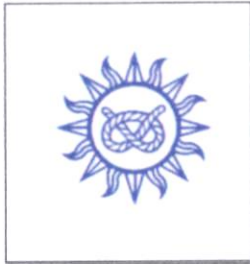




04 JUN 2024

RECEIVED



Local Plan  
Publication Stage  
Representation Form

Ref:

(For  
official  
use only)

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\*

2. Agent's Details (if  
applicable)

\*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.

Title	M.R.	
First Name	KARL	
Last Name	PARKINSON	
Job Title (where relevant)	M.D.	
Organisation (where relevant)	PLAND ESTATES LTD	
Address Line 1	3 Waterfront Business Park	
Line 2	Brierley Hill	
Line 3	West Midlands	
Line 4		
Post Code	DY5 1LX	
Telephone Number	07961 548982	
E-mail Address (where relevant)	Karl@pland-homes	



### 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 checked="" 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 checked="" 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.

PLEASE SEE ENCLOSURES

(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.



PLEASE SEE ENCLOSURES

(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:



**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 \(sstaffs.gov.uk\)](#)

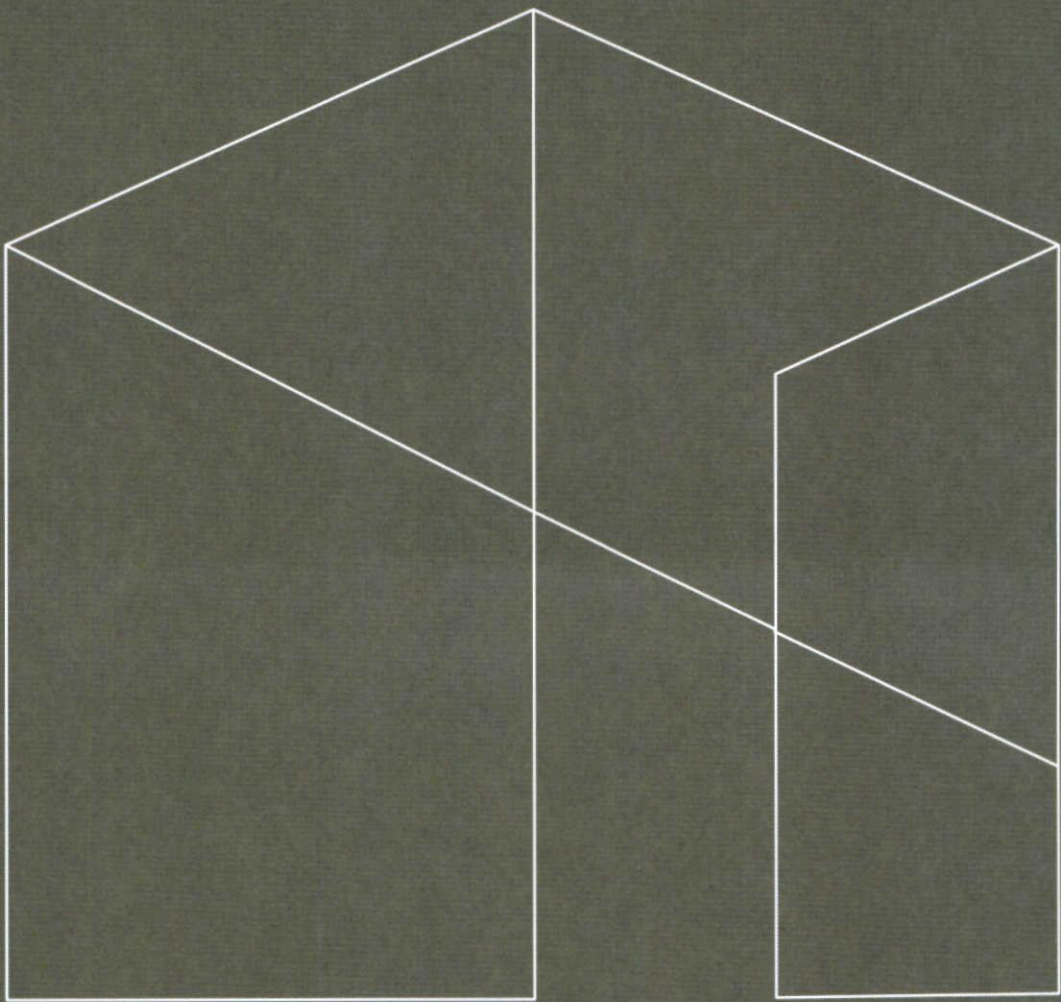
Please return the form via email to [localplans@sstaffs.gov.uk](mailto:localplans@sstaffs.gov.uk) or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

South Staffordshire Local Plan Review

Regulation 19 Consultation May 2024

**Date: 30 May 2024**





## 1.0 Introduction

Pland Estates Limited (PEL) is submitting this representation in response to the South Staffordshire Local Plan Review (LPR) Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) Consultation.

