preventing further levels of economic retail decline within the districts various centres.
9. The Sustainability Appraisal (SA) process is not fit-for-purpose and sufficiently robust, and is clearly unsound and is not legally compliant. The SA therefore fails various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b, c and d) of the Revised NPPF (December 2023). The approach taken within the SA is also in direct conflict with paragraphs 31 (the SA is not based on sufficiently robust or up-to-date evidence) and 86 (indent d – the SA and the April 2024 Publication Stage Report has failed to respond effectively to rapid changes in severe and highly adverse economic circumstances now facing the district and wider UK economy) of the Revised NPPF (December 2023).
10. We have continued concerns that the Infrastructure Delivery Plan (IDP) which is being used to heavily influence and provide the critically important supporting planning policy foundations to underpin Local Plan Review policy preparation, is still continuing to take forward highly questionable and undeliverable proposals and projects which have no realistic prospect or likelihood of ever being delivered. In direct conflict with an extensive range of deliverability focused guidance reinforced within paragraphs 16 (indent b: the plan is not deliverable), 31 (the plan is not based on up-to-date evidence), 35 (indents b: the plan is not based on proportionate evidence; and c: the plan is not effective or deliverable) and 86 (indent d: the plan's failure to take into account rapidly

changing adverse economic circumstances) of the Revised NPPF (December 2023).

11. The South Staffordshire District and the neighbouring Black Country sub-region continue to both suffer from very poor economic regeneration jobs growth, very weak economic performance, low levels of new inward investment, subdued and poor-quality significant new jobs growth in comparison to other parts of the UK. Which consistently regular basis out-perform South Staffordshire and the neighbouring Black Country sub-region. The South Staffordshire District and neighbouring Black Country is falling far behind other parts of the UK, such as the home counties surrounding London - Surrey, Buckinghamshire and Berkshire, and parts of the South East like Kent and Essex. This ongoing failure to secure significant new economic growth should therefore be a key Local Plan priority. These ongoing failings are harming local communities across South Staffordshire and the neighbouring Black Country sub-region. Having assessed the evidence, the April 2024 Publication Stage Plan is failing to improve the economic, social and environmental conditions of the local area, and therefore fails to respond effectively to guidance within paragraph 38 of the Revised NPPF (December 2023).
12. A Local Plan without a Plan? The Council has made a pledge to improve the local area without a clear and effective Plan of action of how to achieve and deliver this with effective and deliverable policy measures within the emerging Local Plan Review.
13. Failure to deliver promised new jobs growth: Some informal research undertaken by Goldfinch Town Planning Services on the Indeed jobs recruitment website on 26th May 2024 indicated that within the i54 Business Park (located at Junction 2 of the M54, Valiant Way, Coven, Wolverhampton, South Staffordshire, WV9 5GB), there were just a mere 29 jobs currently being advertised on the 26/05/2024 within the entire i54 business park. The position is perfectly clear, whilst there has been some new jobs growth in the past, the economic regeneration benefits of the i54 have been hugely over-inflated and exaggerated by South Staffordshire District Council's Planning Policy Team. The thousands of new jobs being promised by this business park have simply never materialised. It is important that South Staffordshire District Council's Planning Policy Team stops making false, untrue and misleading claims to local communities and other key stakeholders within the Publication Stage Plan (April 2024), about the economic regeneration benefits of the i54 business park. And other existing employment sites located across the district. As stated above, focusing on new jobs growth, the Council's Planning Policy Team and its managers now need to move on and start to begin to finally accept that the South Staffordshire District continues to significantly under-perform and struggle from an economic regeneration perspective, in comparison to other parts of the UK. These issues require urgent and thorough investigation and an effective plan-of-action within the Council's emerging Local Plan Review. In order to enable an effective response to guidance within paragraph 38 of the Revised NPPF (2023), which expects LPA's to: "...use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area..."

