

SOUTH STAFFORDSHIRE LOCAL PLAN PREFERRED OPTIONS NOVEMBER 2021

LAND NORTH OF THE A5, GAILEY

**REPRESENTATION PREPARED ON BEHALF OF
RICHBOROUGH ESTATES**



**TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012**



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APPENDICES:

Appendix 1: Site Location Plan

1.0 Introduction

1.1 This representation is made by Pegasus Group on behalf of Richborough Estates to the South Staffordshire Local Plan Review ('LPR') Preferred Options Consultation ('the Consultation'). The consultation is progressed under 'Regulation 18' of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.2 This representation relates to Land North of the A5, Gailey, which Richborough Estates is promoting for employment-led development.

1.3 These representations respond to the following documents, including addressing the questions set out within the LPR Consultation Document:

- Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021
- Infrastructure Delivery Plan (South Staffordshire District Council) 2021
- South Staffordshire Green Belt Study – Stage 1 and 2 Report (LUC), July 2019
- South Staffordshire Landscape Sensitivity Assessment (LUC) 2019

1.4 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 National Planning Policy Framework (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.

1.5 The representations also give consideration to the legal and procedural requirements associated with the plan-making process.

2.0 What Does the Local Plan Need to Consider?

2.1 Richborough Estates supports South Staffordshire District Council ('SSDC') in progressing with a 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 SSDC to comprehensively review the adopted Development Plan, including not only its own objectively assessed housing need and employment requirements, but also the role of the District in meeting unmet cross boundary needs from the wider Greater Birmingham Housing Market Area ('GBHMA'), including from the Black Country. In addition there is a notable shortfall in employment land provision in the Black Country which is expected to be resolved through the Duty to Cooperate.

National Requirements for Plan-Making

2.2 Paragraph 33 of the National Planning Policy Framework 2021 ('NPPF') requires local planning authorities to keep policies in their Local Plans up to date by undertaking a review at least once every five years.

2.3 Paragraph 24 of the NPPF 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 can include housing, employment, infrastructure and the Green Belt.

2.4 Richborough Estates supports the Council's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists with the District to guide growth to 2038 and to ensure that development is genuinely plan-led.

Evidence Base

2.5 Appendix A of the LPR Consultation Document sets out the range of studies which will be, or have been prepared, to evidence and justify the policies and allocations contained within the LPR.

Question 1: Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.

2.6 Generally, the documents listed in Appendix A are considered to represent comprehensive evidence base necessary to support a local plan. It is also noted that a number of the documents have been updated in 2021, which is also supported.

2.7 However, concern is raised that the *Greater Birmingham HMA Strategic Growth Study*, *SSDC's Self Build & Custom Build Register* and the *Strategic Housing & Employment Land Availability Assessment* ('SHELAA') are not included, although it is noted that an updated SHELAA (2021) is available on SSDC's website. It is therefore assumed that its omission from Appendix A is a typographical error.

2.8 Nevertheless, the GBHMA Strategic Growth Study is a key aspect of the LPR evidence base and is a crucial piece of evidence in the context of South Staffordshire District.

2.9 Richborough also has some concerns over the age (and therefore the robustness) of the Council's Economic Development Needs Assessment.

2.10 Whilst the consultation document raises specific questions in relation to some evidence base documents, such as the Infrastructure Delivery Plan ('IDP'), it fails to ask questions in respect of others. Comment on these specific evidence base documents is accordingly contained within the following

Chapters of this Representation.

Evidence Base Document	Comment within Representation
Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021	Chapter 6
South Staffordshire Green Belt Study – Stage 1 and 2 Report (LUC), July 2019	Chapter 7
South Staffordshire Landscape Sensitivity Assessment (LUC) 2019	Chapter 7

Infrastructure Delivery Plan

2.11 An IDP (2021) has been prepared to support the LPR to ensure the required infrastructure and investment needed to deliver the plan effectively is identified. The IDP should include the specific infrastructure projects needed to deliver planned growth and will be updated as the plan progresses.

Question 2:

(a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP? Yes/No

(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver? Yes/No

2.12 Richborough Estates supports SSDC's proposed infrastructure-led strategy which seeks to focus development towards larger settlements supplemented with smaller settlement sites and, where appropriate, deliver new infrastructure benefits.

