

29 May 2024

Via Email: localplans@sstaff.gov.uk
South Staffs Council
Wolverhampton Road
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Dear Sirs

South Staffordshire Publication Plan (Regulation 19) April 2024 Representations on behalf of Crest Nicholson Midlands in respect of the Land at White Hill Kinver (Ref. 274)

Avison Young is instructed by Crest Nicholson Midlands ('Crest') to make representations to South Staffordshire District Council's consultation on

Crest is a leading developer with a history of creating well-designed sustainable communities for over 55 years.

Crest has purchased approximately 5.5Ha of land to the south of White Hill, in Kinver ('the site'), from Trebor Developments LLP who had previously promoted the site for housing development for a number of years. The extent of the site now controlled by Crest is shown at **Appendix 1**.

The northern part of the site, extending to approximately 1.6 Ha (hatched in blue at Appendix 1) is allocated for a minimum of 30 dwellings in the adopted Site Allocations DPD ('the existing allocation'). Outline planning consent was granted for the construction up to 38 dwellings and associated access and open space on the allocated site in September 2021 (Ref. 20/00621/OUT). Reserved Matters were approved on 16 August 2023 for 38 dwellings (Ref. 23/00178/REM). Crest is now progressing works on site.

The southern part of the site, extending to approximately 3.9 hectares (outlined in red at Appendix 1), was released from the Green Belt and is currently designated as safeguarded land for longer term housing needs in the Site Allocations DPD. This part of the site is identified by Policy SA3 of the Publication Plan as a proposed housing allocation ('the proposed allocation'). Alongside the existing allocation, the site is identified as having a minimum capacity of 120 dwellings.

The purpose of these representations is to **support** the proposed allocation of the 'safeguarded land' to the south of White Hill, Kinver alongside the existing allocation for a minimum of 120 dwellings and to provide information to demonstrate that the site is **deliverable**.

These representations also comment on the soundness of a number of the draft development management policies in the Publication Plan in accordance with Paragraph 35 of the NPPF. Where issues of soundness have been identified, views have been offered on the types of Modifications that are required to make the policies sound.

The responses to each relevant policy are set out under the headings below.

Policy DS5 – Spatial Strategy

Draft Policy DS5 confirms that the Publication Plan aims to direct growth to the most accessible and sustainable locations in accordance with the settlement hierarchy. The approach of locating development in the most sustainable locations is consistent with national policy.

Crest agrees that Kinver contains a wide range of services and facilities and that it clearly has the capacity to support housing growth, including through appropriate allocations in the Local Plan and windfall development, where it is consistent with other policies in the Plan. The allocation of land for the delivery of housing in Kinver is clearly sound and would contribute towards meeting identified housing needs in a sustainable location.

Notwithstanding the above, the wording of the final sentence of Policy DS5 is inconsistent with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Paragraph 11 of the NPPF (i.e. the presumption in favour of sustainable development) and should be deleted.

Policy SA3 – Housing Allocations - Land at White Hill, Kinver (Ref. 274)

Crest fully supports the proposed allocation of the land South of White Hill, Kinver (Ref. 274) for a minimum of 120 dwellings.

Given that there is an extant planning permission for 38 dwellings on the part of the site already allocated in the adopted Site Allocations DPD (SADPD) this equates to an allocation of a minimum of 82 dwellings on the southern parcel of the site which is currently identified as 'safeguarded land' in the SADPD.

Kinver is a sustainable settlement and the proposed allocation makes effective use of non-Green Belt 'Safeguarded land' that has previously been assessed by the Council, and Inspector examining the adopted Site Allocations DPD (SADPD), as suitable for housing and identified to meet longer term development needs.

The allocation of this safeguarded land is necessary for the Council to be able to demonstrate compliance with paragraph 146 of the NPPF and that "*all other reasonable options*" have been examined fully before making amendments to Green Belt boundaries, as proposed, to meet identified housing needs.

The Council's Site Assessment

The suitability of the land for housing was assessed in detail by the local planning authority and the Inspector during the preparation and examination of the SADPD. Recognising the suitability of the site for housing, part was allocated in the SADPD and part was 'safeguarded' for longer term development needs or to be allocated through the Local Plan Review. It is, has, therefore already been demonstrated that the site, as a whole, is suitable to deliver housing.