This representation is made in consideration of the following site:

**Land off Moor Lane, Pattingham, South Staffordshire.**

This representation seeks to assist and support positive engagement with South Staffordshire Council, particularly in relation to mutually beneficial opportunities by way of provision of additional residential dwellings including potential for a proportionate number of affordable units in a highly sustainable location.

The site was submitted as part of the previous Preferred Options Consultation November 2021 and at previous Regulation 19 stage December 2022 with the site reference number 255. This representation responds to the LPR Publication Plan (Regulation 19) April 2024 and also considers the following evidence base documents:

- Sustainability Appraisal (October 2022)
- South Staffordshire Green Belt Study (2019), including addendum (2022)
- Green Belt Exceptional Circumstances Topic Paper (2024)
- Housing Site Selection Topic Paper (2024)
- SHELAA (2023)
- Duty to Cooperate Topic Paper (2024)

This representation has been prepared in consideration of the tests of soundness as set out in paragraph 35 National Planning Policy Framework (NPPF), including the requirements for a plan to be:

- a) **Positively prepared** – *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*
- b) **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*
- c) **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*
- d) **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant*

As detailed within this representation, it is considered that the LPR has **not been positively prepared**, is **not justified** and is **not effective**. It is, however, acknowledged that the LPR has been amended to align with updated interpretations of the NPPF December 2023.

This representation has also considered if the Local Plan is either:

1. Legally compliant
2. Sound
3. Complies with the duty to co-operate

It is considered that the LPR is legally compliant and complies with the duty to co-operate to the extent of its interpretation in alignment with the NPPF December 2023. **However, the LPR is not considered to be sound.** Justification of the unsoundness of the plan are detailed within this representation.

## **2.0 The site**

The site lies between Moor Lane and Clive Road to the south of Pattingham as illustrated on the plan below. The site has a total area of 5.09 ha (12.58 acres) and consists of two fields, both currently in agricultural use. The northern parcel (field no. 5564) has an area of 2.4 ha (5.93 acres) and is bounded on its northern and western sides by the housing fronting onto Moor Lane and Clive Road



respectively. To the east, it is bounded by Moor Lane with further housing and Moor Lane Farm beyond whilst to the south it abuts the southern parcel (field no. 5651). The southern parcel, with an area of 2.69 ha (6.64 acres), is more open with other farmland to the south and west and some housing to the east off Clive Road.

Field boundaries are marked by hedgerows and the site is generally level with a gentle rise from the north west to the south east. Access into the site is currently gained from both Moor Lane and Clive Road, although Moor Lane where it abuts the site would need to be improved.



Looking west from Moor Lane across the northern parcel  
Looking east from Clive Road across the southern parcel  
Looking south east from Moor Lane towards the northern parcel (beyond the last

house on the right). The northern parcel was put forward as a potential housing site under the Call for Sites exercise as illustrated on the Pattingham SHLEAA plan below (site no. 255). The accompanying schedule noted that the site was “Potentially suitable but subject to policy constraints - Green Belt”. The site area was given as 2.4 ha (5.93 acres) with an indicative development capacity of 50 dwellings. Whilst shown as lying outside the 2015 development boundary for Pattingham, it can be seen that the development of this parcel would represent a natural ‘rounding off’ of this part of the village. Subsequently, the Preferred Options document, published in November 2021, proposed that part of the northern parcel fronting onto Moor Lane should be allocated for residential development.



### 3.0 South Staffordshire Publication Plan (Regulation 19 consultation) Representation

#### Introduction

This representation responds to the proposed policies in consideration of the requirement to meet the appropriate quantities of the local housing needs, particularly in sustainable locations that respond to the overarching spatial strategy set out in Chapter 4, strategic Objective 3 of the LPR. In order to effectively and efficiently respond to the LPR, any recommended amendments to policies will be clearly set out and highlighted in **bold red**.

#### Plan period 2023 to 2041

Para 1.2 LPR states that the “*plan period for this Local Plan will be 2023-2041, although national policy requires the plan to be reviewed in whole or part every five years*”.

Para 22 NPPF requires strategic policies to “*look ahead over a minimum 15 year period from adoption, 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*” (***emphasis added***).