14. The historic environment policies are not sufficiently robust as they are supported by a heavily out-of-date and insufficiently robust set of Management Plans/ Conservation Area Character Appraisals. One of the CACA documents is 51 years old since it was last surveyed. There has also been a considerable and embarrassing failure by the Council's Planning Policy, Development Management, Historic Environment and Planning Enforcement Teams to protect critically important historic assets within the district, as demonstrated by the recent controversial loss of the Crooked House.
15. The Council's Planning Policy Team and other teams referred to above now "Need to get the balance right" and take a significantly more proactive and effective approach towards protecting important historic environment assets across the district. Lessons need to be learned from the past failures, particularly in relation to what can best be described as the Crooked House fiasco and chaos. Local people are fed up with the council's continued chaos, division, infighting and non-delivery in relation to these matters.
16. Given the above issues, south Staffordshire District Council's Planning Policy Team appears to be missing its historic environment protection and performance targets by a "significant and unexplained margin".
17. Policies, proposals and new site allocations being brought forward through the emerging Local Plan Review are causing huge levels of environmental damage to sensitive wildlife corridors, in direct conflict with wildlife corridor focused guidance set out in paragraphs 102, 157 - 158, 180, 185 of the Revised NPPF (December 2023).
18. Local people are fed up with the chaos, division and non-delivery in relation environmental protection matters across the district, and the Council's Planning Policy Teams failure to deliver effective policies to protect important wildlife sites and important wildlife corridors across the district. Focusing on biodiversity loss across the district, the Council's Planning Policy Team appears to be missing its environmental protection and performance targets by a "significant and unexplained margin".
19. Goldfinch Town Planning Services has no confidence that the Council's Planning Policy and Development Management (DM) Teams have the desire, know-how and ability, enthusiasm, interest, knowledge base, or right technical skills to deliver Biodiversity Net Gain (BNG) improvements within the district. The Council should not therefore be taking forward policies within the emerging Local Plan Review if it has absolutely no intention whatsoever of ever delivering these environmental improvement policies, on-the-ground within new development proposals. The majority of new housing development and commercial development proposals which have come forward within the district over the last 10 years have all failed to include effective on-site biodiversity enhancement features. Such as micro-habitat scale wildlife features like bat bricks, swift nest box bricks and house sparrow terraced nest box bricks incorporated into external facing brickwork of new buildings, sustainable urban drainage (SDS) wetland habitat creation measures, creation of new wildlife corridors, etc. Given the Council's past track record, failures and under-performance of the Council's Planning Policy and Development Management Teams on these matters, we have little confidence that the Council is taking forward an effective policy approach. The Council "Needs to get the balance right" in relation to these issues.

20. Given the above BNG concerns, the Council's Planning Policy and Development Management (DM) Teams appear to be missing their environmental protection and performance targets by a "significant and unexplained margin".
21. Gypsy and traveller and travelling showpeople sites: Paragraph 5.49 (page 43) of the Publication Stage Report (April 2024) confirms that: "...The Gypsy Traveller Accommodation Assessment (GTAA) update (2024) has identified a need for 142 pitches to 2042 from families that meet the definition of a Gypsy and Traveller. However, assuming that 84% of 'undetermined household' (where interviews were not secured) would need a pitch, then this requirement could rise to **162 pitches** up to 2042. The GTAA update identified a 5-year need (2024-2028) of 92 pitches..."
22. Given the above issues, within the Publication Stage Report (April 2024) on pages 42 to 43 and 67 to 69, South Staffordshire District Council's Planning Policy Team is proposing to deliver a huge number of 162 new gypsy and traveller pitches during the shelf-life of the new Local Plan, extending up until the year 2042.
23. The sustainability implications of this scale of growth in pitch numbers is concerning.
24. The impacts of this proposed scale of growth on existing sensitive small rural village settlements which lack the range of services, facilities and highway infrastructure necessary to accommodate this proposed scale of growth in new pitch numbers is very concerning. The residential amenity impacts on the existing settled population will be considerable.
25. This scale of growth in new, totally excessive high pitch numbers being proposed would appear to be more appropriate and suitable within a large urban area rather than a small, heavily rural district like South Staffordshire. This scale of growth in new pitch numbers does not appear to be sustainable in a heavily rural area, dominated by small rural village settlements, within areas of remote countryside.
26. Goldfinch Town Planning Services has completed some comparative research in other parts of the UK and assessed and compared this proposed gypsy and traveller site allocation of 162 new pitches within the South Staffordshire emerging Local Plan Review (2024), against the controversial Dale Farm site at Crays Hill, near Basildon, Essex, South East England. The controversial Dale Farm site (dating from the years 2008/ 2009 – **See APPENDIX 1** of this Local Plan Representation) contained 40 lawful pitches and 51 illegal pitches within the Essex Green Belt countryside. In total, the Dale Road site contained 91 gypsy and traveller pitches.
27. To be perfectly clear, South Staffordshire District Council's Planning Policy Team is proposing the levels of gypsy and traveller new provision growth that would be nearly twice as large as the controversial Dale Farm site within the sensitive South Staffordshire countryside. This is a highly concerning situation.
28. In conclusion, given the above issues, Goldfinch Town Planning Services continues to maintain its view that unsustainable levels of pitch numbers are being proposed and forced through into the South Staffordshire District which will promote inappropriate, damaging and unsustainable patterns of development within the local area, and cause significant residential amenity

