

# South Staffordshire Local Plan Review Second Publication Plan (Regulation 19)

Dunston Garden Village

Representations on behalf of BDW Trading Limited

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# 1. Executive Summary

- 1.1. Pegasus Group submitted representations to the first Publication Plan on behalf of the Rigby Estates LLP, promoting Dunston Garden Village (**Appendix 1**). Rigby Estates have recently joined up with BDW Trading Limited (Barratt) who have stewardship of promotion activities for Dunston Garden Village. Pegasus Group are now instructed by Barratt to make representations to the second South Staffordshire Local Plan Review Publication Plan.

## Dunston Garden Village

- 1.2. The vision for Dunston Garden Village is to create **a highly sustainable new community** that delivers:
- A vibrant and accessible community heart with a new train station, alongside retail, entertainment and community uses that create a sense of place;
  - 3,500 new homes within walkable neighbourhoods that make best use of renewable energy and sustainable forms of construction; and,
  - Significant enhanced green infrastructure through the heart of the settlement to provide an attractive setting, health and wellbeing benefits and biodiversity net gain.
- 1.3. The site is eminently deliverable, with multiple road frontages, direct access to the national rail network, and within one ownership.
- 1.4. Moreover, the promotion and delivery of Dunston Garden Village will be coordinated by the Barratt Major Projects division (a specialist master development division within the Barratt Group) whose aim will be to foster comprehensive development of the site through the implementation of:
- Collaborative governance processes (including the set-up of a project governance board that would include the Council as members, if desired);
  - Communications management, PR and the management of all public engagement;
  - Sustained upfront capital investment with the aim of opening up fully de-risked / serviced development phases across the site (thereby accelerating end-use delivery by enabling multiple housebuilders to concurrently deliver phases;)
  - Place-making and design guardianship;
  - The sale of serviced / de-risked land to a combination of Barratt housebuilding divisions and third-party housebuilders (ensuring that the site will accommodate homes of various type, tenure and value to suit all needs);
  - The direct development of non-residential uses and / or the sale of non-residential land to commercial developers; and,
  - Long term stewardship functions (including the formation of a coordinated set of management companies to ensure the whole site is maintained to the highest standards in perpetuity).



- 1.5. The proposals for Dunston Garden Village are set out in the **Promotional Document**. Further details are set out in the **Vision Document**.

## **Unmet Needs of the GBBCHMA**

- 1.6. Our primary concern in relation to second Publication Plan relates to the undisputed fact that there is substantial unmet housing need in the wider Greater Birmingham and Black Country House Market Area (GBBCHMA).
- 1.7. The first Publication Plan proposed to make a 4,000-home contribution towards the unmet needs and included Green Belt release at Tier 1 and Tier 2 settlements and the open countryside. The second Publication Plan proposes to make a 640-home contribution towards those unmet needs and includes Green Belt release at Tier 1 settlements.
- 1.8. The Council's justification for this change in predicated on updates to the National Planning Policy Framework (NPPF) since the first Publication Plan<sup>1</sup>. However, the changes to the NPPF do not negate the previous position that a higher contribution was required for soundness.
- 1.9. The reduction in the contribution towards the unmet housing needs of the GBBCHMA is not informed by agreement with other authorities, or justified, and will not adequately deal with the cross-boundary strategic matter on unmet housing needs. The overall housing requirement, including the contribution towards unmet housing needs, has yet to be demonstrated to be sound.
- 1.10. A higher contribution towards the unmet needs of the GBBCHMA through additional allocations would be a positive approach, justified, and more effective in addressing the cross-boundary issue of unmet housing needs.
- 1.11. Dunston Garden Village could come forward within 10 years of adoption, as set out in the Promotional Document, and continue delivering beyond the plan period. Whilst a large site it has a relative lack of constraints, is within single ownership, and is being promoted by a developer who has specialist knowledge in unlocking large and complex development sites through partnership working, joint ventures and master development.
- 1.12. Allocating the site would be entirely appropriate since Dunston Garden Village is not Green Belt; is underpinned by detailed masterplanning and technical work with rail feasibility evidence confirming that the land being promoted could accommodate a new station; and, is positioned close to, and able to complement, the proposed strategic employment allocation at M6, Junction 13.

## **Longer-Term Growth Aspirations for a New Settlement**

- 1.13. Our other primary concern in relation to the second Publication Plan is the removal of Policy DS6 on the longer-term growth aspirations for a potential new settlement for delivery beyond the plan period within the A449 transport corridor. The Council considered this policy was required for soundness at the time of the first Publication Plan.

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<sup>1</sup> As per NPPF, para 145

- 1.14. The removal of the longer-term growth aspirations for a new settlement is not justified and has yet to be demonstrated to be a sound approach.
- 1.15. Reintroducing Policy DS6 on the longer-term growth aspirations is justified, as is naming Dunston Garden Village as the new settlement within that policy if it is determined that it not required within the plan period.
- 1.16. This would be entirely appropriate since Dunston Garden Village is the only settlement option within the transport corridor which is not located within the Green Belt; where masterplanning and technical work has been progressed; where the UK's largest master developer / developer is in place to lead delivery of the site; and where the site is positioned close to, and able to complement, the proposed strategic employment allocation at M6, Junction 13.