The Site Selection Topic Paper (2024) sets out the methodology followed by the Council in selecting housing sites. It confirms that the site results in no major negative scores in the Sustainability Appraisal and recognises that it is non-Green Belt land that is preferred over the release of further land from the Green Belt. Overall, the site is assessed as performing better than other site options considered in Kinver, having regard to an appropriate range of considerations.

It is considered that the Council's assessment of the site is robust and the proposed allocation is sound.

Our Assessment

The NPPF establishes that to be considered '**deliverable**' sites should be **available** now, be **suitable** and **achievable**.

Availability

The site is available for development now. It has been purchased by Crest, an experienced house builder, with a significant track record of housing delivery, including in the West Midlands. There are no legal ownership or other technical impediments to development. The site is, therefore, clearly available for housing development immediately and Crest is capable of bringing the site forward for development very quickly. Indeed, the northern parcel of the site is currently being built out following approval of Reserved Matters in August 2023.

Suitability

The site is located on the southern side of White Hill, contained to three sides by existing residential development. It is bordered to the east by the rear of properties fronting Windsor Crescent and Jenks Avenue. To the south and west the site is bounded by a belt of thick woodland located on rising ground. To the north west, north and east of the site are established residential areas. The land falls gently from west to east and features a 'knoll' of higher ground towards its centre.

The proposed allocation comprises agricultural land, used for pasture, divided internally by a series of hedgerows. Trees and hedgerows are largely confined to the site boundaries. There are, however, a number of individual mature trees within the site, some of which are protected by TPOs.

The site is located approximately 400m from Potters Cross Neighbourhood Centre and 1.2km from the extensive range of services and facilities available in the centre of the village, including:

- a Co-operative foodstore;
- a doctors surgery;
- convenience stores;
- a library;
- a pharmacy;
- hair and beauty salons;
- a sports and community centre;
- grocers;
- butchers;
- bakery;
- cafes;
- a range of other shops;
- takeaways;

- restaurants;
- public houses; and
- places of worship.

In addition to the facilities identified above, the site is approximately 800m from Edgecliffe High School, 500m from Brindley Heath Junior School and 900m from Foley Infants School. Safe walking routes are available to the schools. Staffordshire County Council has confirmed that the schools have the capacity to accommodate the overall scale of development contemplated in Kinver.

The site is also served by bus stops located within 200m of the site (services 242 and 580). These stops provide regular services to Stourbridge.

The site immediately adjacent and very well-related to the existing built-up area of Kinver. It is accessible to a wide range of services and facilities by sustainable modes of transport and would form a logical infill to the settlement boundary and a sensible extension to the existing allocation.

Emerging Masterplan

An illustrative masterplan was prepared by Townscape Solutions on behalf of Trebor and submitted to previous rounds of consultation on the plan-making process (Appendix 2). This showed how the site could potentially be laid out to deliver at least 120 dwellings in accordance with draft Policy SA5, with appropriate amounts of open space.

Crest has subsequently produced its own draft illustrative masterplan (Appendix 3), which also demonstrates how the site could be laid out to deliver at least 120 dwellings (taking into account the approved Reserved Matters in the northern parcel of the site).

This follows key design principles, including:

- i) retaining a view corridor through the site from White Hill towards Kinver Edge and Holy Austin Rock;
- ii) a principal point of access through the existing allocation from White Hill;
- iii) a central green spaces as a focal point within the site and to accommodate appropriate SUDS drainage infrastructure; and
- iv) an east-west connection in the south of the site accommodating the existing Staffordshire Way.

The Masterplanning work undertaken responding to the site's opportunities and constraints and shows how the proposed allocation, could be developed as an extension to, and assimilate with, the approved reserved matters layout for the existing site allocation.

Technical Considerations

A comprehensive range of technical work has been carried out to support the promotion of the site through the plan-making process and preparation of an outline planning application and subsequent reserved matters on the existing allocation by a team of specialist technical consultants.

Crest is in the process of seeking up to date surveys and preparing up to date technical reports to support a planning application in respect of the proposed allocation site.