- conflicts with the existing settled community. As well as severely damage sensitive rural landscapes and wildlife habitats and the special rural character and local distinctiveness of the area. This scale of growth is just completely unsustainable. There has also been a failure to properly consider and assess the future expansion needs of the proposed new allocated new gypsy sites. Please refer to Appendix 1 of this Representation for further information.
29. Consistent with our previous concerns set out in our earlier Representations, we continue to have concerns in relation to the use of the Consultation Portal (Opus Consult) Local Plan consultation system which is being used by the Council's Planning Policy Team to support Local Plan preparation. As a key stakeholder, we maintain our view that the Local Plans Consultation Portal (Opus Consult) is unclear and highly confusing for members of the public, community pressure groups, local businesses and other key stakeholders. The Consultation Portal is not fit-for-purpose and fails to deliver an "effective" public consultation approach.
30. South Staffordshire District Council's Planning Policy Team has also deliberately obstructed local community groups, members of the public, rural landowners, local businesses, private sector town planning consultants, housing developers, environmental groups and other key stakeholders from the Local Plan-making process by deliberately keeping previous Representations made to earlier rounds of public consultation out of the public domain. These earlier Representations contain key pieces of information and should have been made available to the public and other key stakeholders as part of the Local Plan preparation stages.
31. The level of unreasonable obstruction referred to above, continuing to withhold critically important Representations previously made to earlier stages of the Local Plan from public view, strongly conflicts with guidance reinforced within the Local Government Ethical Standards – A Review by the Committee on Standards in Public Life (report published January 2019) (London). Which, under the sub-heading 'Openness' on page 5 is perfectly clear in its view that: "...Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing..."
32. Local residents and the other key stakeholders described above are all fed up with the chaos, division and non-delivery within South Staffordshire District Council's Planning Policy Team and its management structures in relation to the public consultation failures described above.
- 33. Goldfinch Town Planning Services objects to the way that we have been deliberately obstructed and our attempts frustrated by South Staffordshire District Council's Planning Policy team managers from participating in earlier rounds of public consultation for the emerging South Staffordshire Local Plan Review.**
34. This approach does not bode well for an effective public consultation approach, and therefore directly conflicts with paragraph 16 (indent c) of the Revised NPPF (December 2023) which confirms that: "...Plans should (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

35. Goldfinch Town Planning Services objects to the way that we have been deliberately obstructed and our attempts frustrated by South Staffordshire District Council's Planning Policy team managers from participating in earlier rounds of public consultation for the emerging South Staffordshire Local Plan Review.
36. Publication Stage Report (April 2024) paragraph 2.3 (page 8) and all other parts of the Publication Stage Report which refer to the West Midlands Interchange (WMI): There are a number of concerns which have been raised by local communities in connection to the West Midlands Freight Interchange (WMI), which will form one of the UK's largest logistical sites. Located west of Junction 12 of the M6 motorway network in South Staffordshire. Main concerns relate to the considerable adverse environmental impacts of this major transport infrastructure scheme, the considerable rural landscape impacts, wildlife habitat destruction, considerable adverse climate change impacts, given the huge levels of Heavy Goods Vehicles (HGV) traffic congestion which will be generated by the scheme. Congestion on local road networks as a result of HGV articulated lorries parking on nearby highway networks during the evenings will also cause considerable environmental problems, etc. The proposals will cause environmental vandalism on an industrial-scale in extensive areas of open countryside near Junction 12 of the M6. These concerns are considered in further detail on the 'Stop the West Midlands Interchange' Facebook group page, which provides a good overview of the increasing concerns of local communities in relation to these major transport proposals. Which will generate considerable adverse and highly damaging environmental impacts. Given the concerns raised by local communities on this matter, Goldfinch Town Planning Services has concerns that the WMI will conflict with a range of sustainable development focused guidance as set out within paragraphs 7, 8, 10, 11, 16 (indent a), 35 (indent d), 38, and 157 - 159 of the Revised NPPF (December 2023). As well as strongly conflict with climate change focused guidance set out in paragraphs 157 to 159 of the Revised NPPF (2023). The proposals will also conflict with South Staffordshire District Council's Climate Change Strategy (2020). Despite the fact that these proposals will cause huge levels of environmental damage, they are still being strongly supported by South Staffordshire District Council's Planning Policy Team within this environmentally damaging Local Plan Review (2024).
37. Given the above issues, South Staffordshire District Council's Planning Policy Team appears to be missing its environmental protection and climate change performance targets by a "considerable and unexplained margin". The position is clear, South Staffordshire District Council's Planning Policy Team continues to refuse to protect the local environmental quality of the district, and continues to promote inappropriate, highly damaging and unsustainable patterns of major new development across the district, contrary to an extensive range of NPPF (2023) guidance. South Staffordshire District Council's emerging Local Plan Review is failing the 'Sustainability' tests of Soundness as set out within paragraph 35 (indent d) of the Revised NPPF (December 2023) and can therefore be challenged by the private sector at the later Examination in Public (EIP) Stage. Local people are fed up of with the chaos, division and non-delivery in relation to environmental protection matters across the district. We have concerns about the scale of incompetence being taken towards Local

Plan-preparation by South Staffordshire District Council's Planning Policy Team, and the "incapable" management and leadership approach being taken towards sustainable development matters.

38. The WMI applicants and the LPA fails to grasp the scale and severity of the impact of the proposed development on an area which is of sensitivity, given the close proximity of nearby large established residential communities, and its location within sensitive open countryside and close proximity of sensitive wildlife habitats. The position is perfectly clear, both the private sector applicants and the LPA are promoting inappropriate, damaging and unsustainable patterns of new development within the local area. The local area near to Junction 12 of the M6 cannot continue to accommodate increasingly unsustainable levels of new development.
39. We object to the continued poor quality of new development proposals which are constantly being forced-through, strongly encouraged and actively promoted alongside the M6 corridor of the district by South Staffordshire District Council's Development Management (DM), Planning Policy, Transportation and Economic Regeneration Teams. Yet again both local communities and the environmental quality of the eastern part of the district continues to suffer and be let down by an in-effective, failed and very poor-quality Development Management (DM) and Planning Policy approach.
40. In total, 4,086 new homes are being proposed across the South Staffordshire District Council's administrative boundary within the emerging Local Plan Review during its shelf-life up until the year 2041. Based on 3 cars per household, this will generate an additional 12,258 thousand additional cars on the districts main urban road networks, which are already heavily constrained, heavily pressured and heavily congested.
41. The WMI proposals combined with the delivery of 4,086 new homes across the district over the Plan period will further increase and intensity localised air pollution problems within a part of the district, which is already suffering from very poor air quality problems. Due to the close proximity of the M6 motorway network, which is one of the busiest and most heavily congested sections of highway networks from Junctions 10 of the M6 (Walsall) to Junction 12 of the M6 (South Staffordshire) within the whole of Europe. And which creates significant levels of Nitrogen Dioxide (NO₂) and Fine Particulate Matter (PM_{2.5}) air pollution, which are both harmful to human health.
42. The considerable levels of new traffic generated by the thousands of new homes being proposed within the emerging Local Plan Review, combined with the West Midlands Freight Interchange (WMI), which will form one of the UK's largest logistical sites, located adjacent to Junction 12 of the M6 motorway network in South Staffordshire, will cause significant levels of vehicle emissions harmful air pollution. The impacts on human health have been completely underestimated by the LPA. The risk to human health is unacceptable.
43. Given the severe adverse air quality health impacts on nearby heavily populated residential areas, the proposals discussed above will strongly conflict with guidance reinforced within paragraph 174 (indent e) of the Revised NPPF (2023), which confirms that: "...Planning policies and decisions should contribute to and enhance the natural and local environment by (indent e)

preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”

