



## Part B – Please use a separate sheet for each representation

Name or Organisation: JOHN DAVIES FARMS LIMITED

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is:

(1) Legally compliant	Yes	<input 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 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.

The spatial strategy for housing contained within Policy DS5 of the 2022 Publication Plan was refined from that contained in the October 2019 Spatial Housing Strategy and Infrastructure Delivery consultation. One of the key changes between the 2019 and 2022 versions of the Strategy was the removal of small site allocations in Tier 4 villages “as current monitoring information suggests these allocations are not required to meet the national requirement for 10% of housing growth to be delivered on sites of less than 1 hectare” (paragraph 5.19 of the 2022 Publication Plan).

As detailed with the representor’s submissions on the 2022 Publication Plan, this change was considered inappropriate as there is a finite and diminishing supply of brownfield land and windfall sites within settlements (as highlighted in paragraph 5.3 of the 2022 Publication Plan). Whilst the proportion of site allocations of no larger than 1 hectare identified in policies SA1-4 (and detailed in appendices B-D) of the Publication Plan, falls far below 10%.

It is recognised that the proposed provision of homes in the 2024 Plan has been significantly reduced from that included within the 2022 Plan and, as a consequence, the land needed to meet the 10% requirement has also reduced significantly. However, this reduction in provision is considered inappropriate for the reasons provided in the representor’s objections to DS1 and DS4. Nonetheless, the 2024 Plan as drafted still fails to identify sufficient land to meet 10% of its proposed housing provision i.e. 473 homes. The proportion of site



allocations of no larger than 1 hectare identified in policy SA3 (and detailed in appendix C) of the Publication Plan, falls far below this figure.

The Housing Site Selection Topic Paper 2024 states in paragraph 5.18.6 that "Current monitoring evidence ... suggests that the Council can deliver 10% of its housing allocations on small sites in Tier 1-3 villages, without requiring additional allocations in less sustainable Tier 4 settlements". However, development boundaries have been drawn tightly around settlements and it is acknowledged that there is a finite and diminishing supply of brownfield and windfall sites within settlements.

It is evident that the requirement within the NPPF of identifying 10% of housing growth on sites of no larger than one hectare cannot be met and the Plan does not provide strong justification as to why this target cannot be achieved.

Paragraph 69 of the NPPF states that:

"local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved". The 10% requirement is therefore a minimum requirement and, for the Plan to be considered sound, it must plan positively the provision of housing sites of less than one hectare through the allocation of land.

In addition, and significantly, without the provision of allocations in Tier 4 settlements, the Plan also fails to:

- Recognise the sustainability of the Tier 4 settlements;
- Provide the level of growth necessary in Tier 4 settlements to meet the Plan's objectives of providing housing to meet the needs of the district and different groups in the community and protecting and enhancing sustainable village centres (and their services and facilities); and
- Ensure that an appropriate contribution is made towards the unmet needs of the Greater Birmingham Housing Market Area (as detailed in the representor's objection to policy DS4).

In summary, the Plan is considered to be unsound as it fails to meet the development needs of Tier 4 settlements, make an appropriate contribution to the unmet housing needs of the Greater Birmingham Housing Market Area and meet small site housing requirements identified in the NPPF.

(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.



Policy DS5 should be modified to reintroduce small site allocations in Tier 4 settlements.

This modification will help to ensure that the Plan:

- is consistent with national policy by positively planning the provision of sites of no larger than one hectare; and
- makes a more appropriate contribution towards the unmet needs of the Greater Birmingham Housing Market Area (as detailed in the representor's objection to policy DS4).

Significantly, the modification will also ensure that an appropriate level of growth is provided in Tier 4 settlements to meet the Plan's objectives of:

- Meeting the housing needs of the district whilst making a proportionate contribution towards the unmet needs of Greater Birmingham and Black Country Housing Market Area (strategic objective 2);
- providing housing to meet the needs of different groups in the community (strategic objective 3); and
- protecting and enhancing sustainable village centres (strategic objective 8).

The proposed modification to policy DS5 will therefore contribute to the soundness of the Plan by ensuring that it positively plans housing development to meet identified needs and requirements and, as a consequence, is positively prepared, justified, effective and consistent with national policy.

(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:

In order to contribute to discussions on how the Plan may most appropriately plan the provision of small housing sites, meet the development needs of Tier 4 settlements and contribute to the housing needs of the Greater Birmingham Housing Market Area.

***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](mailto:localplans@sstaffs.gov.uk) or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX