



Local Plan
Publication Stage
Representation Form

Ref:

(For
official
use only)

Name of the Local Plan to which this representation relates:

South Staffordshire Council
Local Plan 2023 - 2041

Please return to South Staffordshire Council by 12 noon Friday 31 May 2024

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal
Details*

2. Agent's Details (if
applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	Mr	Mr
First Name	Niall	Stuart
Last Name	Beattie	Crossen
Job Title (where relevant)		Principal Planner
Organisation (where relevant)	Trine Developments Ltd	Cerda Planning
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Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	Please see attached	Policy	Please see attached	Policies Map	
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached response. Overall the plan is considered to be legally compliant and could be made sound with the modifications set out in the attached response.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.



Please see attached response

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Given comments made within these representations it is considered that these are most appropriately heard and considered with oral evidence. Given their land interest at the Land North of Penkridge Strategic Allocation, Trine Developments Ltd wish to reserve their right to participate in the hearing sessions.



Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at [Data Protection \(Strategic Planning\) | South Staffordshire District Council \(sstaffs.gov.uk\)](#)

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX



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23 May 2024

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Dear Sir/Madam

**South Staffordshire Local Plan Review (2023 – 2041): Publication Plan Consultation (April-May 2024)
Land north of Penkridge, on behalf of Trine Developments Limited**

Introduction

Cerda Planning Ltd has received instructions from Trine Developments Ltd (hereafter referred to as “Trine”) to prepare representations for the South Staffordshire Local Plan Review Publication Plan (Regulation 19) consultation. Trine has an interest in the land situated Land North of Penkridge, Stafford Road, (SHELAA 2021 Ref. 420) which we will refer to as site 420. This site is located immediately adjacent to the north of the settlement boundary.

The Council temporarily suspended work on the Emerging Local Plan Review from January to July 2023. This pause was prompted by proposed Government revisions to the National Planning Policy Framework (NPPF), details of which were published in December 2022. The revised NPPF was published in December 2023. The Council states that delay had significant implications for the Local Plan. Firstly, the Plan period had to be extended to 2041 to accord with the NPPF minimum period from adoption, necessitating updates to several evidence base documents. Secondly, there arose a need to conduct a further Regulation 19 consultation.

These representations follow those made at the superseded Regulation 19 (Publication) stage (November – December 2021) and to some degree repeat points made at these earlier stages. Nevertheless, for completeness, the Regulation 19 (December 2022) representations are appended to this submission.

The representations are made within the context of the requirement for Local Plans to be both legally compliant and sound. The tests of soundness are outlined in paragraph 35 of the Framework and are unchanged from the previous version of the NPPF. In summary, a Plan will be considered sound if it adheres to the following criteria:

- 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 (such as those with the Black Country), 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.

We consider that the principle of the residential allocation of Strategic development location: Land North of Penkridge under Policy SA4 within the Publication Plan (Regulation 19 consultation) of the South Staffordshire Local Plan (2018- 2040) to be sound – positively prepared, justified, effective and consistent with national policy.

Site 420 forms a minor but important and entirely appropriate part of the proposed allocation which will contribute materially to the Local Planning Authority's housing land supply, and which will support an overall conclusion that the Plan is sound. However, we have some minor points in response to a number of the policies and supporting text of the plan.

In terms of the format of these representations, these are split into various sections which consider the following main issues:

- Site location and context;
- Framework Changes: Exceptional Circumstances and Green Belt Review;
- Housing Need;
- The Spatial Strategy;
- The Site Allocation Policy;
- Other Policies;
- Conclusion.

The following documents are attached as appendices to this representation:

- Regulation 19 representations (December 2022)

Executive Summary

The significant issue of unmet need within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) poses a significant challenge for the Housing Market Area (HMA) authorities. Only very limited progress towards solving the issue has been made to date and there have been several backward steps since the last regulation 19 consultation. The collapse of the Black Country Plan in 2022 and the emerging unmet need position arising in Birmingham City to 2042 continues to compound the problem further.

The South Staffordshire Plan previously proposed a contribution to the unmet need based on a need identified in 2018, although we agree that this level no longer represents an appropriate one on which to base a contribution, we consider that evidence exists to demonstrate the need for a greater contribution and to grow proportionately in line with the growing GBBCHMA as a minimum. There is, accordingly, a need for this Plan to play its part in addressing this growing unmet need through the allocation of more homes. The spatial strategy as presented now only releases Green Belt for houses in suitable Tier 1 settlements. 80% of South Staffordshire is in the Green Belt and is the second highest percentage of any Green Belt constituency in England.¹

We assert that site 420, situated to the north of Penkridge, stands as the most suitable location within this settlement for delivering growth. Its location near to Penkridge centre benefits both our site and Penkridge as a whole, as it will support the existing services and facilities of Penkridge to the benefit of the local community, providing homes to the local supply whilst also helping to make a significant wider contribution to the needs for growth in South Staffordshire over the next plan period.