44. Given the considerable adverse air quality impacts upon human health (primarily lung disease concerns as a result of Nitrogen Dioxide (NO₂) and Fine Particulate Matter (PM_{2.5}) vehicle emissions air pollution), the proposals will also strongly conflict with a wide range of health focused guidance as reinforced within paragraphs 8 (indent b), 92 (indents b and c), 93 (indent b), 97, 130 (indent f), 174 (indent e – air quality focused) and 185 – (air quality focused) of the Revised NPPF (December 2023). The Council’s Planning Policy, Development Management (DM), Transportation and Economic Regeneration Teams have a legal duty and responsibility to consider this NPPF (2023) guidance, as well as Human Rights Act Legislation (Articles 1 and 2 of the Human Rights Act) when making decisions on formal planning applications, and when preparing emerging Local Plan Reviews.
45. The LPA appears to have absolutely no interest whatsoever in relation to critically important public health matters linked to poor air quality, despite the presence of the above extensive ‘health focused’ NPPF guidance, and the Human Rights Act legislation. The position is perfectly clear, this is a clear dereliction of duty on behalf of the LPA and the way it is going about preparing its emerging Local Plan Review (2024). The Council’s Planning Policy Team does not appear to be exercising a duty of care in relation to critically important public health matters within its emerging Local Plan Review plan-preparation stages.
46. Goldfinch Town Planning Services has concerns in relation to the “in-combination” effects of air pollution from the West Midlands Freight Interchange (WMI) and the resultant traffic congestion of HGV lorry movements to and from the WMI site. Combined with proposals to deliver of 4,086 new homes within the South Staffordshire District, and the subsequent severe traffic congestion implications on already heavily congested highway networks, which cannot cope with this scale of new traffic growth. These ‘in-combination’ effects have been completely overlooked and have not been sufficiently taken into account by the Council’s Planning Policy Team. The Local Plan Review is therefore based on insufficiently robust evidence, and is failing the ‘Sustainability’ test of Soundness as specified within paragraph 35 (indent d) of the Revised NPPF (December 2023).
47. We question the robustness of the air quality assessment submitted as part of earlier approved WMI planning application and the air quality assessments being used to support the Council’s emerging Local Plan Review preparation (2024). We are concerned that the air quality assessments do not consider all the likely air quality effects of the development in combination and against a reliable baseline of existing air quality.
48. South Staffordshire District Council’s Planning Policy and Development Management (DM) Teams appear to be struggling to get the basics right in

relation to how to improve the resilience of the district to cope with future climate change pressures (e.g. reducing levels of air pollution, reducing CO2 emissions, reducing the effects of the immediately adjacent Black Country Urban Heat Island Effect, despite the fact that South Staffordshire District Council recently declared a Climate Change Emergency, and committed to becoming a net zero carbon authority by the year 2050.

49. The Council's Planning Policy and Development Management Teams need to get the balance right in relation to how the LPA responds to the critical climate change emergency within the district. This is relevant given that the Met Office reported during early January 2024 that the UK experienced its second warmest year on record during the year 2023. These global records are bringing the world closer to breaching key international climate targets. The BBC reported on the 24th May 2024 that it was the UK's second wettest October 2023 to March 2024 period on record.
50. South Staffordshire District Council has a Legal duty under Article 2 of the Human Rights Act to ensure that the health of its local residents is protected when the Council is making decisions on formal planning applications, and when the Council is preparing its emerging Local Plan Reviews (Development Plan Reviews). The Council's failed and ineffective approach taken towards protecting local air quality when preparing Local Plan Reviews and when making decisions on formal planning applications coming forward near to Junction 12 of the M6 motorway network, is breaching the human rights of those local residents living within nearby heavily populated residential communities. As well as destruction caused to sensitive wildlife habitats.
51. The WMI proposals combined with the delivery of over 4,000 new homes strongly conflict with Article 2 the Human Rights Act which reinforces that "...Everyone's right to life shall be protected by law..." The human rights of those local residents living within nearby established residential estates (located to the east of the WMI) is being substantially harmed and damaged, in clear and direct material breach of Article 2 of the Human Rights Act, which protects a person's right to life. These proposals are therefore breaching the Human Rights of local residents due to the considerable health impacts associated with poor air quality. There has been a substantial failure to take on board the Human Rights Act legislation throughout the entire Local Plan Review process. The Council is taking forward a failed, not-fit-for-purpose and insufficiently robust Local Plan Review forward to the later Examination in Public (EIP) stage.
52. The emerging set of Development Management (DM) policies contained within Publication Stage Report (2024) appear to be of a poor quality (poorly written, lengthy and unclear) and are therefore unlikely to assist colleagues in the Council's Development Management (DM) Team who, like many other council's across the UK, are continuing to experience high individual officer caseloads of planning applications, and therefore need a clear, concise and effective set of DM policies to work with to assess formal planning applications and emerging pre-application proposals. Goldfinch Town Planning Services concerns on this matter are strongly supported by guidance in paragraph 16 (indent d) of the Revised NPPF (2023) which is perfectly clear in its view that: "...Plans should:

