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South Staffordshire Council

Local Plans Team

Council Offices

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Our Ref: ALP/SDL/GW/SITE730/Pub/2

29 May 2024

Dear Sirs

South Staffordshire Local Plan Review – Publication Plan (Regulation 19)

BSA Environmental Ltd: Site 730 Former Fishers Farm Garden Centre and Builders Supplies, Upper Landywood Lane, Great Wyrley

1.0 Site 730

- 1.1 Our client owns this site and fully supports the allocation of its site for housing, for the reasons stated in the Plan and the associated evidence base.
- 1.2 Phase 1 geo-environmental; ecological; and landscape assessments have already been undertaken, along with a feasibility layout for 10 dwellings (Appendix A) and it is confirmed that there are no overriding constraints to prevent the early development of this site, which is in an accessible location and represents sustainable development opportunity for a small house-builder.
- 1.3 In the circumstances, we can confirm that this brownfield Site 730 is eminently suitable, available and capable of delivering new homes in the first part of the Plan period.

2.0 Other Policy Representations

2.1 Notwithstanding the above support, our client has concerns about policies HC14 and NBA6 of the plan that are considered inappropriate and which could impact upon viability

Policy HC14 Health Infrastructure

2.2 Health Infrastructure is rightly funded through the NHS and we are concerned that the requirements for potential financial contributions to the Integrated Care Board represents nothing more than another 'roof tax' on new housing.

2.3 The premise seems to imply that the provision of new homes will inevitably add to demands on Health Infrastructure that are not, or cannot otherwise be funded. It should be noted, however, that the Local Plan allocation is primarily to meet local housing needs. The requirement implies that all the future residents will be new to the area and not already 'in the system', but in reality, the opposite will be true – the majority of occupiers, especially first time buyers and the elderly, are already likely to be living in the area and therefore the new homes will not necessarily create additional pressures on health infrastructure.

2.4 In any event, the NHS already has responsibility to fund and provide care for residents of the development, whether they are already local to the area or not. It is therefore unclear how a developer can legally be required to contribute to the funding of NHS care that is entirely unrelated to the development. This view is supported by recent case law (*R. (on the application of University Hospitals of Leicester NHS Trust v Harborough DC) [2023] EWHC 263 (Admin)*)

2.5 In the circumstances, **we are compelled to object to Policy HC14.**

Policy NB6A Sustainable Construction

2.6 We do not consider that there is a clear and compelling evidence base to require carbon reduction measures over and above those introduced by the Government's recent changes to Building Regulations Part L (mid-2022) and its proposals for the Future Homes Standard (2025). Indeed, a Written Ministerial Statement by the Minister for Housing Planning and Building Safety on 13 December 2023 made it clear

that “the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale”.

2.7 We strongly object to Policy NB6A (A1-A5), which we consider is not justified and which will detrimentally impact on the viability and deliverability of new housing development in the District.

Yours faithfully

Andy Williams

A J Williams Dip TP, MRTPI

Director

Appendix A Indicative Feasibility Layout