

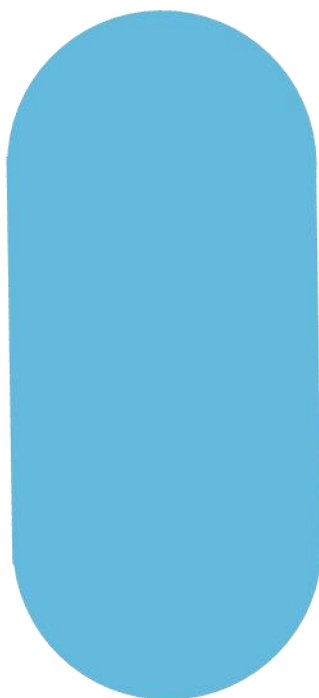
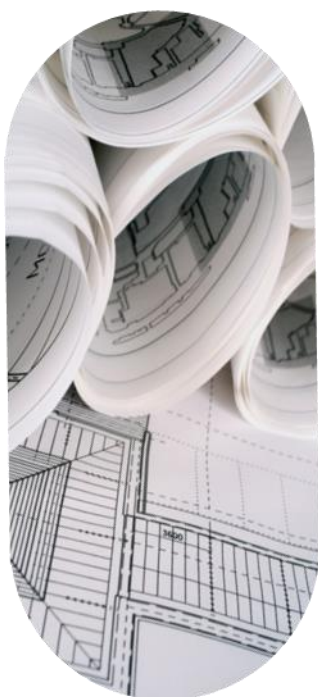


Representations

South Staffordshire Local Plan Review
Publication Plan (Regulation 19) Consultation

L&Q Estates Limited

May 2024





1. The following representations are made in response to the South Staffordshire Local Plan Review (SSLPR) Publication Plan (May 2024) on behalf of L&Q Estates Limited ('L&Q Estates') in respect of their land interest off Bridgnorth Road, Wightwick (SHELAA site reference 260).
2. Representations were made by Marrons on behalf of L&Q Estates to the previous SSLPR Publication Plan consultation in December 2022. Where previous representations made are still relevant to the revised Publication Plan, they are repeated here.
3. These representations should be read alongside the completed Representation Forms and Site Location Plan.

Strategic Policies and Allocations

Policy DS4: Development Needs

4. Draft Policy DS4 details the housing, employment and gypsy and traveller requirements to be delivered in the SSLPR Plan period from 2023 to 2041. An objection to draft Policy DS4 is made on the following grounds:
 - The length of the Plan period;
 - The contribution proposed to be made towards the unmet housing needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), recognising the need for additional unmet housing needs to be dealt with;
 - The omission of a sufficient buffer in housing supply;
 - The inclusion of a high level of commitments within the housing supply without applying a lapse rate to commitments not started; and,
 - The incorporation of a significant windfall allowance within the housing supply without the provision of compelling evidence to justify its inclusion.



5. As drafted, L&Q Estates consider Policy DS4 is not positively prepared, justified, effective nor consistent with national policy and therefore cannot be considered sound in line with the National Planning Policy Framework (NPPF, December 2023)¹.

Plan Period

6. Draft Policy DS4 seeks to plan for South Staffordshire's housing, employment and gypsy and traveller needs to 2041. However, an objection is made to the Plan period running until only 2041, and the related limited requirements set out in draft Policy DS4, with particular reference to housing.
7. The NPPF is clear that strategic policies should look ahead over a minimum of 15 years from adoption (emphasis added)². In order for compliance with the NPPF to be achieved, the SSLPR would need to be adopted by 2026 at the latest. Whilst that may be achievable with a fair wind, it is considered that any delays to the Submission and subsequent Examination of the SSLPR could result in the Plan falling foul of the requirements of the NPPF.
8. Given the NPPF requirement for strategic policies to look ahead 15 years is a minimum expectation, and the potential for a prolonged Examination, given matters such as the Duty to Cooperate which are likely to require significant consideration, the Plan period should be extended until at least 2043.
9. An extension to the Plan period to 2043 would increase the Council's Local Housing Need derived from the Standard Method by an additional 454 dwellings, with the potential for additional contributions required towards the unmet needs of the GBBCHMA too, as explored below.