- (indent d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals...”
53. Similar to the adjoining Black Country sub-region, despite claims made to the contrary by South Staffordshire District Council’s Planning Policy Team within the emerging Local Plan Review (2024), the reality is that the South Staffordshire District, like the Black Country, also continues to suffer from a poor economic outlook, economic decline, fragile, subdued and very weak economic growth, prolonged and stubbornly high interest rates and high inflationary pressures, high energy costs, high borrowing costs, a deteriorating retail environment/ continued poor quality shopping offer within many of its centres, and major economic regeneration challenges. Made worse by the recent global coronavirus pandemic (COVID 19), unprecedented and record high levels of UK public debt affecting the UK economy, the uncertainty caused by Russia’s ongoing invasion of Ukraine, the Israel-Gaza conflict and considerable instability in the wider Middle East. As well as the ongoing severe cost-of-living-crisis affecting South Staffordshire and the neighbouring Black Country sub-region – resulting in very constrained consumer spending in local shops, pubs, restaurants and other local businesses. In addition, the severely divided and chaotic UK wide political backdrop is also adversely affecting the local and UK economy, alongside the significant modal shift in changing consumer shopping habits - with the continued growth in market share of online retailing. Which is severely affecting High Street bricks-and-mortar retailers across the South Staffordshire District and in various poorly-performing centres located across the Black Country sub-region.
54. Goldfinch Town Planning Services maintains its view that the complex economic landscape described above has not been effectively shaped into the policy drafting being taken forward within South Staffordshire District Council’s Publication Stage Report (April 2024). In particular, in relation to employment land policy and centres/ retail policies. As an interested outside observer we remain unconvinced that South Staffordshire District Council’s Publication Stage Report (April 2024) will provide effective and deliverable planning policy solutions and interventions to prevent further levels of decline within many of the district’s centres. As a key local stakeholder, we consider that the policy approaches on centres and retail lack sufficient ambition and do not provide effective planning policy interventions to help support struggling retailers in many of the district’s centres.
55. Whilst there are unlikely to be many examples of centres across the UK which are currently experiencing significant growth and a very buoyant retail trading environment due to the complex set of varied adverse economic factors discussed above, Goldfinch Town Planning Services would encourage South Staffordshire District Council’s Planning Policy Team to consider any relevant comparative research examples from other parts of the UK, which have worked well in terms of supporting economic prosperity, significant new jobs growth, and helped support the vitality and viability of small local centres, characteristic of South Staffordshire. Nearby failing centres such as Wolverhampton City Centre also needs to be considered as part of this comparative research process, so similar mistakes are not repeated in South Staffordshire, and key lessons learned. Although the centres in South Staffordshire are of a significantly much smaller scale, economic regeneration mistakes, failures and

lessons can still be taken on board and adapted to help improve centres policies within emerging Local Plan Reviews.

56. A lot of the economic regeneration interventions being considered within the employment land, large highway and rail infrastructure projects, Infrastructure Delivery Plan (IDP), and centres/retail policies have all failed to acknowledge the rapidly changing, fractured, divided and chaotic political landscape currently affecting the UK, with a likely new incoming Labour government, and the fact that after the 4th July 2024 UK general election, whoever is in office, there will be significant financial challenges awaiting the next government, with major constraints effecting UK public spending. The Institute for Fiscal Studies (IFS) says the state of public finances hangs over the election campaign “like a dark cloud”. It warns of more tax rises or cuts to public services could lie ahead. There will be a lack of public money available to support large new infrastructure projects across the UK. This aspect is supported by the following news articles: (1) Institute of Fiscal Studies (IFS) (24th May 2024) – Public finances and the 2024 general election. (2) Finances a 'dark cloud' over election campaign, says Institute of Fiscal Studies (IFS) – Source: BBC News, 25th May 2024 (See Appendix 1 of this Representation). We remain unconvinced that these issues have been sufficiently taken on board by the LPA within its policy shaping approach being taken forward within the emerging Publication Stage Report (April 2024).
57. Currently the UK Government owes around £2.65 trillion, nearly 100% of UK GDP – the value of all goods and services produced in the UK in a year (Source: Institute for Fiscal Studies (IFS), 11th April 2024). South Staffordshire District Council’s Planning Policy Team has failed to shape these critically important and highly significant economic factors into its approach being taken towards Local Plan preparation, in direct conflict with paragraphs 16 (indent b), 31, 35 (indents b and c) and 86 (indent d) of the Revised NPPF (December 2023) as discussed below.
58. Paragraph 7.7 (page 77) of the Publication Stage Report (April 2024) - Affordable Housing 29% proposed planning policy threshold: The 29% affordable housing planning policy threshold being proposed within the emerging Publication Stage Report (2024) is highly onerous, totally unreasonable, no longer justified, and no longer sustainable, and will have a highly damaging financial impact on the future viability and deliverability of new housing development schemes coming forward across the South Staffordshire District. Due to the presence of an unprecedented 300-year-economic-recession-event, combined with Russia’s ongoing Spring 2022 ongoing invasion of Ukraine, high borrowing costs, prolonged and stubbornly high interest rates and inflation, high energy prices, increased costs of raw construction materials and labour costs, and the range of other varied complex adverse economic factors as already discussed above. Which are all causing huge adverse economic shocks across the South Staffordshire District, neighbouring Black Country sub-region and the wider UK economy. Given these abnormal set of unprecedented and highly complex adverse economic circumstances, within the emerging Local Plan Review, proposed affordable housing planning policy thresholds should therefore be significantly reduced