Site Location and Context

The application site comprises land located on the eastern side of Stafford Road on the northern edge of Penkridge. The site is rectangular in shape and has an agricultural land classification for the site of Grade 3 (good to moderate). To the southwest boundary of the site lies existing residential development and to the rear of the site runs the River Penk. The site is located outside of the Green Belt.

Beyond the rear boundary of the site is a medium and high risk flood zone which has been omitted from the site boundary.

The site area covers approximately 1.18 hectares (excluding any high risk flood zone).

Penkridge is identified in the Core Strategy, Policy CP1 as a Main Service Village, and will be the main focus for housing growth, employment development and service provision. Whilst the site lies outside of the village boundary, the site is situated within close proximity to the settlement to benefit from ready access to a range of existing facilities and services. Indeed, the site is on a main road opposite new housing development and adjoining the boundary to a current undetermined application for houses and in this context the development boundary is not clear, leaving our site isolated.

¹ Commons Library Research Briefing, 15 December 2023

Framework Changes: Exceptional Circumstances and Green Belt Review

South Staffordshire considers that the Framework Changes are relevant to the change in strategy which underpins its current regulation 19 plan, which was originally developed against the previous version of the NPPF and followed a different strategy. The key Framework changes are found in the following paragraphs:

144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;*
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- c) show what the consequences of the proposal would be for sustainable development;*
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and*
- e) show how the Green Belt would meet the other objectives of the Framework.*

145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies, including neighbourhood plans.

The South Staffordshire Green Belt Exceptional Circumstances Topic Paper April 2024 (GBECT) reports in paragraph 2.4 that “the NPPF now clarifies that there is no requirement for authorities to review or amend their Green Belt, and it is within authorities’ gift to do so where they can evidence and justify exceptional circumstances.”

The Council had chosen to pause plan making and now consider that half of the allocations in the 2022 regulation 19 plan are underpinned by out-of-date evidence so have been removed. Notwithstanding this position the LPA do rely on the evidence to justify exceptional circumstances for releasing some Tier 1 area Green Belt land which we fully support. This new “publication plan sets out a revised strategy”² and our site now forms a limited number of sites which are to be released from the Greenbelt.

² South Staffordshire Cabinet Report 7th March 2024

Housing Need

The regulation 18 Publication Plan consultation occurred in November/December 2022 and focused on planning for approximately 10,000 homes. This included a 4,000-home contribution to address the unmet needs of the broader GBBCHMA, within which South Staffordshire is situated. Notably, this 4,000-home contribution was directly influenced by the recommendations outlined in the 2018 Strategic Growth Study.

Both the regulation 18 and previous 19 versions of the plan made it clear that the 4,000 homes contribution was set in 2018 based on the findings of the jointly (all GBBCHMA authorities) commissioned GBBCHMA Growth Study (2018) which identified across the HMA:

- to 2031, a minimum shortfall of some 28,000 homes and a maximum shortfall of 69,000.
- to 2036, a minimum shortfall of some of 61,000 homes and a maximum of some 116,000.

Consequently, South Staffordshire's proposed 4,000 home contribution set in 2018 represented:

- a 5.8% contribution to the HMA wide shortfall based on the 'worst case' shortfall scenario to 2031; and a 3.5% contribution to the HMA wide shortfall based on the 'worst case' shortfall scenario to 2036

Applying the standard method to the previous regulation 19 plan, South Staffordshire's housing need for the 2022-2039 period was set at 4,097 dwellings. Completions in the district since the start (2018-2022) of the previous plan period totalled 992 dwellings. In addition, a contribution of 4,000 dwellings was included towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) within which South Staffordshire is located. The total number of dwellings proposed was therefore 9,089 over the plan period.