The spatial strategy, defined by the housing target of 4,726 dwellings (Table 7 LPR), proposes three new major allocations within Tier 1 villages, including at Penkrige (1,109 dwellings as noted in Table 8 LPR), Codsall/Bilbrook (581 dwellings) and Cheslyn Hay/Great Wyrley (154 dwellings). Housing growth in Locality 1 (paras 5.25 to 5.27) notes that “*housing growth in this part of the district will be driven by a large-scale extension in the Open Countryside to the north of Penkrige*”. The proposed development at Penkrige (noted as 1,109 dwellings in Table 8 LPR and 1,029 dwellings at SA2), notwithstanding the inconsistency within the local plan of the number of proposed dwellings at Penkrige, aligns with para 22 NPPF by virtue of proposing a “*large-scale extension*” (para 5.26) which is considered to be a “*significant extension to existing villages*”, in this case, Penkrige. It is therefore considered that policies should be set to look further ahead by at least 30 years, which increases the plan period from 2023-2041 to 2023 to 2053. Otherwise, the local plan is not considered to be compliant with para 22 NPPF.

#### Chapter 4 vision and strategic objectives

This chapter sets out the vision for the district to cover the plan period (2023 to 2041), which equates to 18 years.

Strategic Objective 1 seeks to *“Protect the Green Belt and Open Countryside ensuring that where Green Belt release is proposed **in sustainable locations**, mechanisms are in place to secure compensatory improvements to the environmental quality and accessibility of the remaining Green Belt.”*

Please refer to Appendix D (Review of the Spatial Housing Strategy) of this representation. The Strategic Objective 1 should align with para 147 NPPF, in relation to the prioritisation of locations that are either on previously developed land and/or are well-served by public transport, which generally includes sites adjacent to or within settlements. It is therefore recommended to include “in sustainable locations” to contribute to making the local plan sound.

It is agreed that development proposals that require green belt release have potential for mechanisms to increase environmental quality, including achieving a net gain in biodiversity, as well as have the potential to create pedestrian and/or cycle links to the countryside.

Strategic Objective 2 seeks to *“Meet the housing and employment needs of the district whilst making a proportionate contribution towards the unmet needs of Greater Birmingham and Black Country Housing Market Area and wider Functional Economic Market Area. New housing will be focused on sustainable locations within the district, ~~with a particular focus on the district’s most sustainable Tier 1 settlements~~”.*

Whilst it is acknowledged that the focus on Tier 1 settlements for larger-scale development is likely suitable, it should not be generalised within the Strategic Objective 2, as sustainable locations can vary within Tier 1 settlements (i.e. varying locational distances to bus or railway services) and equally, there are considered to be further sustainable locations in lower Tier settlements. It is therefore recommended to remove the last part of the last sentence to contribute to making the local plan sound.

Para 67 NPPF requires strategic policy-making authorities to “*establish a housing requirement figure for their whole area (...) over the plan period*” and that “*the requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas*”. It is acknowledged that, within the LPR Duty to Co-operate Topic Paper 2024, a Statement of Common Ground (August 2022) is included between local authorities in addressing existing and emerging housing shortfalls within the GBBCHMA. It is expected that an updated Statement of Common Ground will be sought to inform the subsequent Examination in Public, particularly as significant events may have direct implications on housing delivery and unmet needs. This includes:

- Birmingham: Revised timetable for the Local Plan, delaying the preferred options consultation and subsequent publication period, with a projected need of over 7,100 dwellings per annum
- Lichfield: Withdrawal of the Local Plan in October 2023, therefore unlikely to contribute to meeting unmet needs of the GBBCHMA for a considerable amount of time
- Solihull: Significant delays during the Examination in Public of the Local Plan, with the most recent letter from the council (8 May 2024) indicating clarification required in relation to unmet needs arising out of Birmingham of 2,000 homes

The GBBCHMA, comprising all the authorities within, published a position statement in 2020 (third position statement; 3PS), which concluded that the contribution from submitted, examined and adopted local plans is around 8,600 dwellings, which falls short of the unmet needs within the Housing Market Area. The 3PS covered the period between 2011 to 2031, therefore plan periods beyond these years have not been considered. However, the GBBCHMA published an addendum in April 2023, which considered the change in shortfall / surplus by each authority, concluding that there is a residual shortfall of 2,053 dwellings based on a housing need of 207,979 and a supply of 205,926 dwellings.

Appendix 2 of the 3PS Addendum (April 2024) provides a summary of GBBCHMA shortfall and potential contributions, concluding a total shortfall of 106,654 dwellings, also due to the withdrawal of the Black Country Plan and Birmingham’s shortfall of 78,415 dwellings. It further notes that the GBBCHMA councils are able to contribute to unmet needs with 18,181 dwellings.

However, with the reduction of 4,000 (South Staffordshire), 2,105 (Solihull) and 2,655 (Lichfield), the total contributions to meet unmet needs equates to 9,421 dwellings, which is nearly half of the previously proposed contributions.