downwards to 5% to reflect guidance reinforced within paragraphs 16 (indent b: plans should be aspirational but also deliverable), 31 (policies should be based upon the most up-to-date and robust evidence), 35 (indents b: Local Plans should be based on proportionate evidence – indent c: contain deliverable policies) and 86 (indent d: policies should remain flexible to enable a rapid response to changes in economic circumstances) of the Revised NPPF (December 2023). The private sector development industry, property investors, and local rural landowners all have concerns that the Council's Planning Policy Team is continuing to take forward a highly onerous, damaging, no longer justified and a heavily out-of-date planning policy approach within the Local Plan Review - in direct conflict with the above NPPF guidance. These issues can all later be defended and challenged at the forthcoming Local Plan Examination in Public (EIP) stage. The Council Planning Policy Teams position on these matters is no longer defensible.

59. The Council's Planning Policy Team now needs to finally move on and start to begin to finally accept that there are considerable economic challenges now facing the district due to the various economic factors discussed above.
60. Goldfinch Town Planning Services maintains its view that its planning policy position on these matters is defensible and supported by guidance reinforced within paragraph 86 (indent d) of the Revised NPPF (December 2023) which confirms that: "...Planning policies should (indent d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., and to enable a rapid response to changes in economic circumstances..." The rapid and significant shift in highly adverse economic circumstances now facing the Local Plan area, should now be shaped into a heavily revised planning policy approach being taken forward by the LPA within the emerging Local Plan Review for the reasons highlighted above.
61. Page 25 (indent c) of the Publication Stage Report (April 2024) - Nature Recovery Network Mapping: We continue to object to the proposed use of the Nature Recovery Network Mapping. This ecological network mapping is too vague, provides weak technical evidence, is insufficiently robust, meaningless and unclear, and will therefore fail to effectively inform Local Plan preparation with a suitably robust policy approach. It will also fail to respond effectively to wildlife corridor/ ecological network focused guidance as set out in paragraphs 102, 157 - 158, 180, 185 of the Revised NPPF (December 2023). This issue has already been covered in further detail within our earlier Representations.
62. Pages 103 to 104 of the Publication Stage Report (April 2024) – Policy HC17: Open Space: This is a poorly written policy and will therefore provide an ineffective Development Management policy to protect sensitive open space areas. Similar to issues facing the Black Country Council Planning Policy Teams of Wolverhampton, Dudley, Sandwell and Walsall, South Staffordshire District Council does not appear to have any specialist in-house green space planning policy expertise. This will play into the hands of private sector housing developers and private sector planning consultants who will be able to exploit this situation at the DM planning application stage, and during Local Plan Review various Reg 18 preparation stages. As well as the Reg 19 Local Plan

preparation stage. Goldfinch Town Planning Services continues to be very disappointed and concerned given that the above LPA's no longer seem to value specialist green space planning policy expertise. This is letting down local communities and failing to promote climate change resilience within their areas, and making sensitive natural green space areas and outdoor recreational areas more vulnerable to future development pressures. It also means that specialist technical evidence base documents such as paragraph 102 NPPF (December 2023) compliant Green Space Audits (Open Space Needs Assessments) can no longer be prepared in-house.

