

30 May 2024



South Staffordshire Council,
Council Offices,
Wolverhampton Road,
Codsall,
South Staffordshire,
WV8 1PX

Jessica Graham
E: jgraham@savills.com
DL: +44 (0) 121 634 8494

55 Colmore Row
Birmingham B3 2AA
T: +44 (0) 121 200 4500
F: +44 (0) 121 633 3666
savills.com

Sent via email only - localplans@sstaffs.gov.uk

Dear Sir / Madam,

**South Staffordshire Local Plan Review – Publication Consultation
Land at Mile Flat, Kingswinford**

On behalf of our client, FGD Limited, we are writing in response to the amended Local Plan Review Regulation 19 Publication consultation in relation to their land interests at Mile Flat, Kingswinford ('the Site').

Site Context

The Site is located off Mile Flat in Wall Heath, Kingswinford and is approximately 33 hectares (83 acres). The Site is in single ownership (FGD Limited) and is currently in agricultural use. As shown on the attached Site Location Plan, the Site is bound by Swindon Road, a Sub Station and Hinksford Caravan Park to the north, Mile Flat, residential dwellings and commercial properties to the east, agricultural land and Greensforge to the south and the Staffordshire Canal to the west.

Our client's land is located within South Staffordshire District ('SSDC') Local Planning Authority (LPA) Area but is immediately adjacent to Dudley Metropolitan Borough Council's (DMBC) LPA area.

The Site has been assessed in the SHELAA 2023 (site reference 577) as 'NCD1' which the Housing Site Selection Topic Paper 2024 states means the site is "potentially suitable for housing but not currently developable because of a policy designation". The supporting table of the SHELAA notes that site 577 is "*potentially suitable but subject to policy constraints – Green Belt & Core Policy 1*". The site assessment summary states "*north eastern corner of the site is directly adjacent the urban edge of the Black Country. Promoter indicates 4ha of employment land could be accommodated on site. Urban edge site modelled at 35 dwellings per hectare.*" We support the positive assessment of the site in the SHELAA.

As a result of the SHELAA 'NCD1' assessment, the Site has also been assessed within Appendix 3 of the Housing Site Selection Topic Paper 2024. Appendix 3 states that the key constraints for the site is against the Education and Landscape criteria. The Site is considered to be too far from primary and secondary education and it is located within an area of High Green Belt harm. In regards to education, the site is of a scale where land for a primary school and / or community facilities could be provided to support residential development on the site and elsewhere in the District / Kingswinford if required.

Although the Site is in an area of 'high' Green Belt harm, all of the land to the west of the Black Country has either been assessed as 'high' or 'very high' and the Site has 'low-moderate' landscape sensitivity. It is considered that suitable Green Belt compensatory and landscape improvements could be provided on the Site if it was allocated for residential and / or employment uses.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.

A subsidiary of Savills plc. Registered in England No. 2605138. Registered office: 33 Margaret Street, London, W1G 0JD



Appendix 3 of the Topic Paper also notes that the “Historic Environment Site Assessment indicates the potential for significant effects that may not be mitigated”. The Publication Plan policy map also now shows Scheduled Ancient Monuments (‘Roman Camps at Greensforge’) immediately adjacent to the southern boundary of site 577. Page 32 of the Historic Environment Site Assessment (‘HESA’) (October 2022) states that “*red direct physical impacts and indirect impacts upon setting are predicted due to the site’s proximity the Scheduled Roman forts to the south, the fact that it is bisected by a Roman road and due to the probable prehistoric and Roman remains which are recorded on the site by the HER*”. The HESA also notes that development in the south of site 577 may not be appropriate immediately adjacent to the SAMs however development in the northern part of the site could be suitable subject to retaining the alignment of the roman road as open space and producing a detailed mitigation strategy. This is noted, however, the HESA is a purely desk based exercise therefore we do not consider that development in the south of the site should be ruled out at this early stage. If the site were to be allocated, further technical work could be undertaken by the landowner to identify the significance of the heritage assets and any mitigation which could be implemented to limit any impact on the assets.

Appendix 2 of the Housing Topic Papers set out that the Highways Authority have no concern with access to the site subject to highway improvements. It is considered that the Site is in an accessible location in close proximity to Wall Heath (0.6 miles) which offers a number of shops and facilities. There are also a number of schools within 1.6km of the Site: St John’s C of E Primary School to the north and Summerhill School and Mitie Within Summerhill School to the south east. There are also existing bus stops on Swindon Road (immediately adjacent) and Enville Road (c. 50m from the Site) to the north of the Site. Both stops serve bus route 16 which offers a frequent service and connects the Site to Stourbridge, Wombourne, Kingswinford and Wolverhampton.