Unmet Needs of the Greater Birmingham and Black Country Housing Market Area

10. Draft Policy DS4 seeks to include 640 dwellings of unmet needs from the GBBCHMA into the SSLPR Housing Requirement, in recognition of the significant shortfall in supply in Birmingham and the Black Country and the need for neighbouring authorities

¹ Paragraph 35 of the NPPF

² Paragraph 22 of the NPPF



to accommodate additional growth in Local Plans in such circumstances, in order to be considered positively prepared and thus sound³.

11. It is noted that the proposed 640 dwellings contribution to unmet needs of the GBBCHMA is a significant reduction from the 4,000 dwellings contribution proposed in the 2022 version of the SSLPR Publication Plan.
12. Indeed, 4,000 dwellings contribution being made by South Staffordshire to unmet needs of the GBBCHMA was recognised in the now disbanded Black Country Plan Review. The Issues and Options version of the Black Country Plan Review (July 2021) identified a shortfall in housing supply totalling some 28,239 dwellings for the period to 2039. A maximum of 8,000 dwellings in contributions was proposed to be made towards this substantial shortfall by neighbouring authorities, including up to 4,000 from South Staffordshire. Thus, a significant shortfall in housing supply in the Black Country was evident even on the basis on the proposed 4,000 dwellings contribution being made by South Staffordshire, and remains. It is clear that this will require further consideration as each of the four Local Planning Authorities develop their individual Local Plans.
13. This is particularly noteworthy for Wolverhampton, which South Staffordshire directly borders and has a strong economic and functional relationship with, given it is one of the largest 20 urban areas and thus is subject to the 35% uplift in Local Housing Need derived from the Standard Method as set out in National Planning Practice Guidance ('National Guidance')⁴. Reviewing the identified supply for each Local Planning Authority set out in the Black Country Plan Review Issues and Options document indicates that Wolverhampton had the second highest level of projected shortfall in supply compared with need in the Black Country (after Sandwell) at circa 7,000 dwellings shortfall in the period to 2039.
14. City of Wolverhampton Council published their Local Plan Issues and Preferred Options in February 2024. It identifies a need of some 21,720 dwellings in the City to 2042, with the identified supply (including proposed new allocations and density uplifts) falling far short at just 10,307 dwellings. There is therefore an expectation that

³ Paragraph 35 a) of the NPPF

⁴ Paragraph: 004 Reference ID: 2a-004-20201216 of National Guidance



some 11,413 dwellings will be exported through the Duty to Cooperate, and it is a fair assumption that South Staffordshire will need to play a significant role given the strong economic and functional relationship.

15. Further, there are significant unmet needs arising from Birmingham which require attention. Consultation on the Birmingham Local Plan Issues and Options was conducted in October to December 2022. It set out a Local Housing Need derived from the Standard Method for the city in the period 2020 to 2042 of some 149,286 dwellings, with total identified housing supply in the same period of just 70,871 dwellings. This results in a huge shortfall of some 78,415 dwellings to 2042, with no defined contributions to this shortfall made as yet and likely significant difficulty to accommodate these in neighbouring authorities given the existing housing land supply limitations.
16. The Councils' justification in approach to contributions to be made to the GBBCHMA appears to be wholly influenced by the 'capacity-led' approach to the Spatial Strategy which simply seeks to focus growth to non-Green Belt sites and limited Green Belt development in Tier 1 settlements well served by public transport, rather than through due consideration of the level of unmet needs and how these could be accommodated in South Staffordshire. This is wholly inadequate.
17. It is clear that Wolverhampton cannot meet its housing need within its boundaries in a way that is compliant with the policies in the NPPF. There is not voluntary cross border agreement on the level of unmet needs that South Staffordshire are proposing to make provision for, therefore the Council are required to help in ensuring Wolverhampton's overspill is met in full. The low level of overspill that South Staffordshire are proposing to accommodate does not do that.
18. Indeed, the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) – Assessment of Housing Land (December 2023) identifies land which could deliver more than 100,000 new dwellings in South Staffordshire, of which 71,839 dwellings are only considered not currently suitable due to constraints. The constraints for a significant proportion of these sites is the Green Belt, which is a policy designation as opposed to a fundamental environment barrier.