## Structure of Representations

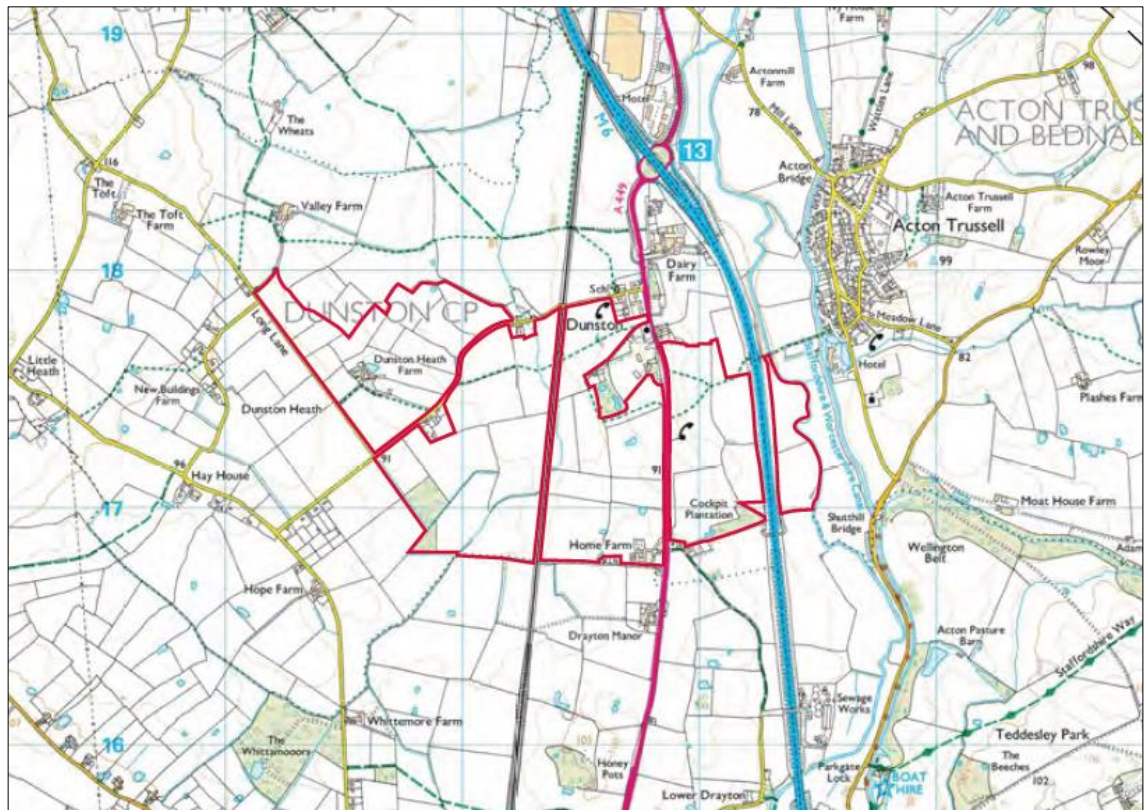
- 1.17. The remainder of these representations are structured as follows:
- **Section 2** provides details of Dunston Garden Village;
  - **Section 3** comments on relevant policies within the Publication Plan and the removal of the policy on longer-term growth aspirations for a potential new settlement; and,
  - **Section 4** provides a summary of the representations and overall conclusions.

## 2. Dunston Garden Village

### The Site

- 2.1. The site is a single landholding, comprising over 160ha of open countryside which abuts the southern and western edge of the settlement of Dunston.

**Figure 2.1 – The Site**



- 2.2. The site is surrounded by open countryside to the north, west and south. To the east of the site is the River Penk and the Staffordshire and Worcestershire Canal. Beyond the eastern boundary is the settlement of Acton Trussell. The south western boundary is comprised of Long Lane and the southern boundary is made up of agricultural field boundaries, Swan Lane and a minor access road. The northern boundary is made up of School Lane and agricultural field boundaries.
- 2.3. This site is made up of undeveloped agricultural land which contains a number of farm buildings located both within the red line boundary of the site and on the edge of the site boundary. The existing development located along School Lane (ribbon residential development and farm buildings), Swan Lane (agricultural buildings) and the A449 (Bovis Homes offices) will be retained and incorporated into the proposed development of the site.
- 2.4. Pothooks Brook runs through the site, starting on the western side of the site and crossing under the West Coast Mainline to the eastern part of the site. There are a small number of existing ponds within the site boundary.

- 2.5. This land holding is dissected by a number of key infrastructure assets, including; the West Coast Mainline, the A449 and the M6 motorway. The West Coast Mainline runs north to south through the site and divides the Garden Village in half. School Lane forms part of the northern boundary of the site with a bridge crossing over the railway line. School Lane then runs in a south westerly direction and runs through the proposed Garden Village area. School Lane is the only existing made road within the site.
- 2.6. The A449 runs parallel with the West Coast Mainline located towards the eastern section of the site. The M6 also runs north to south through the eastern section of the site, resulting in a parcel which is bound by the River Penk and the M6.
- 2.7. The majority of the landholding is located within Flood Zone 1, with the Flood Zone 2 and 3 land located along the West Coast Mainline and to the south of School Lane. There are no Listed Buildings located within the red line boundary.
- 2.8. The site is not located within a Conservation Area or SSSI, but Cannock Chase (a Special Area of Conservation) is located 8km away. The landholding falls within the 15 km zone of influence. Having said that, this applies to the vast majority of land proposed for development within South Staffordshire.
- 2.9. The majority of the site is Grade 3 dairy land, with 47% is Grade 3b, and 33% is within Grade 3a, with much of the remainder in Grade 4 (poor). As such the majority of the site is not the best and most versatile agricultural land (BMV).

## Surroundings

- 2.10. The land is currently designated as open countryside **and is not located within the Green Belt**. This is a significant benefit of the site, considering that **approximately 80% of the district is made up of Green Belt land**.
- 2.11. The landholding is located to the south of the existing village of Dunston, a Tier 4 settlement. The village comprises of a primary school (St Leonard's Church of England First School), Dunston Village Hall, Dunston St Leonard Church, Dunston House and the Bovis Regional Office.
- 2.12. The landholding is positioned immediately south of the strategic employment site at M6, Junction 13, Dunston proposed for allocation under Policy SA5 of the Publication Plan. This is a 17.6ha site allocated for E(g), B2 and B8 use which along with other sites is the primary focus for the district's economic growth.
- 2.13. There are a several Grade II Listed Buildings in the settlement of Dunston including the Grade II Dunston Farmhouse, Grade II Dunston House, Grade II Church of St Leonard, Grade II Former Stable Block. There are also Scheduled Ancient Monuments at Moat House Farm Moated Site, just east of the site beyond the river Penk, and the Hay House Moated site approximately 750m west of the site.