63. This is a concerning situation given that all of the above LPA's are facing an out-of-control and worsening childhood and adult obesity crisis. As a specialist urban green space planning consultancy, Goldfinch Town Planning Services maintains its view that access to public open space areas and natural green space is very important in order to help promote more physically active healthy lifestyles, to help tackle obesity, Types 1 and 2 Diabetes, coronary heart disease, promote physical and mental health well-being, and to help reduce cases of certain cancers linked to physically in-active lifestyles. We are disappointed that none of the Council's referred to above care about these issues anymore, and are completely not interested in tackling the out-of-control obesity crisis affecting their areas with effective planning policy interventions - as expected by health focused guidance in paragraph 102 of the Revised NPPF (2023). The local areas will continue to suffer as a result with deteriorating and increasingly poor environmental quality conditions, due to continued incremental loss of sensitive public open space areas and natural green space areas, and the acceptance of poor-quality green infrastructure technical evidence base reports to support Local Plan Reviews. As well as the inclusion of poorly drafted and not-fit-for-purpose Local Plan open space and climate change policies within Local Plan Reviews.

APPENDIX 1

References and sources of further information:

The following sources of additional information have been used to help inform this May 2024 Local Plan Representation. These various press articles and reports can be found by searching the following information within the Google search engine:

Topic area: Gypsy and travellers – UK wide research/ case study examples.

- The Guardian (Youtube video dated 23rd April 2012) - Dale Farm eviction: Six months on.
- The Guardian (Youtube video dated 21st October 2011) – Dale Farm evictions: Riot Police force travellers from site.
- BBC News article (19th October 2016) Dale Farm evictions: Five years on.
- BBC News article (19th September 2011) Dale Farm: History of turmoil at Essex travellers site.

Topic area: Ethical standards in Local Government

- The Local Government Ethical Standards – A Review by the Committee on Standards in Public Life (report published January 2019) (London).


The tough fiscal realities facing the UK whoever wins the next general election on the 4th July 2024.

- Institute of Fiscal Studies (IFS) (24th May 2024) – Public finances and the 2024 general election.
- Finances a 'dark cloud' over election campaign, says Institute of Fiscal Studies (IFS) – Source: BBC News, 25th May 2024.

Facebook groups

- Stop the West Midlands Interchange



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Goldfinch Town Planning Services (West Midlands)

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

- Green space planning policy specialists.
- Local Plan Representations.
- Auditing and monitoring the environmental performance and competence of Local Planning Authority (LPA) Planning Policy and Development Management (DM) Teams on behalf of local communities, environmental groups, local businesses, other interested stakeholders and the private sector development industry.
- Ability and knowledge to promote sites and influence policy through the local plan process.
- We work for community pressure groups, individuals, private sector landowners and housing developers specialising in all types of town planning work.
- Local Plan Planning Policy specialists.
- Telecommunications masts objections.
- Number of years previous LPA Planning Policy Team experience previously spent working within the Black Country sub-region (West Midlands). Specialised in dealing with complex and very wide-ranging urban green space planning policy work.
- Preparation of Planning Statement Reports to support Planning Applications for housing developers.
- Land promotion activities.
- Preparation of Pre-Application Planning Statement Reports to support emerging pre application proposals for housing developers.
- Objections to planning applications on behalf of members of the public and community green space pressure groups.
- Expert witness at Public Local Inquiries specialising in objecting to open space re-development proposals on behalf of individuals and community green space pressure groups.
- Development site promotion work (for the house building industry and rural landowners) through Local Planning Authority (LPA) emerging Local Plan Reviews.
- Site feasibility studies and development site appraisals.
- Strategic housing site promotion work.
- Tracking and monitoring service available for housing developers and rural landowners to monitor progress of LPA emerging Local Plan Reviews and subsequent public consultation timescales, to assist in timely site promotion work at all Local Plan public consultation stages.
- Preparation of Green Infrastructure Studies (GI Studies) for LPA's and the private sector.
- Preparation of Green Space Audits (Open Space Needs Assessments) for LPA's and the private sector.
- Ecological services including incorporation of on-site and off-site nature conservation habitat features as part of new housing development proposals and habitat mitigation solutions.
- Woodland nature conservation habitat enhancement specialists.
- Wildlife corridor enhancement specialists within both rural farmland and urban settings.
- Bat habitat enhancement specialists.
- Intensive farmland habitat restoration work.
- Manufacture, supply and installation of bat boxes to help support habitat restoration work within both urban areas and rural settings.
- Bat Emergence Surveys (dusk surveys) to support planning applications.
- Bat foraging activity and commuting route dusk surveys to support planning applications.