19. On the basis of the above, it is considered that the substantial unmet needs of the GBBCHMA should be addressed. The SSLPR makes a far too limited contribution to the unmet needs of the GBBCHMA, given such unmet needs are so significant and increasing. It is therefore considered the SSLPR must accommodate further growth in order to be considered positively prepared and thus sound at Examination. It is suggested that the starting point should be 4,000 dwellings, aligned with the contribution proposed in the 2022 version of the SSLPR Publication Plan and as recognised by the Black Country authorities, with an appropriate increase to take account of the significant growing unmet needs of the Black Country including specifically Wolverhampton, and substantial unmet needs arising from Birmingham.

Buffer

20. Draft Policy DS4 reports a buffer of approximately 10% in housing supply, providing for 5,199 dwellings in supply as set out in Table 7 against a Housing Requirement of 4,726 dwellings.

21. However, it is considered that a 10% buffer is insufficient to afford the appropriate level of assurance and flexibility in housing supply for the Plan period. Indeed, the proposed buffer has reduced from the 2022 version of the SSLPR Publication Plan which reported a buffer of circa 13%.

22. The Local Plans Expert Group recommended to Government in 2016 that a further allowance should be made, equivalent to 20% of the Housing Requirement, in developable reserve sites to provide extra flexibility to respond to change⁵, with the introduction of the Standard Method for calculating Local Housing Need not invalidating nor inherently taking account of this advice.

23. A 20% buffer would provide flexibility across housing supply to ensure local housing needs can be met even in circumstances where assumed supply does not come forward as anticipated. We consider that it is appropriate to incorporate a buffer into the Housing Requirement, as opposed to being reported on based on the level of identified supply as is the case in the SSLPR Publication document, to ensure this

⁵ [Local-plans-report-to-governement.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/local-plans-report-to-government.pdf)



flexibility is taken into account in determining the most appropriate strategy to meet the level of need.

Commitments

24. Draft Policy DS4 identifies that a significant proportion of the identified housing supply is made up of commitments, i.e. sites with planning permission.
25. We note in the supporting Housing Site Selection Topic Paper (2024) that a significant number of sites with planning permission that have not yet commenced are included in the housing supply, without any account taken of the potential for such planning permissions to lapse if unimplemented. It is considered that a minimum 10% lapse rate should be applied to commitments not started, to ensure the supply is robust.

Windfall Allowance

26. Draft Policy DS4 seeks to incorporate a windfall allowance of 600 dwellings on small sites in the housing supply. This has been carried forward from the 2022 version of the SSLPR Publication Plan, but at an increased proportion of the total housing supply identified; up to 11.5% from 5.8%.
27. Evidence has been provided to seek to justify the windfall allowance in the SHELAA – Assessment of Housing Land, however the NPPF requires compelling evidence that windfall sites will provide a reliable source of supply⁶.
28. We have concerns with the inclusion of any windfall allowance in South Staffordshire. Whilst recent windfall delivery rates may have strong, given the emerging Local Plan Review only seeks to maintain existing policy mechanisms for windfall development, rather than expand the scope for windfall delivery, the ability for windfall delivery rates to persist is queried. Indeed, it is noted that the SHELAA only reports to 2020, with data not available for the intervening period.
29. Further, the Council's supporting SHELAA Assessment of Housing Land is highly detailed and contains a significant number of land holdings, including those small enough to be considered only suitable to deliver a single dwelling. As all sites