## Accessibility

- 2.14. Dunston is located on the western side of the A449 trunk road, in close proximity to Junction 13 of the M6 motorway and has strong links with the national road network. The A449 is one of the key north / south routes through the district linking to Wolverhampton.
- 2.15. The site is close to three small employment sites to the east, south and north. Furthermore, the site sits immediately south of the proposed strategic employment allocation at Junction 13, M6.
- 2.16. The site is approximately 3km south of the urban area of Stafford and 5 km south of Stafford Town Centre. Stafford offers a range of services and facilities including leisure centres, hotels, casinos, hospitals, colleges as well as a larger range of national supermarkets and other multiple retailers. Stafford Railway Station is approximately 4.5km to the north which offers additional services to London, Manchester, Bristol, Reading and other destinations.
- 2.17. The site is approximately 3.5 km to the south of Penkridge, a Tier 1 settlement, which has a wide retail and employment offer. Penkridge offers a range of services and facilities, including; cafés, pubs, restaurants, take-aways, market, library, sports centre, dentist, doctors' surgery, hotel etc. Penkridge also is well connected in terms of access to rail services. Notwithstanding the presence of these excellent existing local amenities, Dunston Garden Village will be of sufficient scale to support its own local services – which will be delivered to provide both convenient access for residents of the Village and to drive improved placemaking outcomes.
- 2.18. Penkridge rail station is on the Birmingham branch of the West Coast Mainline, with links to Wolverhampton, Birmingham, Stafford, Crewe, Liverpool Lime Street and London Euston. On weekdays, there are two trains per hour southbound and one northbound, with some additional services during the peak hours and an hourly service each way on Sundays.
- 2.19. The site benefits from existing transport links, including bus stops along the A449, which provide hourly services to Wolverhampton, Stafford and Cannock. Dunston Hall bus stop is served by the National Express no 54 which has hourly services to Wolverhampton and Stafford, whilst the Arriva no 75 provides hourly services to Cannock and Stafford.

## The Proposed Development

- 2.20. The Illustrative Masterplan demonstrates what can be achieved within this single, unique, landholding. The quantum of housing and employment provision is being reviewed to take account of discussions with Council about the need for employment uses and is subject to further modelling. There is also potential for further expansion incorporating adjoining landholdings should this be required to meet the needs of the district or the unmet housing needs of the wider area, or to deliver the required level of supporting infrastructure, taking the total number of homes up to 6,000 homes.

**Figure 3.1 – The Illustrative Masterplan**



- **Residential:** developable area of 64.25ha, which could deliver up to 3,000 dwellings at varied densities, with higher density towards the train station and Local Centre and other facilities, and lower densities near the landscape sensitive areas at the rural fringe. The total number of homes could increase to 3,500 if the employment area is removed. A mix of densities will allow for different types of dwellings in term of size and tenure, which in turn will accommodate a variety of households. This will provide a hierarchy of dwellings from large, detached properties with big plots through to smaller terraced forms allowing for a variety in the proposed streetscape as seen within the local area. The homes will prioritise the use of localised district heating, renewable energy and sustainable construction opportunities.
- **Employment:** area of 7.8ha in the south east corner, separate from the main residential area and with direct connection to the A449. If needed, this could complement the proposed strategic employment site at M6, Junction 13 and assist the sustainability of the settlement by offering employment opportunities within the development itself to reduce out commuting. If not needed, the employment area could be removed and replaced with new homes.
- **New railway station:** with two platforms, a shelter and associated parking (measuring 1.5ha). This is proposed at the centre of the site connecting to the West Coast Mainline, between the existing stations at Stafford and Penkridge. This will further enhance the sustainability of the settlement by increasing access for job opportunities for the existing and future residents via sustainable modes of transport. An alternative park and ride facility could also be provided for Stafford station, if Network Rail or other key stakeholders determine that a station here is not practicable.
- **Local Centre:** measuring 2ha is at the heart of the scheme, to serve both the new development and to provide additional community facilities for the area. The Local Centre will provide a range of local services and facilities, which could include shops, restaurants, public house, hairdressers etc., and potentially a GP surgery. A diverse mix of uses will contribute towards making this area an active and vibrant place throughout

the day. It will also ensure that the Garden Village is self-sufficient and reduce residents need to travel to access day to day facilities. The Local Centre is positioned adjacent to the proposed primary school to maximise the use and accessibility of the Local Centre. It has also been positioned along a strategic cycle route, footpath corridor and public transport corridor giving the option for journeys to be made using sustainable modes of transport (walking/cycling) as opposed to by car.

- **Primary School:** Land for a one form entry primary school (measuring 1.5ha) is provided adjacent to the Local Centre at the heart of the site. The location of the primary school, alongside the public transport routes and strategic cycle routes, will ensure there are sustainable transport options for future users. This location also integrates into the northern end of the green wedge that runs through the centre of the site. The school is located within 500m of a large proportion of the proposed residential housing, and directly adjacent to the higher density Local Centre residential area where it is envisaged there will be a higher proportion of homes suitable for young families.
- **Neighbourhood Centres:** Two further Neighbourhood Centres (measuring 2ha combined) are shown to the west of the site at the existing Dunston Heath Farm and to the south along the edge of the A449. The provision of smaller centres will ensure there are local services and facilities within a walkable distance available to all residents within the Garden Village. The southern centre is proposed for roadside type retail and leisure uses (convenience store, coffee shop, public house); whilst the western centre is proposed as a small Business Village type development with Class E uses mixed uses.
- **Access:** The Garden Village has been designed to create a number of key internal access routes through the village. The access routes have been designed to be tree-lined boulevards with concentric design to maximise connectivity/ permeability through the site, which uphold key garden village principles, creating fully walkable neighbourhoods. The principal access routes will be via the existing School Lane which will be upgraded and a new east west route further south connecting both east and west parts of the development of the A449.
- **Open Space:** The masterplan shows the provision of generous areas of open space (over 35ha), which will be mainly located in the centre and east of the site. These areas of public open space will not only serve the development itself, but also the wider community, which would also reduce visitor pressure on the nearby Cannock Chase SAC. As shown in the masterplan, there are areas within the development (to the east of the M6 and to the west of the train line) which could also be used for ecological enhancement or mitigation to ensure significant biodiversity net gain, or for district heating / renewable energy generation.