2.13 Development of Land North of the A5 Gailey can contribute towards infrastructure provision. In particular it can assimilate with the infrastructure improvements being delivered through the West Midlands Interchange (WMI). By dovetailing with the consented WMI will deliver significant

benefits in utilising new infrastructure to the maximum provision.

2.14 There are also opportunities to provide for enhancement to green infrastructure with a detailed design of employment led development on the Land North of A5 Gailey site.

2.15 Generally it is considered that the correct infrastructure has been identified in the IDP. It is notable that the developers of the WMI have established community engagement groups with nearby Parish Councils and other stakeholders likely to be effected by the development. Richborough Estates is also committed to engaging with SSDC, Local Parish Councils and service providers to explore infrastructure requirements which can be dovetailed with those of the WMI.

Vision and Strategic Objectives

2.16 The LPR Consultation Document identifies a number of 'Issues and Challenges' surrounding homes and communities, economic vibrancy and the natural and built environment. Paragraph 3.17 identifies issues and challenges for South Staffordshire. Under the heading 'Threats' it identifies that a concentration of large-scale developments such as the WMI poses a threat to the District in terms of cumulative impact on the surrounding infrastructure. This 'threat' is not evidenced. The WMI will provide its own infrastructure not least a rail freight facility which will be a benefit to the District rather than anything harmful. This 'threat' has not been established.

Question 3:

**a) Have the correct vision and strategic objectives been identified?
Yes/No**

b) Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives? Yes/No

2.17 Whilst the Vision is succinct, it is not considered to be locally relevant and contains no spatially specific elements. It also seeks to 'protect and enhance'

the District as it currently exists, rather than thinking forward and considering how the growth proposed within the LPR can better the District as a whole and make best use of regionally significant projects such as the WMI.

- 2.18 The strategic objectives identified are broadly supported, however greater emphasis should be given in Strategic Objective 6 to providing employment opportunities in key locations which can support job creation and in particular give recognition to other sectors beyond just advanced manufacturing. The distribution network is now an integral part of the UK economy and provides significant amounts of good quality jobs with wider spin-offs into the more general economy. The Strategic Objectives must also acknowledge the Black Country's significant unmet employment land needs and the role South Staffordshire will have to play in solving this issue through Duty to Cooperate.

3.0 Development Strategy

Green Belt and Open Countryside

Question 4: Do you support the policy approach in Policy DS1 – Green Belt and Policy DS2 – Open Countryside? Yes/No If no, please explain how these policies should be amended?

- 3.1 Policy DS1 is broadly in line with the relevant paragraphs of the NPPF relating to development within the Green Belt and is therefore supported.
- 3.2 The recognition within the supporting text that exceptional circumstances exist for Green Belt release within the District to allow for sustainable development within the plan period is also supported. However, this recognition should also be included within Policy DS1, with cross reference made to the relevant sites where Green Belt release is proposed.
- 3.3 Richborough Estates has no comment to make in respect of Policy DS2.

Employment

- 3.4 The supporting text refers to the EDNA 2018 which suggests South Staffordshire has sufficient supply of developable employment land to meet its own requirements to 2038. Recognition is given in paragraph 4.56 that the WMI has now been consented. Paragraph 4.57 sets out that this significantly increases the known 'oversupply' of employment land in South Staffordshire but caution needs to be applied to that statement because as a regional facility the WMI does not simply relate to South Staffordshire. Recognition is given to the Black Country having identified unmet employment needs which cannot be satisfied within their administrative area. The Plan indicates that an updated EDNA will be required prior to publication. Richborough Estates consider that this must thoroughly assess the impact of the WMI and in particular the need for supportive employment allocations to

make best use of infrastructure provision and assist in the delivery and support of this major regionally significant employment development. Land North of Gailey A5 would be ideally located to meet with this objective.

- 3.5 It is also imperative that the unmet needs of the Black Country are thoroughly addressed in the context of the LPR as South Staffordshire is ideally located to meet with these needs. The existence of a major rail led freight facility at the WMI is clearly significant in this context.

Spatial Strategy to 2038

Question 5: Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? Yes/No If no, please explain how this policy should be amended?

- 3.6 The Spatial Strategy set out in Policy DS3 contains lots of text relating to housing development. It contains a single paragraph relating to strategic employment sites and, as we note above, the employment evidence underpinning DS3 is out-of-date and is to be refreshed by the Council. This paragraph states that outside of the District's rural settlements support will continue to be given for employment and economic development at the District's five existing freestanding strategic employment sites which includes the WMI. This policy should be added to through giving recognition to the potential for addition employment land to come forward in combination with strategic employment sites such as the WMI, recognising the benefits that can accrue from utilising new infrastructure being delivered in conjunction with strategic employment development and the WMI in particular.