The work undertaken to date confirms the overall conclusion reached by the Council's own site selection process, that there are no constraints that might prevent development or make development unviable, as follows:

- **Flood Risk and Drainage** – The site is located within Flood Zone 1 (i.e. at a low risk of flooding) where residential development is appropriate. The site is also not at risk of surface water flooding. The masterplan has been prepared to accommodate appropriate SUDs features to drain the site whilst ensuring that development does not increase flood risk elsewhere.
- **Ecology & Trees** - A comprehensive range of ecological surveys were undertaken by FPCR, on behalf of Trebor, in 2014, 2018 and 2019. Crest is also in the process of undertaking updated ecological survey work in respect of the site. A Tree Survey was also undertaken by Wharton in 2020 which is in the process of being updated by Crest. It is considered unlikely that development at the site would impact on ecological designated sites, including the Kinver Edge SSSI. The hedgerows and trees within and on the boundaries of the site present the features of the greatest ecological value on the site. High quality trees and hedgerows would be retained where feasible. The site presents an opportunity to provide ecological enhancements. Crest is working with an ecologist to explore how mandatory 10% biodiversity net gain can be provided through a combination of on site enhancements, through the provision of a network of green infrastructure, and through improvements off-site, where necessary.
- **Highways & Access** - The site would be accessed via a new priority junction on White Hill that was approved, in detail, as part of the Outline planning application and Reserved Matters for the existing allocation. This access was designed to the appropriate standards and to accommodate the scale of development contemplated on the wider site (i.e. the proposed allocation). The site is accessible to a range of services and facilities by sustainable modes of transport. The Infrastructure Delivery Plan (2024) that accompanies the 'Publication Plan' suggests that potential junction improvements, at White Hill/Meddins Lane and Meddins Lane/Enville Road, Kinver and measures to increase sustainable travel to school be considered by the developers of identified housing sites in Kinver. Highways work previously undertaken by Hub Transport Planning, on behalf of Trebor and recently updated by Crest, indicates that that the

development of the site for c. 143 dwellings (i.e. the 38 dwellings permitted on the existing allocation and 105 dwellings on the proposed allocation) could be delivered without unacceptable adverse impacts on the capacity of the local highway network. Furthermore, we note that the Local Highway Authority has not raised any concerns in relation to the proposed allocation in terms of highways and access.

- **Heritage & Archaeology** - The Council's Historic Environment Site Assessment assesses the site as 'amber' ('medium') noting that whilst there is potential for indirect effects on the historic environment no significant effects that cannot be mitigated are anticipated. A Heritage Impact Assessment of the site has previously been undertaken by Richard K Morriss & Associates on behalf of Trebor and was submitted to support the release of the site from the Green Belt as part of the SADPD. This confirms that heritage impacts of residential development on the site will be very limited and confined to a minor change in the wider views from the north-eastern tip of Kinver Camp scheduled monument but that the setting will not be significantly altered and no other designated or non-designated heritage assets (including Holy Austin Rock and the Rock Houses) would be affected, such that any harm would be very limited and significantly "*less than substantial*". Nonetheless, in the light of the existing requirements in Policy SAD2, the Masterplanning work undertaken shows how a view corridor from the site access on White Hill, towards Kinver Edge and Holy Austin Rock, could be maintained, through the careful location and design of public open space and incorporation of single storey development. There are clearly significant benefits that would arise from housing development at the site which would be capable of outweighing any heritage harm that might arise from development of the proposed allocation. A Desk Based Archaeological Assessment was also carried out by ADAS, on behalf of Trebor, in 2020 and has subsequently been updated by ULAS which confirms that archaeology is not a significant constraint and that the impact to any currently unknown buried archaeological remains present on the site could be mitigated by a suitably worded planning condition.
- **Agricultural Land** - Crest has produced an Agricultural Land Classification Report for the site from Roberts Environmental Ltd. This demonstrates that the site comprises Grade 3b and Grade 4 agricultural land. It does not, therefore, contain and 'Best and Most Versatile Agricultural Land'.

The site is, therefore, in a wholly sustainable, suitable location for housing, there are no unsurmountable constraints to development and the scale of development proposed can be accommodated on the site and in the village.

Achievability

There is a realistic prospect of housing being delivered on the whole site within five years.

Crest has acquired the site, having secured approval of Reserved Matters consent for 38 dwellings for the northern parcel of the site in August 2023, which is subsequently being built out, with construction starting on site in January 2024.

Crest has entered into initial pre-application discussions with the District Council in March 2024 in relation to its emerging proposals for the residential development of the proposed allocation on the southern parcel of the site.

Crest is in the process of preparing a planning application for the proposed allocation ready for submission to the District Council, as soon as possible, demonstrating its commitment to delivering housing at the site at the earliest possible occasion.

As set out above, there are no significant site constraints that might prevent development or make the development unviable.