2.21. Dunston Garden Village has been designed to take into account the areas which are at risk of flooding. As shown in the masterplan, development has been directed away from the areas at highest risk of flooding and no development is proposed within Flood Zone 3. With the inclusion of SUDS and flood risk measures, the site could be developed without causing an increase to the risk of flooding elsewhere and ensure that forthcoming development on site is not at risk of flooding.

2.22. Dunston Garden Village presents a significant opportunity to enhance the biodiversity within the site and provide a greater variety and quality of habitats and wildlife features. An

Ecological Constraints Report has been prepared in support of the site, which is reflected and accounted for in the masterplan. The masterplan highlights the opportunities to enhance biodiversity across the site through the additional planting and woodland management of key wildlife areas and corridors. The site will also create large recreational areas on site, along with pond and swales, other SUDS features woodland planting, scrub and grasslands to enhance wildlife. The site will also provide habitats and wildlife corridors through features such as native hedgerows and wildflower meadows.

- 2.23. The Initial Landscape and Visual Appraisal has been prepared in support of the site. It concludes that although a development of this scale will inevitably have an impact on views, it is not within the Cannock Chase AONB or Green Belt. With the proposed mitigation measures in place, in terms of setting the scheme within a framework of mature trees and woodland, the potential impact on the surrounding landscape character and visual receptors would be reduced. Visually, the site is relatively well contained, with views to the east and south limited. In terms of mitigation, a strong buffer of planting around the site boundaries will limit the effect of the development on the character of the immediate surroundings and on the range of visual receptors. Development is proposed to be set back from boundaries to allow space for a strong tree buffer, that in time will create a good visual screen.

## National Policy on New Settlements

- 2.24. Paragraph 22 of the NPPF represents a clear progression in how national government expect local authorities to consider and plan for new settlements and other larger scale developments across multiple plan periods. It states:

*“Strategic policies should look ahead over a minimum 15 year period from adoption<sup>13</sup>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery<sup>14</sup>.”*

- 2.25. Paragraph 74 of the NPPF goes further to state:

*“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.”*

- 2.26. It then sets out five criteria for large scale developments, which we address in turn:

- a) **Consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains** – Dunston Garden Village proposes a new train station, it positioned within an area where there is economic potential arising from the proposed strategic employment sites particularly at M6, Junction 13 nearby and can deliver significant areas of open space and blue/green corridors which offer real opportunities for environmental gain;

- b) **Ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access** – Dunston Garden Village will be a sustainable community of residential, employment, commercial and community and recreation uses all within walking distance of each other and interlinked, and would have excellent access to the proposed strategic employment site positioned immediately to the north at M6, Junction 13;
- c) **Set clear expectations for quality development and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community** – Dunston Garden Village can uphold Garden City principles as set out in the Vision Document;
- d) **Make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations** – Dunston Garden Village has the ability to start delivering around 10 years after adoption of Local Plan as set out in the Promotional Document, given the single landholding, non-Green Belt status, relative lack of constraints, and the involvement of a master developer with a track record of driving delivery on large schemes such as this.
- e) **Consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size** – this is not applicable to Dunston Garden Village given site’s location outside the Green Belt.

## Garden City Principles

2.27. The Town and Country Planning Association identifies nine Garden City Principles, which are considered below in the context of Dunston Garden Village.

Garden City Principles	Dunston Garden Village
Land value capture for the benefit of the community.	Rigby Estates and Barratt will work with all relevant stakeholders to ensure that land value uplift is distributed in an equitable way and fund new infrastructure including a new rail station, generous areas of open space and primary school.
Strong vision, leadership and community engagement.	<p>Rigby Estates and Barratt have made a genuine commitment to sustainable stewardship to deliver a lasting positive legacy and environmental benefits for the site and local area. They have engaged with various stakeholders in working up the initial proposals, and the local community will be involved as the plan develop.</p> <p>Barratt’s involvement ensures that suitable delivery mechanisms, governance and project management processes are put in place. Their Major Projects Team specialises in unlocking large and complex development sites through partnership working, joint ventures and master development.</p>