Longer Term Growth Aspirations for a New Settlement

- 3.7 Policy DS4 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.

Question 6: Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement? Yes/No If no, please explain how this policy should be amended?

- 3.8 Richborough Estates supports Policy DS4 and recognises the importance and suitability of the identified potential growth corridor, as first suggested by the SGS. Richborough Estates also supports the objectives for the new settlement as set out within the Policy.
- 3.9 To this end, Richborough Estates is promoting Land North of the A5, Gailey, which falls within this corridor. The site comprises approximately 100 hectares of land, situated to the west of junction 12 of the M6, east of the A449 and north of the A5. The site comprises a number of irregularly shaped field parcels, alongside some elements of previously developed land. The site is bisected by the Staffordshire and Worcestershire Canal, whilst the West Coat Mainline runs through its western edge.
- 3.10 In particular the site is immediately adjacent to the WMI whereby a new regionally important rail freight facility is consented. Work is due to start on the WMI in 2021. There is an opportunity to build on the new WMI to create a truly sustainable new settlement maximising the use of new infrastructure and minimising the need to develop the countryside and release Green Belt land. Such an approach would improve the sustainability of the WMI by providing potential employees the opportunity to live in close proximity to the facility, reducing the need to travel.
- 3.11 The site is also located to the South of South Staffordshire College, which is understood by Richborough Estates as being promoted through this Local Plan Review for potential longer-term residential use. As such, Land North of the A5 provides the opportunity for the two sites to be brought forward in collaboration and, therefore, Richborough Estates will work cooperatively on future master-planning to ensure a comprehensive and sustainable site could be delivered.

3.12 Further information in respect of this Site is contained within Chapter 7 of this Representation.

4.0 Site Allocations

Strategic Masterplanning Locations

4.1 Richborough Estates has a number of land interests within South Staffordshire District. This Representation relates to Land North of the A5, Gailey, and should be read in conjunction with other representations submitted on behalf of Richborough Estates.

Question 7:

a) Do you support the proposed strategic housing allocations in policies SA1-SA4? Yes/No If no, please explain your reasons for this.

b) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code?

Yes/No

4.2 Richborough Estates has no specific comments to make in respect of the Strategic Allocations SA1-SA4.

5.0 Development Management Policies

5.1 Chapter 6 of the LPR sets out a number of preferred approaches to policies against which planning applications will be determined. At this stage, these preferred approaches do not reflect the final policy wording that will be included in the Local Plan Review that will be submitted to the Secretary of State. Instead, they are intended to highlight key requirements, aims and measures that the final submitted policies will deliver, focusing on the most important parts of the future policies and to seek views on these.

Question 11: Do you agree with the proposed policy approaches set out in Chapter 6? Yes/No. If no, then please provide details setting out what changes are needed, referencing the Policy Reference number (e.g HC1 - Housing Mix).

Policy HC1 – Housing Mix

5.2 Whilst it is recognised that the Policy contained within the LPR Consultation Document is not a 'final' version of the intended Policy, it is nevertheless submitted that the final wording should be flexibly worded to allow for appropriate application across the differing settlements and locations across the District, as appropriate.

5.3 At present, the Policy requires 'major development' to provide:

- 75% of market homes to have 3 bedrooms or less, with specific breakdown to be determined with reference to latest Housing Market Assessment; and
- Specific breakdown of affordable housing to be determined with reference to latest Housing Market Assessment and other affordable housing needs evidence

- 5.4 This wording is not sufficiently clear or flexible. It is not clear whether applications will be expected to strictly accord with the evidence presented in the SHMA, or simply have 'reference' to that evidence.
- 5.5 Much can change over the 17 years of the Plan. It is submitted that it is most appropriate for housing mix to be guided by market signals as reflected in the most up-to-date assessment of needs. Such assessments will need to be updated over the course of the Plan period. The requirement that 75% of properties comprise of three-bedrooms or less is restrictive and does not afford the flexibility required for the reasons set out above.
- 5.6 The policy should also comment that it is subject to viability assessment, thus allowing for flexibility in its application.
- 5.7 Lastly, 'Major development' is defined by footnote 11 of the LPR which states that:

"Major residential development is defined in the 2019 National Planning Policy Framework as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more" [NB this definition is carried through to the 2021 version of the NPPF].

- 5.8 Whilst a definition of major development 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 dwelling houses 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)** [Pegasus*

Emphasis].

- 5.9 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. It is submitted that the definition in the DMPO should be referred to within the LPR for the avoidance of doubt.

Policy HC2 – Housing Density

- 5.10 Policy HC2 currently 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*".
- 5.11 The objective of achieving an efficient use of land on development sites is supported. However, the policy should be drafted to recognise that a blanket approach to density is unlikely to be effective as this will vary between individual sites depending on specific site constraints and opportunities. Furthermore, it is considered that this wording does not provide direction as to what is expected of developments adjacent to settlements within Tiers 2-5 of the Settlement Hierarchy, which should be corrected.

Policy HC3 – Affordable Housing

- 5.12 Policy HC3 requires proposals for major residential development to provide 30% of all dwellings to be affordable housing, broken down using the following ratio:
- 50% social rent,
 - 25% shared ownership, and
 - 25% first homes

- 5.13 The requirement for 30% affordable housing appears to be broadly supported by the Viability Study¹ which confirms that affordable housing within the range of 20-30% is potentially relevant to strategic housing sites overall, assuming a maximum of £9,200/dwelling S106 costs and no additional CIL contributions. However, the LPR and evidence base should justify why social rent is the preferred rented tenure, rather than affordable rent.
- 5.14 It is recognised that a Stage 2 Viability Assessment will be undertaken once more refined and bespoke assumptions regarding infrastructure and development costs are known. It also is understood that the Infrastructure Delivery Plan will continue to be evolved and refined as the Local Plan review progresses.
- 5.15 Richborough Estates would welcome the opportunity to engage with the Council and the appointed viability consultants prior to the publication of the Stage 2 Assessment.
- 5.16 The requirement to ‘pepperpot’ 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.
- 5.17 Policy HC3 also suggests it would not support grant funding for homes to be provided under the requirements of the Policy. It is submitted that the funding mechanisms for the delivery of affordable housing is not a planning matter and is therefore beyond the remits of a Policy to control. This text should accordingly be removed.

Policy HC4 – Homes for Older People

- 5.18 Policy HC4 requires major development to:

¹ Viability Assessment – Local Plan and Community Infrastructure Levy (Dixon Searle Partnership) October 2021.

"...make a clear contribution to meeting the needs of the district's ageing population, through the provision of either: general needs properties for older people e.g. bungalows, other ground floor accommodation with appropriate age restrictions on occupation; or specialist housing e.g. sheltered, extra care homes.

30% of all market and affordable homes to meet Building Regulations Standard Part M4(2) – Accessible and adaptable dwellings."

- 5.19 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.
- 5.20 It also is also unclear as to the level of bungalows or other ground floor accommodation that development is expected to provide. This should be quantified to ensure less scope for unnecessary discussions between developers and SSDC at a later stage in the application process. It is not clear if this policy intends to continue to SSDC's current approach of requiring 10% of all homes to be delivered as bungalows or other ground floor accommodation. This clarification is particularly important now that affordable compact domestic lifts are increasingly becoming an alternative to ground floor accommodation. New builds can be designed so that these can be fitted to a property when required.
- 5.21 The policy also sets out that 30% of all market and affordable homes should meet Building Regulations Standard Part M4(2) Accessible and adaptable dwellings. These requirements are 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

justified adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

- 5.22 Furthermore, the SHMA 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 (Table 8 of the LPR identifies a supply of 10,034 dwellings). It is therefore not clear how the 30% requirement within the Policy has been arrived at or how this is justified. The requirement to provide a proportion of dwellings to meet Part M4(2) may be justified but it would not be appropriate to include both this requirement and a requirement to provide bungalows or other ground floor accommodation.

Policy HC7 – Self & Custom Build Housing

- 5.23 Policy HC7 requires sites for major residential development to "*...have regard to any need identified on the self-build and custom housebuilding register, with provision to be agreed on a site-by-site basis.*"
- 5.24 The imposition of a District-wide percentage requirement would not be supported, as it would likely result in the over-provision of self-build and custom-build housing within the District. Whilst Richborough generally support 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.
- 5.25 However, if there is a policy requiring self/custom build on major sites then it is nevertheless submitted it should include a mechanism to allow for such plots to come forward for market housing if demand is subsequently found to be absent. For example, if serviced plots for self-build and custom housebuilding have been made available and marketed for a set period of

time and have not sold, plots can be used for delivery of general market housing.

