

	<p>Local Plan Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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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*

**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.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text" value="Miss"/>
First Name	<input type="text"/>	<input type="text" value="Jessica"/>
Last Name	<input type="text"/>	<input type="text" value="Graham"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Taylor Wimpey UK Limited"/>	<input type="text" value="Savills (UK) Limited"/>
Address Line 1	<input type="text"/>	<input type="text" value="55 Colmore Row"/>
Line 2	<input type="text"/>	<input type="text" value="Birmingham"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="B3 2AA"/>
Telephone Number	<input type="text"/>	<input type="text" value="0121 634 8494"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="jgraham@savills.com"/>



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 Policy Policies Map

4. Do you consider the Local Plan is :

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

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.

Our client **objects** to Draft Policy DS4.

Draft Policy DS4 states that during the plan period up to 2041, South Staffordshire District Council ('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 to 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 related to changes to the NPPF. Paragraph 5.12 of the Publication Plan (April 2024) states that in December 2023, "the updated NPPF was published and confirmed that there is no requirement for Green Belt boundaries to be reviewed or changed when Local Plans are being prepared and that it is within the authorities' gift to choose to review Green Belt boundaries through the Local Plan where they feel that exceptional circumstances for doing so exist and these can be fully evidenced and justified."

Paragraph 5.13 of the Publication Plan states that due to this change in circumstances (*the changes to the NPPF and delay of a 2 year period*) the Council tested further spatial strategy options with different levels of growth, based on a capacity-led approach that further limited Green Belt release compared to other options tested, and with a greater focus on the district's most sustainable locations.



At the time of the 2022 Regulation 19 consultation, paragraph 140 of the July 2021 version of the NPPF stated that “once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans” [Savills emphasis].

Proposed changes to the NPPF were published by the Government in December 2022, and the proposed amended text to paragraph 142 (previous 140) stated “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.” [Underlined text was the proposed amendment].

As a result of the proposed changes to the NPPF, in October 2023 SSDC wrote to the GBBCHMA authorities to set out their intention 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 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 is still choosing to release Green Belt land to meet housing needs, and therefore have accepted that 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 (see our separate response to Draft Policy DS5 and our objections to the capacity-led approach). 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). Nor does it accord with paragraph 31 of the NPPF, which requires account to be taken of market signals.

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 dwellings 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. As noted at paragraph 5.12 of the plan, in the 2022 version, SSDC previously proposed a contribution of 4,000 homes towards meeting the GBBCHMA shortfall which was based on the findings of the GBBCHMA Strategic Growth Study (2018). Paragraph 5.12 of the plan goes on to state that the Council considers this document is no longer up to date and, along with changes to the NPPF (which we have already disputed above), this forms the basis for the Council considering different levels of growth to the 4,000 home contribution previously proposed.

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. Paragraph 5.3 of the 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 provides clear guidance to LPAs for addressing major strategic issues such as a housing shortfall of 100,000 homes. Paragraph 25 states: *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).”* It is considered that a significant reduction in meeting the excessively high housing shortfall is without justification and also an ineffective strategy for addressing a strategic matter.

Furthermore, 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.

In addition to the above, it is also unclear how SSDC’s contribution towards the GBBCHMA shortfall has decreased from the 2022 plan but the contribution towards employment has increased. This is a clear example of an inconsistent approach being taken to plan making. SSDC is now proposing to contribute a 45.2ha of employment land towards unmet need of the Black Country authorities compared to 36.6ha in the 2022 plan. Paragraph 97(e) of the NPPF states that planning policies should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Through increasing the GBBCHMA employment contribution in the plan and reducing the housing contribution, it will lead to unsustainable patterns of travel as a greater number of people have to commute into the



district for employment as SSDC is failing to provide enough homes to meet your economic growth ambitions. The proposed employment and housing needs are therefore not positively prepared or consistent with national policy, which seeks to achieve sustainable development (NPPF paragraph 35(a) and (d)).

It is also worth noting that SSDC were previously vocal in their objection to plans being produced by other GBBCHMA Authorities (e.g. Solihull Metropolitan Borough Council ('SMBC')) where they were only proposing a minimal contribution. Yet they were contributing more than SSDC are now proposing. SSDC went as far as stating in their response to the SMBC Matter 2 (SMBC reference M02-016)¹ that if the "post 2031 shortfalls are not deemed appropriate to enforce at local plan examinations then this will represent a significant backwards step in addressing housing shortfalls across the GBHMA". As we have set out above, SSDC's reduction in their contribution towards the GBBCHMA shortfall is going to further exacerbate the housing shortfall that SSDC were previously advocating needed to be addressed.

SSDC's response to the SMBC Examination Matter 2 then goes on to state that you "don't consider that the Council's [SMBC] capacity-based approach to its housing requirement is justified. It appears that the housing requirement and the contribution to the unmet needs of the housing market area have been determined on the basis of the capacity of the sites allocated through Solihull's site selection process.". This is now exactly what SSDC are proposing to do. We have discussed our objections to SSDC's capacity-led approach in further detail in our response to draft policy DS5.