Therefore, the development of the entire site is viable and can deliver housing within the next 5 years.

For the reasons set out above, the entire site is available, suitable, and achievable and is, therefore, deliverable.

Other Benefits

The land would provide a valuable source of housing on non-Green Belt land and its allocation in the Local Plan Review would generate a wide range of benefits including:

- the delivery of open market and affordable dwellings, boosting the supply in an area where there is a significant housing need;
- the provision of additional new housing in a sustainable location accessible to a range of local services in the village;
- the provision of housing, including accessible and adaptable housing and single storey living accommodation, suitable for the elderly;
- the delivery of a range of housing, including family housing of different sizes and tenures, supporting a more balanced age profile for the village;
- views to Kinver Edge and Holy Austin Rock being appropriately maintained within a high quality design;
- green infrastructure, including creation of formal and informal open spaces, wildlife habitats and the retention of the existing public right of way in a green corridor;
- a commitment to achieving net gains for biodiversity on site;
- a commitment to exploring opportunities to improve the operation of the Potters Cross junction and/or increase sustainable travel to school in the village;
- job creation (on site, during the construction period);
- the generation of additional population in the village resulting in:
 - increased local spend which would support the vitality and viability of local services and facilities in the village;
 - a more sustainable, vital and cohesive community in accordance with paragraph 83 of the NPPF;
 - additions to the local employment pool, assisting with economic growth;
 - the generation of additional Council Tax and new homes bonus; and

- greater contributions to local infrastructure through appropriate site specific planning obligations.

In the light of the above, Crest fully supports the allocation of the land south of White Hill, Kinver for housing development.

Other Development Management Policies

Crest also has comments on the soundness of the following draft development management policies:

- **HC1 - Housing Mix** – The draft Policy seeks to increase the supply of 2 & 3 bedroom homes and states that major housing development sites “*must*” include a minimum of 70% of properties with 3 bedrooms or less. Crest is supports the principle of providing an appropriate range and choice of homes to meet the needs of the local area. However, Policy HC1, as worded, is inflexible (i.e. may fail to reflect changing needs over time or the specific needs of smaller sub-areas of the District) and could impact on the delivery of much needed homes (i.e. risks being in-effective and constraining housing delivery contrary to national policy). Policy HC1 should, therefore, be amended to state that major developments “*should*” provide a minimum of 70% of properties with three bedrooms or less, unless an alternative housing mix can be justified by other more up to date evidence of need, for example, evidence of current market demand and more up to date local needs assessments.

The section of Policy HC1 which states that development which fails to make efficient use of land by providing a ‘disproportionate’ amount of large 4+ bed houses is ambiguous (i.e. it is unclear how a decision maker should react to development proposals and what might be considered disproportionate). This section of Policy HC1 should, therefore, be deleted.

- **Policy HC2 Housing Density** – It is unclear whether the requirement for a minimum density of 35dph applies to allocated sites adjoining non-Tier 1 settlements. The Policy should be amended to provide greater clarity to the applicant and decision-makers.

The NPPF sets out guidance surrounding density standards at paragraph 128, and notes that “*Planning policies and decisions should support development that makes efficient use of land*” when considering several factors, such as:

- identified need and availability of land;
- local market conditions and viability;
- availability and capacity of infrastructure and services;
- desire to maintain an areas prevailing character and setting; and
- the importance of securing well-designed, attractive and healthy places.

The draft Policy appears to set a single minimum density for the majority of housing developments planned to come forward across the District. Having regard to the factors set out in national policy, this is unlikely to be appropriate and the policy should be amended

to allow greater flexibility to reflect a range of other factors including market, viability, accessibility and character.

- **Policy HC3 Affordable Housing** – This policy proposes to require all major developments to provide 30% affordable housing, broken down by tenure as 25% First Homes, 50% Social Rent and 25% Shared Ownership. However, paragraph 3.2.2 and 3.2.3 of the Council's Viability Study (2022) indicates that 30% affordable housing "*may be challenging to achieve in some circumstances.*" The NPPF is clear that policies setting out the levels and types of affordable housing should not undermine the deliverability of the plan. Whilst it is anticipated that 30% affordable housing would be viable at Crest's site in Kinver, a 'blanket' requirement for 30% would not appear to be justified having regard to the Council's own evidence, nor be consistent with the NPPF.
- **Policy HC4 Housing for Older People** – This policy requires all major housing developments to demonstrate how proposals clearly contribute to meeting the needs of older and other people with specialist requirements. It states that it will expect bungalows, other age restricted single storey accommodation, sheltered / retirement living, and extra care / housing with care and other supported living to be provided as part of the wider mix on site. Policy HC4 is vague, it is unclear how it would be applied by a decision-maker in the consideration of individual applications for planning permission. This fails to comply with part d) of paragraph 16 of the NPPF and requires clarification to avoid situations where the ambiguity in policy leads to delays in delivery of much needed homes.

The policy also states that all major development will be required to ensure that 100% of market and affordable housing meets M4(2) standards. The Council has carried out its own assessment of 'need' for accessible and adaptable dwellings. Its assessment appears to suggest that there is a District-wide need for 3,978 accessible and adaptable dwellings to 2040. Crest is not, therefore, convinced that a requirement for 100% of dwellings to comply with M4(2) standards is justified having regard to national policy and guidance.

- **Policy HC8 Self-build and Custom Housebuilding** – This policy requires major development to have regard to the need on the Council's Self-build Register and make provision of self and custom build plots to reflect this.

It may be appropriate for a policy to encourage self and custom-build development on housing sites. However, it is not considered appropriate to require major developments to provide for self-builders. There is no legislative requirement, nor does national planning policy stipulate that housebuilders must provide / give over plots for custom housebuilding. Indeed, legislation and policy states that it is incumbent on local authorities, to ensure that it grants sufficient planning permissions to meet the identified demand for this type of housing. The NPPG encourages rather than requires Council's to engage with developers about the contribution their schemes might be able to make towards the supply of self and custom build plots. On this basis, this element of the policy is unsound and should be deleted. It should be noted that whilst the Council's Self Build Register is not available to the public, paragraph 7.20 of the Publication Draft Plan states that, at February 2024, there

were only a total of 36 entries on the SCB Register.

- **Policy HC10 Design Requirements** – The proposed wording of this policy appears to seek to give the guidance in the South Staffordshire Design Guide SPD and other guidance documents the same weight as Development Plan Policy. This is clearly inappropriate as the NPPF confirms that whilst supplementary planning documents are capable of being a material consideration in planning decisions, they *“are not part of the development plan”*. The wording of HC10 should be amended accordingly.
- **Policy HC12 Space about dwellings and internal space standards** - This policy requires all new residential developments to meet or exceed the Government’s Technical Housing Standards Nationally Described Space Standard (NDSS). National policy requires that local policies may only make use of the Nationally Described Space Standards (NDSS) where *“the need an internal space standard can be justified”*. The NPPG sets out that *“where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing”* (ID: 56-020-20150327). The Council’s evidence is set out in Internal Space Standards Topic Paper (2022) and the more recent Internal Space Standards Topic Paper (2024) which does not provide any update on the 2022 version. This simply assesses whether properties in the Borough have historically been built to NDSS standards. It does not provide any evidence of the need for NDSS to apply in the Borough and the reasons why houses in the Borough need to be bigger. There is also a risk that an inflexible approach to the adoption of NDSS could have the unintended consequence of impacting on affordability and fails to recognise that well-designed dwellings below the NDSS can provide good homes and affordable options. This element of the policy is unjustified and unsound and should be deleted.
- **HC13 Parking standards** – Appendix H sets out a requirement for 1 fast EV charge socket per house with on plot parking and 1 fast EV charge socket per for flats and apartments with allocated and unallocated spaces. Crest supports the provision of electric vehicle charging points, in principle, but believes that the references to EV charging in Appendix H of the Local Plan should be deleted. This is because Part S of the Building Regulations now set out the national requirements for the provision of EV charging infrastructure in new developments. There is no need to repeat these and no justification to go beyond the national requirements set out in Building Regulations.
- **Policy HC14 Health Infrastructure, HC15 Education and HC18 Sports Facilities and Playing Pitches** – Relate to developer contributions. These policies should make specific reference to the CIL Regulation 122 tests for planning obligations to ensure that any requests for financial contributions towards health, education and sports infrastructure are appropriately justified, lawful and comply with national policy.
- **Policy HC17 Open Space** – This policy should be amended should allow for equipped play provision off site in circumstances where there is existing public open space or play facilities available on **public** open space within walking distance of the site that would

benefit from either: i) new equipped play provision; or ii) the expansion and/or improvement of existing play equipment through financial contributions.