Subject to a sensitive design and proposed mitigation for any potential heritage and landscape impacts, it is considered that the Site is suitable for residential and / or employment uses, is available for development and could be delivered within the next 5 years if required.

Publication Consultation Response

Policy DS4

Draft Policy DS4 states that during the plan period up to 2041, the SSDC will deliver a minimum of 4,726 homes between 2023-2041 with a proposed 640 dwellings contribution towards the unmet housing needs of the Greater Birmingham and Black Country Housing Market Area (‘GBBCHMA’). The proposed planned growth is a significant reduction from the 9,089 dwellings being planned for in the previous Regulation 19 plan (‘2022 Plan’) which included a contribution of 4,000 dwellings. We **object Policy DS4** and the level of housing growth being planned for and the Council’s proposed change in their housing growth strategy for a number of reasons which we have detailed below.

NPPF Amendments

The only justification the Council has provided to support the change in their growth strategy is a result of changes to the NPPF. We disagree with SSDC’s interpretation of the NPPF and their reliance on it to justify the change in approach to growth.

As a result of the proposed changes to the NPPF, in October 2023 SSDC wrote to the GBBCHMA authorities to set out their attention to reduce their contribution towards the shortfall. However, the amendments to paragraph 142 which were originally consultation did not remain in the revised 2023 NPPF and there is now no reference to meeting housing needs. Paragraph 145, of the 2023 NPPF, now states 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.”

We acknowledge that the amended wording allows for authorities to choose whether to review Green Belt boundaries when preparing or updating their Local Plan but there is now no reference to reviews being based on meeting objectively assessed needs and Councils have always had to demonstrate that exceptional circumstances exist. There is nothing in the NPPF which restricts the amount of Green Belt land that can be released. SSDC are still choosing to release Green Belt land for housing so therefore consider that exceptional circumstances exist to release Green Belt. We therefore fundamentally disagree with SSDC's interpretation of the policy and the use of the revised NPPF to justify the change in strategy to reduce Green Belt release and the number of homes being proposed towards the GBBCHMA shortfall. Draft Policy DS4 is not consistent with national policy and the plan is not sound (paragraph 35(d)).

We have provided additional commentary on Green Belt release, and exceptional circumstances, in our separate responses to Draft Policies DS5 and SA3.

Local Housing Need

Notwithstanding the proposed minimal contribution towards the GBBCHMA shortfall (see below comments), Policy DS4 sets out that SSDC are only planning to meet their minimum housing needs.

The NPPF requires plans to be 'prepared positively, in a way that is aspirational but deliverable' (paragraph 16) and sets out the Government's objective to 'significantly' boost the supply of homes (NPPF paragraph 60). Planning for the minimum local housing need is not aspirational and we therefore object to the proposed strategy as it does not accord with national policy (paragraph 35d).

The National Planning Practice Guidance ('PPG') is clear that the standard method provides 'a minimum starting point in determining the number of homes need in an area' (Reference ID: 2a-010-20201216) and 'it does not produce a housing requirement figure' (Reference ID: 2a-002-20190220). The proposed housing requirement does not acknowledge planned infrastructure in the District or the economic aspirations (see further response on this below). We therefore do not support the Council only planning to deliver homes to meet the minimum local housing need.

The policy states there is a 10% buffer but this just comprises the proposed 640 dwelling contribution. This is not considered to provide a sufficient buffer and is reliant on all of the proposed supply (Table 8 in the plan) to be delivered which only amounts to 5,199 dwellings. This is far from aspirational (NPPF paragraph 16).

Contribution Towards Unmet Housing Need

We support the approach of South Staffordshire District Council to provide a contribution towards the unmet housing and employment needs of the GBBCHMA. However, we object to the proposed 640 dwelling contribution for a number of reasons which we have set out below.