Land at Cross Green

Land at Cross Green (site references 646a and 646b) was identified in the Preferred Options (November 2021) and the 2022 Publication consultation documents to deliver residential-led growth adjacent to the Black Country in order to assist in meeting wider unmet housing needs from the GBBCHMA. In addition to 1,200 homes, the Cross Green draft allocation (Policy SA2 2022 plan) was proposed to deliver a number of significant benefits which included a community hub/village centre, safeguarded land to deliver a future rail-based park and ride, a new primary/first school and a network of green and blue infrastructure. However, the most significant infrastructure benefit of the Cross Green allocation was a major new access road from the A449 to the ROF Featherstone strategic employment site (Policy SA2 of the 2022 plan).

ROF Featherstone (Site reference E18 in Policy SA5 of the 2024 Plan) is one of the four free standing Strategic Employment Allocations in the District. ROF Featherstone is allocated for Class B1 and Class B2 employment use within the Adopted Core Strategy 2012 and had 14ha of available land for general employment use between 2017 – 2028 according to the South Staffordshire Site Allocations Document (SAD) 2018. The Site is expected to deliver a total of 36ha of employment land and is the largest strategic employment allocation in the emerging Local Plan outside of the West Midlands Interchange.

The ROF Featherstone site was first allocated for B1 and B2 employment use in the superseded 1996 Local plan and additional land was allocated in the adopted Core Strategy and Site Allocations Document. The site was also identified as a priority strategic employment site in the Stoke-on-Trent and Staffordshire Enterprise Partnership (S&SLEP). So there has been a longstanding desire by SSDC and the S&SLEP to see employment delivered on the ROF Featherstone site and it is considered to play an important role in delivering employment in the locality. Table I.3.1. of the Sustainability Appraisal (2024) states that ROF Featherstone performs very well, is one of the District's strategic employment sites and as the site was already factored into the supply/demand balance in the EDNA update 2024 it is proposed for re-allocation in the emerging plan.

Upon allocating the ROF Featherstone site, both the Core Strategy and SAD Inspectors noted in their reports that access into the site was the key constraint to its delivery. A review of the

¹ SSDC response to the Solihull Local Plan Examination Matter 2 – M02-016
<https://digital.solihull.gov.uk/LocalPlan/DownloadDoc.ashx?docid=1481785>



potential access options to deliver ROF Featherstone was reviewed in 2017 (Staffordshire County Council Stage 1 Options Assessment Report), there were 9 options assessed and only 2 were considered potentially suitable (Options 7 and 9). Option 7 (through the Cross Green site) was ultimately preferred as Option 9 would impact on heritage assets to the south of ROF Featherstone. Although it has been some time since the study was undertaken, the heritage constraints still apply and therefore Option 7 through the Cross Green site is still the most suitable and only deliverable option.

The access arrangements and permitted access for ROF Featherstone were linked to both the allocation of the Cross Green land for housing and transfer of land to the east of the railway line (also owned by Taylor Wimpey) as part of a wider arrangement. Therefore, the removal of the draft Cross Green allocation means the arrangements between Taylor Wimpey and St Francis Group (landowner of ROF Featherstone) are considerably impacted. TW and StF remain in communication however at present without an arrangement that allows for access to ROF Featherstone, the ability to deliver the approved access to ROF Featherstone is at risk.

SSDC's removal of the draft Cross Green allocation and the evidence base to support the revised plan, make no reference on the ROF Featherstone access being taken through the Cross Green site and the potential implications on the delivery of ROF Featherstone without the access through the Cross Green site. Table I.3.1. of the Sustainability Appraisal (2024) states that "there are no showstoppers precluding the site from development". Appendix A of the Infrastructure Delivery Plan (2024) also makes no reference to the Cross Green site and just states that the ROF Featherstone access road is a baseline infrastructure project and assesses the road as amber meaning "feasibility work ongoing/completed and/or infrastructure identified through current/emerging Local Plan". The NPPF (paragraph 86c) is clear that planning policies should seek to address potential barriers to investment such as inadequate infrastructure. The draft plan is not meeting this requirement.

Taylor Wimpey support the re-allocation of ROF Featherstone as a strategic employment site where the draft allocation on Land at Cross Green is also included to deliver the highways infrastructure and homes to serve the jobs being created. The provision of land to deliver the access to a strategic employment priority site as part of the Cross Green allocation is considered to be sufficient exceptional circumstances needed to justify removal of this land from the Green Belt.

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.

The housing requirement should be increased to provide a buffer to the minimum local housing need and reflect a larger contribution towards unmet needs of the GBBCHMA which is supported by evidence.

Land at Cross Green (site references 646a and 646b) should be re-allocated within the plan. There are exceptional circumstances to release this land from the Green Belt in relation to the delivery of ROF Featherstone and the Brinsford park and ride. Land at Cross Green should be allocated for around 1,200 homes, a community hub, a new primary school, sports pitches, an access road between the A449 and the ROF Featherstone employment site to the east and safeguarded land to deliver a future rail-based park and ride (2 platform station and 500 car parking spaces). As well as delivering a much needed access, the site would deliver a range of other infrastructure and much needed homes to support the excessive housing shortfall in the GBBCHMA.



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:

To provide oral evidence and engage in the Examination discussions on this matter.

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