Policy HC9 – Design Requirements

- 5.26 Richborough Estates supports the introduction of a new set of requirements to ensure high quality design and the creation of beautiful places in line with Government guidance.
- 5.27 However, the requirement to provide tree lined streets should only be in instances where the locations are agreed by the highway authority. Local highway authorities often do not want trees in immediate proximity of the street due to management concerns or liabilities.
- 5.28 The utilisation of design codes is supported, but only where they are commensurate with the scale of development proposed. In general, it is expected that they be limited to strategic level sites.

Policy HC11 – Space about dwellings and internal space standards

- 5.29 The continuity of existing external space and dwellings standards is generally supported although there should be a recognition that certain housetypes, for example Part M4(2) dwellings, should have smaller, more manageable gardens.
- 5.30 The requirement that all dwellings should meet Nationally Described Space Standards is not supported without being fully evidenced. National Planning Guidance Housing: optional technical standards (paragraph 020) clearly states 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.”*

5.31 It is clear that the introduction of the NDSS requires a Local Plan policy which has been fully evidenced, justified and viability tested. The Strategic Housing Market Assessment (SHMA) makes reference to the NDSS (paragraph 7.35) only in the context of assessing the need for accessible and adaptable homes. the SHMA does not provide any justification or evidence for requiring NDSS in the District.

5.32 If NDSS is subsequently justified and pursued, the policy should be sufficiently flexible to recognise that well-designed housetypes which fall slightly below will be acceptable, particularly on sites where the majority of the dwellings comply. The policy should also make provision for additional flexibility in relation to affordable housing as many registered providers have their own requirements.

Policy HC12 – Parking Standards

5.33 The continuity of existing parking standards is supported. The inclusion of EV charging standards is also supported and provides helpful clarity.

Policy HC14 - Health Infrastructure

- 5.34 The policy objective of ensuring development does not result in an unacceptable impact on health infrastructure is supported. It is suggested that SSDC should engage with the CCG now regarding proposed allocations to refine the approach to infrastructure contributions and include this as part of the IDP. Any infrastructure contributions will be required to meet the CIL tests. This approach ensures that all likely costs associated with the proposed allocations are known, thus allowing for an informed view as to their viability.

Policy HC15 – Education

- 5.35 The policy approach is generally supported although, again, it is suggested that SSDC should engage with SCC Education and include relevant infrastructure requirements as part of the IDP, to ensure that all costs associated with allocations are known.

Policy HC17 – Open Space

- 5.36 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. The policy should take a more flexible approach to achieve the right design solution for each site.
- 5.37 In addition, 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 make a contribution towards open space provision on a site. They should therefore be included in these calculations.

- 5.38 Clarification should also be provided as to whether features such as attenuation basins are considered to be 'incidental'.

Policy HC18 – Sports Facilities and Playing Pitches

- 5.39 Policy HC18 requires major developments to determine required provision through use of the latest Playing Pitch Calculator and Sports Facilities Calculator provided by Sport England, informed by the recommendations of both the Indoor Sports Facilities Strategy 2020 and the Playing Pitch Strategy 2020. Further guidance on the procedure for determining provision required from new development will be set out in an Open Space, Sport and Recreation SPD.
- 5.40 This policy is noted, although it is submitted that 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 IDP and viability assessment.

Policy EC1 – Sustainable Economic Growth

- 5.41 Richborough Estates note the support contained within Policy EC1 for the delivery of strategic employment sites including the West Midlands Interchange. The policy should also refer to the potential additional employment growth which may be required to underpin and support these strategic employment sites. This could include within growth sectors such as the Auto-Aero and Agri-Tech sectors. The West Midlands Interchange in particular will provide significant new investment in infrastructure especially the Strategic Rail Freight Interchange. The delivery of one of the largest sites of this type in Europe, including a link onto the West Coast Mainline, is clearly a very significant factor and merits further consideration of land on

the north side of the A5 to deliver complementary employment development.

Policy EC9 – Infrastructure

- 5.42 Policy EC9 commits SSDC to work with and support infrastructure providers and also offer policy support for the delivery of infrastructure identified through the IDP, but particular recognition should be given to strategic employment developments, particularly the WMI where huge amounts of infrastructure are being provided through the rail freight facility. Opportunities should be progressed to utilise such infrastructure in the most efficient manner possible.

Policy EC10 – Developer Contributions

- 5.43 Policy EC10 confirms that specific infrastructure requirements will be identified in relevant policy areas and site proformas.
- 5.44 Whilst this approach is supported, it is paramount that a detailed list of infrastructure requirements is included within the Publication (Regulation 19) version of the Plan, to allow for sufficient scrutiny and comment by the public and interested parties.

Policy NB1 - Protecting, Enhancing and Expanding Natural Assets

- 5.45 Policy NB1 is supported on the whole. However, the final sentence again refers to a requirement to provide tree lined streets. As set out above in respect of Policy HC9, tree lined streets should only be included following detailed engagement with the local highway authority, due to the practicalities of management, maintenance and liability.

Policy NB3 - Cannock Chase SAC

- 5.46 The Local Plan Review notes that a separate suite of joint studies are being

updated with adjoining authorities in relation to Cannock Chase SAC. The findings of these studies should influence the policy approach to Cannock Chase SAC and determine appropriate mitigation measures.

Policy NB6 - Energy and Water Efficiency, Energy and Heat Hierarchies and Renewable Energy in New Development

- 5.47 The aspirations of this policy to reduce carbon emissions is generally supported. The policy should nevertheless confirm the threshold at which developments are expected to submit an energy statement as part of any application for planning permission.

6.0 Sustainability Appraisal

6.1 The LPR Consultation is supported by a Sustainability Appraisal, prepared by Lepus Consulting² ('the SA'). 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 biodiversity and geodiversity assets of the Plan area, including flora and fauna;
- **SA Objective 4. Landscape:** Conserve, enhance and manage the character and appearance of the landscape and townscape, maintaining and strengthening its distinctiveness;
- **SA Objective 5. Pollution and waste:** Ensure sustainable management of waste whilst minimising the extent and impacts of water, air and noise pollution.
- **SA Objective 6. Natural resources:** Protect, enhance and ensure the efficient use of the Plan area's land, soils and water;
- **SA Objective 7. Housing:** Provide a range of housing to meet the needs of the community;
- **SA Objective 8. Health:** Safeguard and improve 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 choice and efficiency of sustainable transport in the Plan area and reduce the need to travel;
- **SA Objective 11. Education:** Improve education, skills and

² Sustainability Appraisal of the South Staffordshire Local Plan Review – Preferred Options Plan, Regulation 18 (III) SA Report, August 2021

qualifications in the Plan area; and

- **SA Objective 12. Economy and employment:** Support a strong, diverse, vibrant and sustainable local economy to foster balanced economic growth.

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

6.3 The significance of effects is scored as follows:

Significance	Definition (Not Necessarily Exhaustive)
Major Negative --	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Permanently degrade, diminish or destroy the integrity of a quality receptor, such as a feature of international, national or regional importance; • Cause a very high-quality receptor to be permanently diminished; • Be unable to be entirely mitigated; • Be discordant with the existing setting; and/or • Contribute to a cumulative significant effect.
Minor Negative -	The size, nature and location of development proposals would be likely to: <ul style="list-style-type: none"> • Not quite fit into the existing location or with existing receptor qualities; and/or • Affect undesignated yet recognised local receptors.
Negligible 0	Either no impacts are anticipated, or any impacts are anticipated to be negligible
Uncertain +/-	It is entirely uncertain whether impacts would be positive or adverse
Minor Positive +	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Improve undesignated yet recognised receptor qualities at the local scale; • Fit into, or with, the existing location and existing receptor qualities; and/or • Enable the restoration of valued characteristic features.
Major Positive ++	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> • Enhance and redefine the location in a positive manner, making a contribution at a national or international scale; • Restore valued receptors which were degraded through previous uses; and/or • Improve one or more key

	elements/features/characteristics of a receptor with recognised quality such as a specific international, national or regional designation.
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Table 6.1: Guide to scoring significance of effects