The Duty to Cooperate Topic Paper (November 2022), consulted on with the 2022 plan, noted a shortfall of 37,900 homes in Birmingham up to 2031 and 28,239 homes in the Black Country up to 2036. The updated Duty to Cooperate Topic Paper (April 2024) sets out that the GBBCHMA shortfall has increased significantly since the 2022 plan and 4,000 dwelling contribution was consulted on. There is now a shortfall of approximately 78,415 homes in Birmingham, and a combined shortfall within the Black Country Authorities of 30,491 homes, so a total of 108,906 dwellings across the GBBCHMA up to 2042. Despite the evidence demonstrating that the GBHMA shortfall has significantly increased, SSDC have chosen to reduce their contribution by 3,360 dwellings. The plan is therefore not sound because a reduction in housing to support the neighbouring shortfall has not been justified (NPPF paragraph 35).

The NPPF (paragraph 35(a)) states plans are 'sound' "if they are positively prepared by providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development." [Savills emphasis added]. SSDC's 2022 plan and evidence base demonstrated that the district could accommodate 4,000 dwellings towards the GBBCHMA

shortfall. We therefore know that SSDC does have capacity to practically deliver more than 640 dwellings towards the shortfall. The only thing to have changed since this consultation is a revised NPPF which we consider SSDC has interpreted incorrectly. We therefore do not consider that sufficient justification has been provided on how the 640 dwelling contribution has been calculated and that other land within the district, that was previously proposed to be allocated, is now not suitable for development.

Policy DS5

Draft Policy DS5 states that “an integral part of the Strategy will be to ensure that growth is distributed to the district’s most sustainable locations, avoiding a disproportionate level of growth in the district’s less sustainable settlements, whilst also recognising that very limited growth in less sustainable areas may be appropriate in limited circumstances” [Savills emphasis]. Paragraph 5.13 of the draft plan states that as a result of the changes to the NPPF, SSDC has tested further spatial strategy options for the distribution of housing growth across the district. The chosen strategy is Option I which is “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”.

Option I is a new growth option which was not previously consulted on or identified as a preferred option in the 2022 Publication Plan. The 2022 plan proposed a strategy based on Option G which is described in paragraph 5.4.16 of the Sustainability Appraisal (2024) as “Infrastructure-led development with a garden village area of search beyond the Plan period”. The PPG requires a Sustainability Appraisal to “provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of alternatives” (Reference ID: 11-018-20140306). We do not consider that sufficient justification has been provided for not pursuing Option G (or a hybrid of Option G and I) when it was previously assessed by SSDC in 2022 as being the most suitable option (Sustainability Appraisal 2022). From our review, it appears that Option I has been ‘created’ by the Council in order to achieve their interpretation of the amended NPPF 2023 and support the reduction in housing to meet local and wider housing market area needs.

Table 5.7 of the Sustainability Appraisal (2024) compares all of the spatial options assessed. Despite Options G and I scoring the same overall, SSDC have now decided to pursue Option I as it proposes a significantly lower quantum of growth. The Sustainability Appraisal (2024) does not state why Option G is no longer the preferred spatial strategy and the only justification provided to support Option I is that it delivers less housing growth. The NPPF requires plans to be prepared positively (paragraph 16) supported by evidence (paragraph 31). SSDC has produced evidence in order to support their unjustified desire to deliver less housing in the 2024 plan, rather than the evidence informing the strategy and approach to growth as they did for the 2022 plan. The approach to the spatial strategy is not justified and is therefore unsound (NPPF paragraph 35b).

The Sustainability Appraisal and Spatial Option I fails to consider that there are settlements outside of the SSDC, for example the edge of the Black Country, which are far more sustainable than the Tier 1 settlements assessed. Site reference 577, is located immediately adjacent to the urban area of Dudley and is well related to existing development and facilities, with good public transport connections. Site reference 577 is therefore in a highly sustainable location, well-related to the Black Country urban area, and therefore should be considered an appropriate location for development in line with Draft Policy DS5 which seeks to ensure “growth is distributed to the district’s most sustainable locations”.

In order to policies DS4 and DS5 to be sound, SSDC should be planning for additional housing growth to meet a housing requirement above the minimum housing needs and accommodates more than 640 dwellings to address the GBBCHMA shortfall. Site reference 577 is located immediately adjacent to the edge of the black country and is considered a highly sustainable location. Therefore my client’s land should be considered for release from the Green Belt and allocation in the plan.

I trust the above is helpful. Given our objection to Policies DS4 and DS5, I would like to participate in the hearing sessions relating to housing needs and supply.

Yours sincerely

A handwritten signature in black ink, appearing to be "JG", written in a cursive style.

Jessica Graham
Associate

Enc