	The team focuses on large strategic sites and bring a dedicated master developer service to the landowner.
Community ownership of land and long-term stewardship of assets.	Rigby Estates are a committed long-term landowner, with a genuine commitment to sustainable stewardship to deliver a lasting positive legacy and environmental benefits for the site and local area.
Mixed-tenure homes and housing types that are genuinely affordable.	Dunston Garden Village can provide a mix of homes, including affordable, and the potential for self-build.
A wide range of local jobs in the Garden City within easy commuting distance of homes.	Dunston Garden Village can support jobs on-site once the Local Centre, Neighbourhood Centres, primary school and train station are built, within easy commuting distance of homes.
Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.	The Vision Document clearly sets out the design concept and vision behind Dunston Garden Village, and this will evolve as the proposals develop further and as more detailed technical work is undertaken.
Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.	Dunston Garden Village can include generous areas of open space (over 35ha), which will be mainly located in the centre and east of the site. These areas of public open space will not only serve the development itself, but also the wider community, which would also reduce visitor pressure on the nearby Cannock Chase SAC. It can also include areas for ecological enhancement (to the east of the M6 and to the west of the train line) or mitigation to ensure significant biodiversity net gain, or for district heating / renewable energy generation.
Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods.	Dunston Garden Village can provide a new Local Centre, two new Neighbourhood Centres and a new primary school.
Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.	<p>At Dunston Garden Village it is likely that a large proportion of journeys will be undertaken on foot. The development proposes extensive pedestrian and cycle links, bus services and a new railway station. The scheme also proposes a train station which offers another credible alternative to the car. As such, this development will be a self-sufficient community of walkable neighbourhoods, thus reducing the need to travel by car, whilst electric vehicle charging points will be a priority.</p> <p>The Local Centre is positioned adjacent to the proposed primary school to maximise the use and accessibility of the Local Centre. It has also been positioned along a strategic cycle route, footpath corridor and public transport corridor giving the option for journeys to be made using sustainable modes of transport (walking/cycling) as opposed to by car.</p>

### 3. Comments on Publication Plan

- 3.1. The section provides comments on relevant policies within the Publication Plan as well as the removal of the policy on the longer-term growth aspirations for a new settlement. These comments follow on from, and should be read alongside, those submitted on the first Publication Plan (**Appendix 1**).

#### Development Strategy

##### Policy DS4: Development Needs

- 3.2. The policy says that during the plan period up to 2041, the Council will promote the delivery of a minimum of 4,726 homes over the period 2023–2041 to meet the district’s housing target, whilst providing approximately 10% additional homes to ensure plan flexibility. The policy says that the housing target includes the district’s own housing requirement of 4,086 homes, plus a 640-home contribution towards unmet housing needs of the GBBCHMA.

##### *Housing Needs of the District*

- 3.3. The 4,086 homes for the district are based on the standard method for calculating local housing needs and is the minimum starting point for housing delivery. This is not justified, considering the reasonable alternatives, and based on proportionate evidence<sup>2</sup>.
- 3.4. National policy recognises that there may be exceptional circumstances which justify an alternative approach to assessing housing needs<sup>3</sup>. National policy also recognises that the housing requirement may be higher than the identified housing need if, for example, it reflects growth ambitions linked to economic development or infrastructure investment<sup>4</sup>.
- 3.5. We consider that there are exceptional circumstances which justify an alternative approach to assessing housing needs. The economic prosperity of the district is being guided by the economic growth scenario considered in the South Staffordshire Economic Development Needs Assessment Update (2024) (EDNA). The Publication Plan proposes the allocation of several strategic employment sites to assist with accommodating that growth (Four Ashes, Hilton Cross Business Park, ROF Featherstone, West Midlands Interchange, i54 and M6, Junction 13, Dunston).
- 3.6. The EDNA notes how the number of jobs generated by the growth scenario is significantly higher than the number of jobs generated by the local housing need figure<sup>5</sup>.
- 3.7. The district already has very significant gross commuting flows and we consider these will be exacerbated by the local housing need figure. On this basis, it is justified to align jobs and housing growth which would have a positive effect of reducing commuting flows.

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<sup>2</sup> As per NPPF, 35(b)

<sup>3</sup> As per NPPF, para 61

<sup>4</sup> As per NPPF, para 67

<sup>5</sup> EDNA, para 7.30

*Unmet Needs of the GBBCHMA*

3.8. The 640-home contribution towards the unmet need of the GBBCHMA is predicated on limiting Green Belt release to Tier 1 settlements. The contribution has not been informed by effective joint working on cross-boundary strategic matters and has not been informed by agreements with the GBBCHMA. Furthermore, the contribution is not justified<sup>6</sup>.

3.9. The reason for reducing the contribution is set out in the Duty to Cooperate Topic Paper (2024) which states at paragraph 5.9<sup>7</sup> that:

*"...The Council were previously of the view that the level of growth proposed (incorporating the 4,000 home contribution to HMA unmet need) would be necessary in order to have a sound plan, however proposed changes to the NPPF cast doubt over that assertion. Following publication of the updated NPPF in December 2023 and confirmation that there was no requirement for Green Belt boundaries to be reviewed or changed, and it was within authorities' gift to choose to do so where they could demonstrate exceptional circumstances, led the Council to review its strategic approach."*

3.10. Specifically, the NPPF says at paragraph 145 that:

*"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."*

3.1. In this instance the Council have identified a requirement to review the Green Belt boundaries and have done so in their Green Belt Review 2019. The Council have also chosen to alter the Green Belt boundaries in the Publication Plan as there are exceptional circumstances to do so including assisting with unmet housing needs. The updates to the NPPF do not justify a reduction in the contribution towards unmet needs.

3.2. Another reason for reducing the contribution is set out in the Duty to Cooperate Topic Paper (2024) which states at paragraphs 5.10<sup>8</sup> that:

*"In addition, the Council was also mindful that the delay to plan preparation meant that the Strategic Growth Study (2018) on which the previous 4,000 home contribution was directly informed, was no longer up to date and therefore could not be relied to justify at the strategic level the previously proposed plan target and level of Green Belt release."*

3.3. There is no evidence to suggest that Strategic Growth Study 2018 is no longer up to date, but irrespective, there is still a significant unmet housing need. Evidence points towards a worsening situation in terms of unmet housing needs which have increased, not decreased, since the first Publication Plan including:

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<sup>6</sup> As per NPPF, para 35(a), 35(b) and 35(c)

<sup>7</sup> And repeated in the Spatial Housing Topic Paper (2024) at para 2.4

<sup>8</sup> And repeated in the Spatial Housing Topic Paper (2024) at para 2.5



- Shortfall in Birmingham – 78,415 homes<sup>9</sup>
- Shortfall in Wolverhampton – 11,413 homes to 2042
- Shortfall in Sandwell – 18,606 homes to 2041
- Shortfall in Dudley – 1,078 homes to 2041
- Shortfall in Walsall – updated published figures have not been confirmed albeit previously stood at 8,761 to 2039<sup>10</sup>.