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

Land North of A5, Gailey – Site Ref: 585

- 6.5 Land North of the A5, Gailey, is assessed within the SA as '*Land off Gailey Island*' under site reference: 585. It is noted that the SA of site 585 refers to the site being assessed as a primarily residential-led development. Richborough Estates consider it appropriate for the Sustainability Appraisal to have also considered the potential for an employment-led development which would contribute towards meeting the established shortfall in employment land within the Black Country. The recently published Black Country Plan identifies a shortfall in employment land of 210 ha. In accordance with the Duty to Cooperate the South Staffordshire Local Plan should be considering a greater contribution towards meeting this significant unmet need. This could be fulfilled through an allocation of Land North of the A5, Gailey. The juxtaposition of this land with the WMI also means that infrastructure utilisation would be maximised. This is likely to result in a different sustainability score than that set out in the SA.
- 6.6 The current residential led SA includes an assessment of the nature and magnitude of the impact of the development, both pre- and post-mitigation. These assessments are reproduced in Figures 6.1 and 6.2 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
585	+/-	--	-	--	-	-	+	-	-	-	-	--

Figure 6.1: Significance of effects pre-mitigation, Site Ref: 585

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
585	+/-	+	+/-	--	-	-	+	-	0	-	-	+

Figure 6.2: Significance of effects post-mitigation, Site Ref: 585

6.7 Richborough Estates supports the above scoring overall, in a context of a residential-led development, but disputes the finding that developing the Site would result in a Major Negative impact upon landscape and townscape.

6.8 The SA sets out that site is considered to result in a 'high' level harm to the Green Belt, as concluded by the Green Belt Study which supports the LPR³.

6.9 In respect of other aspects, the site was only found to have 'moderate' landscape sensitivity and a 'minor negative' impact on Cannock Chase Area of Outstanding Natural Beauty, landscape character, views from the public right of way network, views for local residents, urbanisation of the countryside and coalescence.

6.10 The finding that the site would have a Major Negative impact upon landscape

³ South Staffordshire Green Belt Study – Stage 1 and 2 Report (LUC), July 2019

and townscape accordingly appears to be 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.

- 6.11 It is therefore considered that the SA impact score of Major Negative ('--') should be reduced to a Minor Negative ('-') score in respect of Landscape and Townscape.

7.0 Land North of the A5, Gailey

Site Description

- 7.1 Richborough Estates has current land interests in Land North of the A5, Gailey, as identified on the Site Location Plan included at **Appendix 1** to this Representation.
- 7.2 The site comprises approximately 35 hectares of land, situated to the west of junction 12 of the M6, east of the A449 and north of the A5. The site comprises a number of irregularly shaped field parcels, alongside some elements of previously developed land. The site is bisected by the Staffordshire and Worcestershire Canal, whilst the West Coat Mainline runs to the western edge.
- 7.3 Of most significance is the site is located immediately to the north of the WMI which has been consented. The WMI represents a strategic rail freight interchange which will deliver circa 8,500 full-time jobs. It has an area of 297 ha. and will deliver around 743,000 sq. m. of prime logistics floor area. It will generate around £430 million in local economic activity and represents a £1 billion international investment in the region. It also delivers 2 new country parks spanning 44 ha. WMI is predicted to support a further 8,100 indirect jobs via the supply chain. The rail freight facility will also be a significant factor in shifting goods from road transport to rail. It is estimated it will reduce HGV journeys by up to 50 million HGV km per year when fully operational. The first phase of construction is expected in 2022.
- 7.4 The site is also located to the South of South Staffordshire College, which is understood by Richborough Estates as being promoted through this Local Plan Review for potential longer-term residential use. As such, Land North of the A5 provides the opportunity for the neighbouring parcels of land to be brought forward in collaboration and, therefore, Richborough Estates will work cooperatively on future master-planning to ensure a comprehensive and sustainable site could be delivered.

Green Belt

7.5 South Staffordshire District Council has commissioned a Green Belt Assessment, alongside the City of Wolverhampton, Dudley, Sandwell and Walsall, (together comprising the Black Country authorities). The Study forms an important piece of evidence for the partial review of the Black Country Core Strategy (the Black Country Plan) and the strategic site allocations and individual development plans of the Black Country Authorities, as well as South Staffordshire District.

Green Belt Purposes

7.6 The National Planning Policy Framework (NPPF) 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 North of the A5, Gailey; Contributions to Green Belt Purposes

7.7 The Green Belt Assessment which accompanies the LPR⁴ identifies the site as falling within Green Belt parcel ref: S32 '*Between Wolverhampton and Stafford*'. This land parcel is significant, covering some 7,308 hectares.