- **Policy EC12 Sustainable Transport** – Policy EC12 is poorly worded and does not appear to be consistent with the NPPF. In particular, the Policy should be amended to recognise that the opportunities to maximise sustainable transport will vary between urban and rural areas. The Policy should also be amended to make it clear that only *“significant impacts”* should be mitigated to an acceptable degree in accordance with Paragraph 114 of the NPPF. The requirement for a Transport Statement is also inconsistent with Paragraph 117 of the NPPF which states that transport statements are only required where developments will generate significant amounts of movement. The Policy should be amended accordingly. The Policy proposes to require proposals to adhere to the standards within LTN120. However, LTN1/20 is a guidance document not policy. Rigid application of LTN1/20 as policy rather than guidance is inflexible and inappropriate and could impact on the delivery of much needed housing in the District. Policy EC12 should, therefore, be amended to encourage compliance with LTN1/20 where possible. Part D of draft Policy EC12 is poorly worded and inconsistent with the NPPF which simply states that rights of way should be protected and enhanced. The wording should be amended to provide clarity and consistency with national policy.
- **Policy NB1 Protecting, enhancing and expanding natural assets** – The draft policy is inconsistent with national policy. For example, the proposed test for development proposals which directly or indirectly affect nationally designated sites, including SSSIs, where the policy is inconsistent with Paragraph 186 of the NPPF. The policy should be amended accordingly.
- **Policy NB2 Biodiversity** – Crest supports the principle of biodiversity net gain. However, the draft Policy wording relating to site specific enhancements is unclear. Furthermore, the reference to *“all development must provide a minimum of 10% biodiversity net gain”* is unnecessary, given that this is now set out in the Environment Act Legislation and accompanying national guidance. Indeed, the PPG is clear that plan-makers *“do not need to include policies which duplicate provisions of the statutory framework.”* The second part of Policy NB2 which relates to biodiversity net gain should, therefore, be deleted. The PPG goes on to make it clear that it will be inappropriate for plans to include policies or guidance which are incompatible with the statutory framework. In this case the draft wording of Policy NB2 includes inconsistencies with the statutory framework, for example, the reference to habitats being secured in perpetuity. This is inconsistent with the statutory framework and should be deleted.
- **Policy NB4 Landscape Character** – The wording of this policy is inconsistent with that contained in NPPF which specifically talks about *“protecting and enhancing valued landscapes”* (our emphasis). It does not talk about maintaining and enhancing landscapes in general. The reference to ‘protecting and retaining’ *“all trees, woodland and hedgerows”* is also unjustified and inconsistent with national policy and guidance. The wording of this

policy should be amended or the relevant sections deleted to ensure consistency with national policy.

- **Policy NB6A Net Zero New Build Residential Development (Operational Energy) -**

The Council proposes to require schemes to achieve net zero regulated and unregulated carbon emissions and set reductions in carbon emissions through energy efficiency measures and renewable energy which go beyond current Part L Building Regulations (2021 edition incorporating 2023 amendments).

A Written Ministerial Statement (WMS), published in December 2023, confirms that the Government does not expect plan-makers to set energy efficiency standards for buildings that go beyond current or planned building regulations and states that these should be "*rejected at examination*" if they do not have well-reasoned and robustly costed rationale that ensures that development remains viable.

The Council has appointed Bioregional to provide evidence in support of Policy NB6A. This suggests that the proposed target of a 63% reduction on the Part L 2021 TER (regulated carbon emissions) under Part A2 of Policy NB6A is comparable with the emerging requirements under the Future Homes Standards which are set to come into force in 2025.

The Council's evidence indicates that the proposed net zero carbon policy requirements in Policy NB6A would equate to a 7.2% build cost uplift compared to Part L 2013 or a 2.6-2.9% uplift against Part L 2021.

The Council's Viability Study (2022) indicates that an assumed cost uplift of 4.74% for flats and 7% for houses has been applied to allow for additional costs associated with sustainable construction measures. However, the 'Appraisal Summaries' at Appendix II of the Viability Study only appear to have allowed for 5.7% build cost uplift for all site typologies considered. It is also important to note that since the Viability Study was prepared in 2022 build costs have continued to increase. It has not, therefore, been robustly demonstrated that the proposals to require carbon emission reductions through energy efficiency measures beyond those in Building Regulations would not impact on viability, housing supply and affordability. The policy is not, therefore, justified and should be deleted.