In light of the majority of the shortfall arising from Birmingham, including the requirement of a 35% urban uplift, it is highly unlikely that the unmet needs within the GBBCHMA can be met in the near future. Therefore, it is considered that the removal of an additional 4,000 dwellings, as proposed in the South Staffordshire Local Plan, does not align with para 26 NPPF which explicitly states that *“joint working should help to determine where (...) development needs that cannot be met wholly within a particular plan area could be met elsewhere”*.

The removal of the contribution of 4,000 dwellings is considered to make the plan unsound, as per the definition of para 35 NPPF, stating that plans should be *“positively prepared”* with a strategy to, as a minimum, *“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”*.

It should be strongly considered that the site west of Moor Lane, Pattingham, which would contribute to the local housing needs by providing ca 80 additional dwellings (at 35dph), is in a **sustainable location, with direct access to public transport** and within walking distance to the **facilities and services** provided within Pattingham, a Tier 3 settlement.

#### Development Needs and Spatial Strategy

Policy DS4 sets out the number of homes to be delivered within the proposed plan period up to 2041, with 4,726 homes to be provided including a 10% flexibility of additional homes. This includes a 640 home contribution towards unmet housing needs of the Greater Birmingham and Black Country Housing Market Area.

Policy DS5 seeks 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”*. This includes a large-scale development at Penkrudge, proposing 1,109 (or 1,029) new dwellings. It is noted that part of the draft allocation, as per detailed permission (ref. 19/00862/REM) for up to

200 dwellings (approved in April 2020) appears to be complete. It is not considered appropriate to include this part of the wider development as a draft allocation, and therefore it is requested that this site, as per planning permission ref. 19/00862/REM for 200 dwellings is removed from the allocation.

It is noted that an outline planning application (ref. 23/01079/OUTMEI) for the delivery of up to 750 homes was submitted in December 2023 and a further outline planning application (ref. 23/01052/OUTMEI) for the delivery of 135 homes was submitted in December 2023, for a total of 885 homes. An outline planning application (ref. 17/00317/OUT) in the southern part of the allocation for 31 dwellings was refused in December 2017. It is noted that the south-eastern part of that site is within flood zones 2 and 3, which would, in addition to requirements such as 10% net gain in biodiversity, provision of open space and ancillary infrastructure, likely reduce the dwelling capacity to ca 20 dwellings.

It is therefore considered that the allocation north of Penkridge should be reduced to 905 dwellings, in line with the two outline applications and the potential for ca 20 dwellings in the southern part of the allocation. Notwithstanding the above reduction, the allocation north of Penkridge is still considered to be a large-scale development, which would need to consider para 22 NPPF in relation to the plan period.

It is considered that the approach to only release Green Belt in or adjacent to Tier 1 settlements is **not justified**, and therefore the site on **land off Moor Lane, Pattingham should be included as a site allocation** due to its sustainable location with direct access to public transport.

#### Policy SA3 Housing Allocations

The Spatial Strategy (policy DS5) includes additional allocations alongside the strategic development locations as set out in policies SA1 and SA2. This includes a number of allocations in Tier 1, 2 and 3 settlements, including Pattingham.

Policy DS5 states that Tier 3 settlements *“hold a smaller range of services and facilities than Tier 1 and 2 settlements and as such are given lesser level of growth. Limited growth in these smaller rural settlements will be delivered through appropriate allocations made in the Local Plan, consisting of suitable and deliverable non-green belt site allocations”*.

The justification for limiting green belt release to Tier 1 settlements is not inherently clear, as the settlement tiers do not directly correlate with the green belt and its five purposes as set out in para 143 NPPF. The key driver to site allocations should be locational sustainability, consideration of potential environmental constraints, deliverability, achievability and suitability. Furthermore, para 148 NPPF states that, “when defining Green Belt boundaries, plans should:

- a) *Ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development (...)*

It is considered that sustainable development is not only achieved at Tier 1 settlements, but can be achieved in sub-Tier 1 settlements, subject to immediate availability of public transport, services and facilities. Furthermore, Pattingham benefits from a greater range of facilities than several other Tier 3 villages such as Coven, Weaton Aston and Swindon. As such, additional allocations in Pattingham will generally be more sustainable than in well served Tier 3 villages and should therefore be allocated additional housing growth.

Spatial Housing Strategy 2023 - 2041		Indicative minimum dwelling numbers 2023-2041 <sup>4</sup>		
Location	Total proportion of housing delivery	Existing planning permissions and allocations	Safeguarded land	New allocations

<b>Tier 3 villages</b>	<b>4.4%</b>	<b>128</b>	<b>100</b>	<b>0</b>
Essington	1.2%	60	0	0
Coven	1.0%	3	48	0
Featherstone	0.8%	8	35	0
Sharehill	0.0%	2	0	0
Wheaton Aston	0.6%	30	0	0
Pattingham	0.5%	9	17	0
Swindon	0.3%	16	0	0