⁴ South Staffordshire Green Belt Study: Stage 1 and 2 Report (July 2019) LUC

7.8 This land is assessed as making the following contribution to the purposes of the Green Belt.

GB Purpose	Assessment	Rating
P1: Checking the unrestricted sprawl of large built-up areas	Land is sufficiently separated or distant from a large built-up area for there to be no significant potential for urban sprawl from the large built up area.	Weak / No contribution
P2: Preventing the merging of neighbouring towns	Land plays no significant role due to the distance between the West Midlands conurbation and Stafford, and between Stafford and Cannock.	Weak / No contribution
P3: Safeguarding the countryside from encroachment	Land contains the characteristics of open countryside (ie 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 7.1: Land Parcel S32 Contribution Towards Green Belt Purposes

7.9 Richborough Estates broadly agrees with the above conclusions, apart from the assessment against Purpose 3. The subsequent 'harm' assessment (ref: S32Es1) concludes that development of the site would result in a 'high' level of harm, stating that:

"The sub-parcel makes a strong contribution to preventing encroachment on the countryside. This part of the sub-parcel is largely contained by strong boundaries (the M6 motorway, A449, A5 and railway line), but the introduction of new development in the north of the sub-parcel, either in isolation or as part of a

larger development including land to the south of the A5, would result in a considerably weaker separation between Penkridge and inset development to the south, significantly impacting the wider countryside separation of the urban areas of Penkridge, Brewood, Coven and Cannock, significantly weakening the Green Belt."

- 7.10 The above assessment is considered to be flawed, particularly in respect of Green Belt purpose 3 and the suggestion that the land "*contains the characteristics of open countryside*". This assessment fails to recognise the recent consenting of a Strategic Rail Freight Interchange, known as West Midlands Interchange (WMI), at Four Ashes. This consent is recognised through the LPR and it is proposed that it is allocated and removed from the Green Belt (see Policy SA7 - Employment allocation - West Midlands Interchange).
- 7.11 It is submitted that this proposed allocation will fundamentally change the Green Belt baseline in this location. Once the WMI is built, the Site would fundamentally not be influenced by an absence of built or otherwise urbanising uses.
- 7.12 It is therefore considered that the consented WMI represents a significant material consideration when assessing the Green Belt impact of this Site.

Sustainability

- 7.13 As set out above the site is immediately adjacent to the WMI, which represents one of the largest strategic employment developments in the West Midlands. The Site is located in close proximity to the strategic road network, the West Coast Mainline and the WMSRFI.
- 7.14 The location of north of A5, Gailey immediately adjacent to the WMI makes it entirely suitable for the provision of complementary employment development aimed at meeting the established shortfall in employment land

within the Black Country. Development of this land for employment purposes would have significant benefits in utilising the direct linkages with the WMI. By providing complementary employment uses in close proximity will reduce the need to travel, maximise the utilisation of existing infrastructure and contribute towards sustainable development.

7.15 The site could also contribute towards the provision of a new settlement which would ensure new housing development and jobs could be located in close proximity to the consented strategic employment development at the WMI. This clearly represents a sustainable approach to delivering a new settlement. The provision of a new settlement in this location would serve to co-locate homes and jobs, whilst also providing exemplary sustainable transport opportunities to destinations both regionally and nationally.

7.16 The site is therefore sustainably located.

Suitability

7.17 The site is a suitable site for development, subject to its release from the Green Belt.

Deliverability

7.18 There is an agreement in place between the landowner and Richborough Estates to facilitate the development of the site. Richborough Estates would work collaboratively with surrounding landowners and developers to ensure the delivery of a comprehensive new settlement, beyond 2038.

8.0 Conclusion

- 8.1 This representation is made by Pegasus Group on behalf of Richborough Estates Limited to the South Staffordshire Local Plan Review, Preferred Options (Regulation 18) consultation. This representation relates to Land North of the A5, Gailey, which Richborough Estates is promoting. There is an opportunity for this land to either be identified for local employment purposes specifically meeting the shortfall within the Black Country and providing complementary employment development adjacent to the WMI or alternatively to form part of a strategic new settlement, to be delivered beyond the identified period of the Local Plan review (beyond 2038).
- 8.2 The information contained within this representation demonstrates that the site is suitable and deliverable, either as a local employment allocation or as a part of a new settlement. In particular it is demonstrated that it is suitable to be released from the Green Belt to meet these clear requirements.
- 8.3 In respect of the current Local Plan Review, Richborough Estates is supportive of the document overall, subject to some minor modifications, as set out in the Representations submitted to the consultation.

APPENDIX 1