Notwithstanding the above, the wording of Part A1 and A2 of Policy NB6A is also inflexible and does not allow for a scenario where it can be demonstrated that meeting the standards specified is not technically feasible or viable in accordance with the requirements of the WMS. If this policy is to be retained, then the wording of Part A1 and A2 requires amendment to provide the necessary flexibility.

Part A4 of Policy NB6A requires offsetting where net zero carbon emissions (regulated and unregulated) cannot be achieved through on-site measures. However, it is not clear whether the costs associated with 'offsetting' have been factored into the Council's Viability Study (i.e. if the requirement for offsetting is appropriately justified). The evidence prepared

by Bioregional simply suggests that offsetting does not need to be considered in viability assessments because the price is equal to the cost of on-site measures and so does not represent an additional cost to the developer. However, no evidence is provided to back up this statement. There is, therefore, in Crest's view a risk that Part A4 of Policy NB6A could undermine the delivery of housing in the District. In the absence of appropriate justification, this element of Policy NB6A should be deleted.

Notwithstanding the above, the policy does not set out how offsetting contributions would be calculated and how contributions would be used, instead deferring to Paragraph 13.11 of the supporting text. If the requirement for offsetting is to be retained this should be set out in the Policy itself.

The wording of Part A4 of Policy NB6 is also currently insufficiently flexible (i.e. does not allow for scenarios where full offsetting is not financially viable). If the requirement for offsetting is to be retained, the Policy should be amended to allow carbon emissions to be offset to the greatest extent that is viable.

Part A5 of Policy NB6A requires an "*assured performance method*" to be implemented throughout all phases of construction. However, there is no definition in either the draft Policy or the supporting text over what is meant by this. This requires clarification to ensure that the policy is clearly written and unambiguous in accordance with Paragraph 16 of the NPPF.

Part A7 of the draft policy states that large scale development (over 50 homes) should monitor and report total energy use and renewable energy values on an annual basis for 5 years from first occupation. This part of the Policy would appear to be unduly onerous and entirely unrealistic, and should be removed in its entirety. Indeed, a number of issues associated with post occupancy monitoring are identified in the Council's own evidence prepared by Bioregional (see page 73 of the main report).

- **Policy NB6C Embodied Carbon and Waste** – Policy NB6C part C1. Refers to 'embodied carbon' but then encourages developers to use the RICS 'Whole Life Carbon Assessment'. AES Sustainability Consultants has advised Crest that this should be amended to clarify the requirements of the policy as embodied carbon and whole life carbon are two different analysis (whole life carbon accounts for both operational energy and water calculations, embodied carbon does not).

The Council proposes in part C2. of the policy that developers must limit embodied carbon to a specific quantum for development over 50 dwellings. It is not clear how the the limit of 550 kg CO₂ / m² GIA is justified as there is no reference to this figure in the original Bioregional Report. Whilst the Bioregional Addendum Report suggests that achieving embodied carbon limit of 550k CO₂ / m² GIA ought to be 'cost-neutral' it does not appear to provide any evidence to back up this statement. Crest is, therefore, concerned that the proposed embodied carbon target is not justified and that there is a risk that the proposed embodied carbon target could impact on the delivery of housing and plan viability.

The Policy is also inflexible (i.e. does not allow for scenarios where achieving the embodied carbon target is not feasible or financially viable). The Policy should be amended to provide flexibility in the event that achieving the proposed standard is not feasible or financially viable.

- **Policy NB8 Protection and Enhancement of the Historic Environment and Heritage Assets** – The wording of this policy is inconsistent with that contained in paragraph 206 of the NPPF which specifically talks about any harm or loss to the significance of a designated heritage asset should require clear and convincing justification. As such, the policy should be amended accordingly.
- **General** - The words “*Development proposals should be consistent with other Local Plan policies.*” are included at the end of the majority of the draft policies. The requirement for proposals to be assessed having regard to the relevant policies contained in the Development Plan is set out in law. There is, therefore, no need for the inclusion of such wording at the end of each policy. This wording should, therefore, be removed.

Summary

For the reasons set out above, the site represents a suitable site for residential development in the village of Kinver that is available and achievable and is, therefore, deliverable in accordance with the NPPF. Crest is, therefore, fully supportive of the allocation of site 274 for a minimum of 120 dwellings under Policy SA3.

Notwithstanding the above, Crest has identified issues with the soundness of a number of the proposed Development Management Policies and has offered views on modifications required in order to make the Plan sound.