3.4. The 640-home contribution will do little to assist the unmet needs and the reduction in the contribution largely defers the issue to other authorities within the GBBCHMA who are not as far advanced in their plan-making process.

3.5. A higher contribution towards the unmet needs of the GBBCHMA would be a positive approach, justified, and would be more effective in addressing the cross-boundary issue of unmet housing needs. The district is more than capable of making a higher contribution towards the unmet needs of the GBBCHMA through the allocation of additional land in a sustainable manner.

#### *Buffer*

3.6. There is currently a 10% buffer in the supply, whereas the first Publication Plan had a buffer of 13% which was considered necessary for soundness. No justification has been provided for reducing the buffer and we consider that it should at least remain at 13%.

#### *Monitoring*

3.7. This policy should have a clear requirement within it to ensure the Council undertake regular annual monitoring of housing delivery and set out what actions will be taken if housing delivery is slow to progress or drops below a five-year supply, which in our view should trigger a full review of the Local Plan. This will be critical if no further unmet needs from the GBBCHMA are to be met and no additional allocations are made.

## **Omission of Longer-Term Growth Aspirations for a New Settlement**

3.8. Policy DS6 of the first Publication Plan set out the longer-term growth aspirations for a new settlement for delivery beyond the plan period. The Council considered this policy was required for soundness at the time of the first Publication Plan.

3.9. The potential area of search for the new settlement focused on the transport corridor at the A449 and West Coast Mainline between Wolverhampton and Stafford, informed by the findings of the Strategic Growth Study 2018 which clearly points towards two areas of search for a new settlement of 10,000 dwellings or more within the district, around Dunston and

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<sup>9</sup> Duty to Cooperate Topic Paper (2024), para 5.3

<sup>10</sup> Spatial Housing Strategic Topic Paper (2024), Appendix 1, para 4.8

between Wolverhampton and Penkridge<sup>11</sup>. The precise location of the new settlement was to be identified in the subsequent Local Plan review.

- 3.10. The second Publication Plan has removed Policy DS6. The reason for this is set out in the Housing Site Selection Topic Paper (2024) which states at paragraph 5.28.1 that:

*“The preferred spatial strategy does not identify a new settlement as a preferred option to deliver growth. The Council’s previous Regulation 19 consultation identified an area of search for a new settlement to deliver growth beyond the plan period. However, concerns were raised during the consultation over the Plan’s ability to set a direction of growth beyond its plan period. This approach is therefore no longer being pursued.”*

- 3.1. However, it was entirely appropriate for the first Publication Plan to set the direction of growth beyond the plan period. Indeed, that approach is supported by national policy in the context of identifying safeguarded land, where necessary, to meet longer-term development needs stretching well beyond the plan period<sup>12</sup>. It was also entirely appropriate for that growth be directed to the transport corridor given the findings of the Strategic Growth Study 2018. Nothing has changed since the first Publication Plan to indicate that Policy DS6 was unsound.
- 3.2. Irrespective, the topic paper does go on to considers four sites within the broad location of search for the new settlement, as a check on the Council’s preferred approach. The topic paper finds that the settlement options do not perform so well as to change the preferred spatial housing strategy<sup>13</sup>.
- 3.3. However, planning for the longer-term development needs beyond the plan period would not alter the preferred spatial housing strategy for the plan period. Furthermore, the reason for dismissing Dunston Garden Village as a suitable settlement option does not stand up to scrutiny as set out in more detail below.

### **Highways**

- 3.4. The topic paper says that the highways authority has concerns with the settlement options due to the feasibility of establishing multiple accesses and potential impacts on junctions in the surrounding highways network.
- 3.5. However, Dunston Garden Village can be delivered from a highway’s perspective. The scheme provides the opportunity to serve the development via improving the existing School Lane junction with the A449. At this stage, it is considered that the form of the improved junction would be a right turn lane ghost island junction. A second primary access would also be provided to serve the proposed new Garden Village at the A449 located circa 700 metres to the south. At this stage, it is considered that the form of this junction would be a four-arm roundabout.
- 3.6. A new spine road and railway bridge that crosses the West Coast Mainline from the new roundabout junction will be delivered to improve the permeability of the site and create a new source of highway capacity that will serve the west of the site. Dunston Garden Village

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<sup>11</sup> Spatial Housing Strategy Topic paper (2024), para 4.10

<sup>12</sup> NPPF, para 148

<sup>13</sup> Housing Site Selection Topic paper (2024), para 5.28.5

can be accommodated in highways terms and therefore highways should not be reason to disregard this site as a location for future growth.

### **Access to Services**

- 3.7. The topic paper identifies that the settlement options are either not directly adjacent to an existing settlement's higher order services and facilities or have poor access to them.
- 3.8. The proximity of the existing site to existing services and facilities is irrelevant when considering that Dunston Garden Village will deliver a range of new services and facilities on site to create a self-sufficient community. Dunston Garden Village will deliver a potential new railway station, a Local Centre, two Neighbourhood Centres and a primary school.
- 3.9. Furthermore, Dunston Garden Village will sit immediately adjacent to, and can complement, the proposed strategic employment allocation at M6, Junction 13.

### **Rail Opportunity**

- 3.10. Despite their proximity to the West Coast Main Line, the topic paper identifies that none of settlement options are in a location with a recognised rail opportunity, nor have any of the proposals submitted evidence to demonstrate that a new rail link would be feasible within their land control.
- 3.11. However, the Preliminary Technical Review of rail capacity prepared by MDS Transmodal confirms that Dunston Garden Village can deliver a new railway station. The review concludes that a new station, with two platforms and a shelter, could be located anywhere along the section of track within the landholding as it is a straight section of track with sufficient stopping distances in both direction in relation to nearby stations at Stafford and Penkridge. There is spare capacity and the revenue that could be achieved from the additional station would be sufficient to justify its construction and to fund the incremental additional rolling stock.