Policy DS4 of the 2024 regulation 19 Local Plan aims to facilitate the delivery of a minimum of 4,726 homes during the plan period from 2023 to 2041. This quantity aligns with the District's proposed housing target, but includes a significantly reduced contribution to the GBBCHMA. Specifically:

1. District Housing Need:
 - The district's future housing need is calculated at 4,086 dwellings across the entire plan period.
 - This calculation is based on the government's standard method.
2. Contributions and Flexibility:
 - In addition to meeting the district's own needs, the Local Plan allocates 640 homes to address the unmet needs of the GBBCHMA, a reduction of 3,360 previously allocated.
 - Furthermore, the Plan is to 'ensure' flexibility by providing approximately 10% additional homes beyond the minimum requirement.

Green Belt release is now focussed on a limited release around the Tier One settlements of Penkridge, Codsall/Bilbrook and Cheslyn Hay/ Great Wyrley. The justification is that they have access to the most services and facilities and can achieve higher density development.

The draft plan acknowledges that one of its key roles is to assist in meeting the significant unmet needs (para 5.8) of the GBBCHMA, in particular arising from Birmingham City and the Black Country Authorities. However, this plan now significantly reduces the contribution to the GBBCHMA established unmet need, after a period where the figure has continued to rise.

In terms of housing, this means that the Council will still meet its own needs based on the Standard Method calculation, but with a significantly reduced contribution from 4000 to just 640 dwellings toward the unmet needs of the wider Housing Market Area.

The revised spatial strategy significantly reduces proposed Green Belt release. It restricts such release to suitable sites within the District's Tier 1 settlements—those the Council argue have the greatest access to services and facilities, all within walking distance of a train station. The Council argue that the approach has shifted from finding sites to meet a top-down target (combining own needs with the 4,000-home contribution) to maximising all suitable non-Green Belt sites.

We are aware that evidence exists of a growing unmet housing need and this strategy has the potential to delay the adoption of a sound plan which is a risk to this new strategy.

Spatial Strategy

The GBECT in considering Exceptional Circumstances also considers the Housing Strategy Options and sets out its preferred approach now to be Spatial Option I - a capacity-led approach focusing growth to sustainable non-Green Belt sites and limited Green Belt development in Tier 1 settlements well served by public transport.

The LPA has chosen to move away from an infrastructure-led spatial housing strategy to a capacity led spatial housing strategy. The move between spatial options G to I results in very little change in the overall performance in the SA. However, considering the small change it should also be noted that there the overall difference between the two options is neutral.

Policy EC11 'Infrastructure' this policy of the Plan is to establish suitable and balanced infrastructure for implementing the proposed development. This infrastructure aims to address the day-to-day requirements of local residents effectively. The sustainability appraisal correctly suggests that "Whilst the LPR policies seek to maintain and enhance local services and facilities as far as possible, these policies would not be expected to fully mitigate the restricted access to local facilities for some areas, particularly those in lower-tier settlements".

The planning practice guidance states “Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure”³

For Penkridge the approach changes little from the previous regulation 19 plan. The concept of the preparation of strategic master plans and the preparation of the indicative concept plans to support the plan for key strategic sites within the District is certainly supported in principle. Paragraph 6.6 notes that the concept master plans have been prepared in collaboration with the site promoters, stakeholders and infrastructure providers. It is envisaged that these plans will form the basis for more comprehensive masterplans and design codes that will be required as part of the planning process, prepared in collaboration with the council and local communities.

Policy DS5 – The Spatial Strategy to 2041 for Tier 1 Settlements, including Penkridge states “These settlements hold a wider range of services and facilities and have access to key rail corridors into the adjacent towns and cities upon which the district relies for its higher order services and employment. The sustainable growth of these larger rural settlements will be delivered through appropriate allocations made in the Local Plan, consisting of sustainable and deliverable non Green Belt land and suitable Green Belt site allocations.”

Policy MA1 – Masterplanning Strategic Sites

The concept of preparing strategic master plans and indicative concept plans to support the development of key strategic sites within the District is fundamentally endorsed. In Paragraph 6.6, it is highlighted that the concept master plans have been collaboratively developed with site promoters, stakeholders, and infrastructure providers. These plans are envisioned to serve as the foundation for more comprehensive masterplans and design codes, which will be essential during the planning process. The collaborative effort involves both the council and local communities.

However, delays in adopting a plan in the context of a growing housing crisis means that there has been considerable delay and most of the allocation adjoining our site is now subject of an outline planning application which effectively masterplans much of the SA2 allocation.

Because of the delays it now seems likely that a decision will be made on the planning application before any masterplanning can be concluded and a positive decision would dictate how the remaining space will be developed.