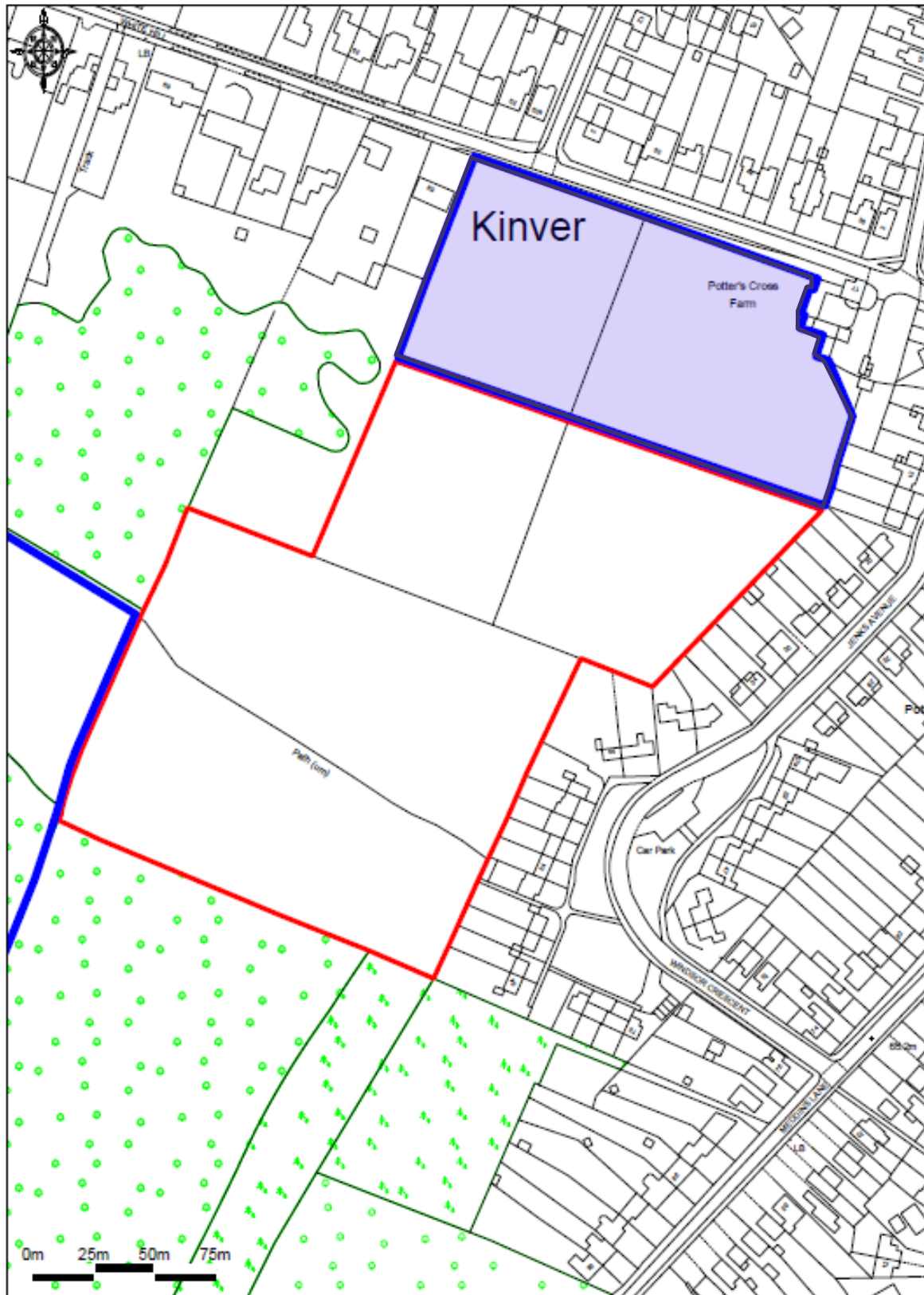
We trust that the responses above will be taken as Crest’s formal representations to the Regulation 19 consultation. However, should Officers or the Inspector require any further information at this stage please do not hesitate to contact me on the details below.

Yours sincerely



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For and on behalf of Avison Young (UK) Limited

Appendix 1 - Site Location Plan



Appendix 2 - Trebor Developments Illustrative Masterplan



Appendix 3 – Crest Draft Illustrative Masterplan (May 2024)