## **Delivering the Right Homes**

### **Policy HC1: Housing Mix**

- 3.12. The policy states that on major development housing sites (excluding sites exclusively provided for self-build or custom housebuilding), the market housing must include a minimum of 70% of properties with 3 bedrooms or less, with the specific mix breakdown to be determined on a site-by-site basis and reflective of need identified in the council's latest Housing Market Assessment. The policy also states that any development that fails to make efficient use of land by providing a disproportionate amount of large, 4+ bedroom homes compared with local housing need will be refused, in accordance with the requirements of this policy and Policy HC2.
- 3.13. We do not consider that the lack of flexibility in these parts of the policy is justified<sup>14</sup>.

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<sup>14</sup> As per NPPF, para 35(b)

- 3.14. The most suitable and appropriate manner to assess housing mix is by determination of the market at the time of submission of a planning application, rather than at the point of adoption of the Local Plan. Furthermore, needs and demand will vary from area to area and site to site. Indeed, there may be instances when a site is wholly suitable for a different housing mix than currently prescribed by the policy.
- 3.15. It is justified to allow for a level of flexibility within these parts of the policy and to do otherwise could have a knock-on impact on effective housing delivery.

### **Policy HC3: Affordable Housing**

- 3.16. The policy says that the affordable housing contribution should be broken down using the ratio of 25% First Homes, 50% social rent, and 25% shared ownership.
- 3.17. We do not consider that the lack of flexibility within this part of the policy is justified<sup>15</sup>.
- 3.18. Different proportions of social rent and shared ownership should be allowed to come forward, based on the latest evidence of need at the time of making a planning application. The shared ownership definition should also be broadened so that it encapsulated all other affordable routes to home ownership in line with the NPPF definition.
- 3.19. It is justified to allow for a level of flexibility within with part of the policy and to do otherwise could have a knock-on impact on effective housing delivery.

### **Policy HC4: Homes for Older People and Others with Special Housing Requirements**

- 3.20. This policy requires all major developments to ensure 100% of both the market and affordable housing meets the higher access standards Part M4(2) Category 2: Accessible and adaptable dwellings of Building Regulations.
- 3.21. We do not consider that this policy is justified<sup>16</sup>.
- 3.22. Part M4(2) is an optional standard. It is for the Council to demonstrate the need for Part M4(2), with Planning Practice Guidance (PPG) providing details on what factors can be considered<sup>17</sup>.
- 3.23. The Housing Market Assessment Update (2022) identifies a total need of 3,978 units in the district to meet the Part M4(2) standard by 2040. This is split into just over 3,000 in the general housing stock, and almost 1,000 in supported housing. However, this figure does not take account of the accessibility and adaptability of existing housing stock. It is noted in the Homes for Older and Disabled People Topic Paper (2024) that the contribution from the existing housing stock is likely to be very low. However, the topic paper also notes that it is not possible to demonstrate this, owing to the lack of data available.
- 3.24. It is justified to allow for a level of flexibility within the policy and to do otherwise could have a knock-on impact on effective housing delivery.

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<sup>15</sup> As per NPPF, para 35(b)

<sup>16</sup> As per NPPF, para 35(b)

<sup>17</sup> Paragraph: 007 Reference ID: 56-007-20150327

### **Policy HC8: Self-build and Custom Housebuilding**

- 3.25. The policy says that major developments will be required 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, and that the Council may require a design code for development of the plots.
- 3.26. We do not consider that this part of the policy is justified<sup>18</sup>.
- 3.27. The need for self and custom build plots is relatively low<sup>19</sup>. The blanket approach of the policy, which is not necessary owing to the low demand, is likely to frustrate the delivery of regular housing particularly for volume housebuilders whose approach may not always be compatible with self-building. This part of the policy should be removed and instead the Council should consider alternative approaches such as allocations for self and custom build plots or opportunities on public land.

### **Policy HC10: Design Requirements**

- 3.28. Criteria a) of the policy requires development proposals to reflect relevant requirements in the latest South Staffordshire Design Guide SPD, relevant national and local design codes and Conservation Area Management Plans. These documents are material considerations and should, if necessary, be listed as key documents beneath the policy rather than in the policy itself since their content are not being scrutinised as part of this Local Plan process.
- 3.29. Criteria c) requires development proposals to incorporate tree lined streets, particularly along primary highways routes through the site. An element of flexibility needs to be drafted into the wording of the policy to reflect national policy and take account of the fact that there may be specific cases why this would be inappropriate<sup>20</sup>.
- 3.30. Criteria l) requires development proposals to provide a range of house sizes, types and tenures in accordance with Policy HC1. It should be removed to avoid unnecessary duplication of policy requirements that appear elsewhere in the Publication Plan<sup>21</sup>.

### **Policy HC12: Space about Dwellings and Internal Space Standards**

- 3.31. The policy says that all new residential developments must meet or exceed the government's Technical Housing Standards – Nationally Described Space Standard (2015) or subsequent editions.
- 3.32. We do not consider that this policy is justified<sup>22</sup>.
- 3.33. NDSS is an optional standard. It is for the Council to provide justification for requiring the internal space policy, with PPG providing details on what factors should be considered<sup>23</sup>.
- 3.34. The Internal Space Standards Topic Paper (2024) notes that not all property types delivered since the optional standard was introduced meet the standard. This does not

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<sup>18</sup> As per NPPF, para 35(b)

<sup>19</sup> Publication Plan, para 7.20

<sup>20</sup> As per NPPF, para 136, footnote 53

<sup>21</sup> As per NPPF, para 16(f)

<sup>22</sup> As per NPPF, para 35(b)

<sup>23</sup> Paragraph: 020 Reference ID: 56-020-20150327

demonstrate the need for the policy. What it demonstrates is that these property types have been deemed acceptable in the past, all matters considered. The topic paper also notes that Registered Providers have in the past declined invitations to bid for affordable homes, due to their design and lack of sufficient internal space. However, a policy which requires all new homes to meet the standard is not necessary to address that issue, as clearly not all homes in the district will be delivered by Registered Providers.