Paragraph three of the policy states “Where applications have been submitted to the council prior to the adoption of this Plan, a Strategic Master Plan should be agreed with the council prior to or as part of the grant of planning permission” unfortunately this wording encourages larger landowners of strategic allocations to submit planning applications without the collaboration this policy seeks, because it

³ Paragraph: 001 Reference ID: 61-001-20190315, Revision date: 15 03 2019

enables any larger land owners/promoters to bypass an engagement process with other landowners/promoters, speeding up the decision making and ensuring they can optimise their layouts.

Site Allocation Policy

Policy SA2 – Strategic development location: Land North of Penkridge

As promoters of Site 420, we support the principle of the site being put forward as a positive allocation of land for housing as part of the proposed strategic allocation of Land North of Penkridge.

Generally, the policy requirements do not take account of the different land ownership interests. Trine holds a smaller parcel of land in the allocation and has not been part of any masterplanning to date. Most of the allocation is already subject of a live planning application which if approved would dictate development on our parcel and would render much of this policy redundant. A planning decision could be made before the plan is adopted.

Part b) Whilst we do not object to the principle of a requirement for a Community Hub within the development, evidence of the need for such uses must be presented for that requirement to be justified, with the Council also considering what the impact on existing facilities would be if infrastructure of that kind is to be delivered on site. Site 420 is only around 500m from the centre of Penkridge, most existing housing in Penkridge are further than this from the centre. The Chartered Institution of Highways and Transportation (CIHT) state that “about 80 per cent of journeys shorter than 1 mile are made wholly on foot”⁴ All of SA2 is within a mile of the services and facilities of Penkridge. If this requirement is retained, the policy should be updated to give specific guidance in relation to the floorspaces and use classes being sought, so that the policy requirement is clearly written and unambiguous in accordance with NPPF paragraph 16d.

Part f) of the policy requires “High quality active travel links through and beyond the site, including a north south cycle link through the development and into the existing village centre and rail facilities to the south” Trine hold no interests beyond their site boundary, so would be unable to deliver any requirements beyond their boundary unless the Council has control such land or there are other willing land owners, in which case the plan should include details of a scheme and set out the mechanism for the delivery of it.

Part g) requires a riverside linear community park on the land identified to the east of the site. The area next to the River Penk is prone to flooding which reduces the developable area of our site and likely affects all of the east areas next to the Penk, which might mean residents cannot rely on the green areas for amenity provision. Additionally, the river Penk has high biodiversity and ecological value and existing

⁴ CIHT Planning for Walking April 2015

policy requirements to protect and enhance existing habitats and to help avoid human disturbance might conflict with this policy.

Part k) Reference to Areas of Outstanding Natural Beauty now need to be updated to the new designation Natural Landscapes.

Other Policies

Policy HC1 Housing Mix

“Sites of less than 10 dwellings should provide a mixture of property sizes and reflect the need identified in the council’s latest Housing Market Assessment, where consistent with other local plan policies.” This stipulation could cause issues for applications on smaller plots within larger allocations which are masterplanned, there might be instances where application of this policy might mean development of smaller parcels do not integrate with the wider allocation already subject to planning approval. The policy should offer more flexibility and exclude sites which are strategic allocations and are subject to masterplanning.

Policy EC8 Retail

The provision of retail for SA2 could undermine this policy. The services and facilities of Penkrige are within a mile of the allocation and any new provision may detract from the village centre undermining its function to serve the village.

Conclusions

We support the importance that Tier 1 settlements have in the Councils strategy which recognises that they are sustainable locations capable of accommodating and delivering a large amount of growth over the plan period. We have some concern about the delays caused by the change in strategy which required this additional regulation 19 consultation and that there is a risk that these changes could lead to further delay at examination if challenged and if subject to major modifications in relation to the wider HMA housing need, similar to the issues found during the examination of Shropshire’s plan which is still ongoing after 3 years.

The delays have meant that the Local Planning Authority has now received a live planning application for much of their SA2 allocation which could have an impact on masterplanning and might shape other smaller parcels within the allocation which misses the collaborative approach the Local Planning Authority were originally keen to deliver, highlighting the risk of plan adoption delay to strategies.

Some modifications are proposed to avoid any unexpected consequences which might impact on existing services and facilities in Penkrige, and which could have consequences to ecology.

We would very much like to engage with the Council and stakeholders going forward and would like to make a positive contribution to the future development of Penkrige, ensuring that it continues to play an important part of the future sympathetic growth of settlements within South Staffordshire.

Yours faithfully

Cerda Planning Limited