- 3.35. It is justified to allow for a level of flexibility within the policy and to do otherwise could have a knock-on impact on effective housing delivery.

### **Policy HC18: Sports Facilities and Playing Pitches**

- 3.36. The policy says that all new major residential development will make a contribution towards sports facilities and playing pitches which will be secured through a S106 agreement and informed by the latest Sport Facilities and Playing Pitch Strategies.
- 3.37. We do not consider that this policy is consistent with national policy<sup>24</sup>.
- 3.38. We note that the Future Housing Growth & Playing Pitch Requirements Topic Paper (2024) identifies current and projected shortfalls in provision. However, this may not necessarily be the case in the future, particularly when the shortfalls are minimal for the most part.
- 3.39. We consider that the policy needs rewording so that it requires a contribution only when it is demonstrably necessary, so that it is consistent with national policy and meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

## **Protecting and Enhancing the Natural Environment**

### **Policy NB2: Biodiversity**

- 3.40. The policy says that all new development must provide a minimum of 10% biodiversity net gain. The policy should be reworded so that this is clear which developments are exempt from the requirements, in line with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 3.41. The policy also says that proposals must demonstrate the measurement of biodiversity net gain through the submission of the biodiversity metric. However, the post-development habitat value need only be demonstrated through the biodiversity metric after approval. The policy should be reworded so it is clear what information needs to be submitted and when, in line with the requirement of the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.

## **Monitoring**

- 3.42. The plan says that the main mechanism for reporting monitoring will be via the Authority Monitoring Report (AMR) published annually. We agree that the principal mechanism should be the AMRs. However, we do urge these to be updated in a timely and consistent format

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<sup>24</sup> As per NPPF, para 57 and para 35(d)



each year to allow effective monitoring and the ability to notice trends in certain areas, such as housing delivery.

- 3.43. As noted under our comments to Policy DS4 there must be a policy commitment within the Local Plan to undertake this monitoring in light of the fact that it is no longer a legal requirement for Council's to undertake this.
- 3.44. The plans also says that the monitoring framework will play an integral role in providing an understanding of whether a review of the Local Plan is needed. However, there is a notable omission of any trigger points within the monitoring framework that would prompt the requirement for a Local Plan review. As such, we do consider that the monitoring framework will be ineffective. To address this, the monitoring framework needs to include trigger points for a review of the Local Plan, for example, if housing delivery falls below a certain level.

## 4. Conclusions

4.1. Our conclusions on the soundness of the Publication Plan are summarised as follows.

Local Plan	Sound	Modification Required for Soundness
Policy DS4: Development Needs	The policy is unsound on the basis that it has not been demonstrated that it is positively prepared, justified, or effective, and thereby complies with paragraph 35(a), 35(b), and 35(c) of the NPPF in terms of soundness.	Increase housing requirement to align with economic growth and make a higher contribution towards the unmet needs on the GBCHMA, and include monitoring within the policy.  Allocate Dunston Garden Village as a new settlement allowing it come forward within the plan period and continue to deliver beyond the plan period.
Removal of Longer-Term Growth Aspirations for a New Settlement	The removal of the longer-term growth aspirations for a new settlement is unsound as is has not been demonstrated that it is justified and thereby complies with paragraph 35(b) of the NPPF in terms of soundness.	Reintroduce Policy DS6 naming Dunston Garden Village as the new settlement, if it is determined that it is not required during the plan period.
Policy HC1: Housing Mix	Parts of the policy are unsound on the basis that it has not been demonstrated that they are justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Amendment to policy to allow for a flexible approach to housing mix.
Policy HC3: Affordable Housing	Parts of the policy are unsound on the basis that it has not been demonstrated that they are justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Amendment to policy to allow for a flexible approach to affordable housing tenure (social rent and shared ownership).
Policy HC4: Homes for Older People and Others with Special Housing Requirements	The policy is unsound on the basis that it has not been demonstrated that it is justified and thereby complies with paragraph 35(b) of the NPPF in terms of soundness.	Amendment to policy to allow for a flexible approach to Part M4(2).
Policy HC8: Self-build and Custom Housebuilding	Parts of the policy are unsound on the basis that they have not been demonstrated that they are justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Remove the part of the policy which says that major developments will be required 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.
Policy HC10: Design Requirements	The policy is unsound on the basis that it has not been demonstrated that it is consistent with national policy (para 136 and 16(f) of the	Amendment to policy to be consistent with national policy.



	NPPF) and thereby complies with paragraph 35(d) of the NPPF in terms of soundness.	
Policy HC12: Space about Dwellings and Internal Space Standards	The policy is unsound on the basis that it has not been demonstrated that it is justified and thereby complies with paragraph 35(b) of the NPPF in terms of soundness.	Amendment to policy to allow for a flexible approach to NDSS.
Policy HC18: Sports Facilities and Playing Pitches	The policy is unsound on the basis that it has not been demonstrated that it is consistent with national policy (para 57) and thereby complies with paragraph 35(d) of the NPPF.	Amendment to policy to be consistent with national policy.
Policy NB2: Biodiversity	The policy is unsound on the basis that it has not been demonstrated that it is consistent with the with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, and the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.	Amend policy to be consistent with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, and the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.
Monitoring	Monitoring will not be effective.	Including trigger points for a review of the Local Plan, for example, if housing delivery falls below a certain level.



## **Appendix 1 – Representations submitted on the first Publication Plan**

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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