⁶ Paragraph 72 of the NPPF



identified in the SHELAA cannot be considered to meet the definition of a windfall site as set out in the NPPF⁷, there is considered to be significantly limited opportunities for windfall development in the District. This is particularly noteworthy in the context of substantial Green Belt coverage in South Staffordshire, tightly drawn Development Boundaries and a policy framework in the emerging SSLPR which seeks to heavily restrict Green Belt and open countryside residential development.

30. As such, we consider the windfall allowance should be removed from the housing supply in draft Policy DS4.

Conclusions on Housing Requirement and Supply

31. Bringing together all of the points above, it is considered that there is likely to be a significant shortfall in housing supply planned for in the draft SSLPR. This is before any additional contributions to the unmet needs of the GBBCHMA over and above the minimum 4,000 dwellings are considered, and without any reductions to the level of commitments is made, both of which are queried in these representations without being quantified. This is also without detailed analysis of carried forward, safeguarded land and proposed new allocations, which could further reduce the level of supply and increase the shortfall. This is illustrated in Table 1 below:

⁷ Glossary of the NPPF



**Table 1: Marrons Assessment of SSLPR
Housing Requirement and Supply**

Housing Requirement	
Standard Method 2023-2043 (20 x 227)	4,450
GBBCHMA Contribution	4,000*
<i>Housing Requirement</i>	<i>8,540</i>
Buffer (20%)	1,708
<i>Housing Requirement including 20% Buffer</i>	<i>10,248</i>
Housing Supply	
Planning Permissions and Carried Forward Allocations	1,070*
Windfall Allowance	0
Safeguarded Land	1,604*
New Allocations	1,925*
<i>Housing Supply</i>	<i>4,599</i>
Balance	5,649 dwellings supply shortfall

32. In conclusion, we consider that the SSLPR Plan period should be extended until at least 2043 to ensure compliance with the NPPF. An increase in the level of contributions being made to the unmet needs of the GBBCHMA is also necessary, to a minimum of 4,000 dwellings as previously set out, recognising the significance of the identified shortfall in supply against need. In addition, a buffer of 20% should be applied to include sufficient flexibility in housing supply. Further, a reduction to the level of commitments through a 10% lapse rate on sites not started should be applied, in addition to the removal of a windfall allowance, to understand the genuine supply and prospects of meeting the Housing Requirement.

33. Considering all of these elements collectively, we identify a significant shortfall in supply as set out in Table 1 above. This should be rectified through the allocation of additional sites, including Land off Bridgnorth Road, Wightwick.



Policy DS5: The Spatial Strategy to 2041

34. Draft Policy DS5 details the Spatial Development Strategy proposed to be adopted by the SSLPR, and sets out the associated Settlement Hierarchy. An objection to draft Policy DS5 is made to the Council's approach to ignoring growth adjacent to the urban edge of Wolverhampton, including in recognition of the SSLPR's contribution to assisting to meet the unmet needs of the GBBCHMA.
35. As drafted, we consider Policy DS5 is not positively prepared, justified, effective nor consistent with national policy and therefore cannot be considered sound in line with the NPPF⁸.
36. The Spatial Strategy takes an inward, narrow view on delivering sustainable development, with a focus on growth of settlements in the District building on existing infrastructure provision and environmental constraints. The Spatial Strategy fails to recognise that there are locations in South Staffordshire on the edge of adjacent urban conurbations which are highly sustainable and will deliver a more appropriate pattern of growth.
37. As set out in draft Policy DS4, the SSLPR is seeking to make a contribution of 640 dwellings to the unmet needs of the GBBCHMA, which we consider to be wholly insufficient. In any case, it would be expected that opportunities to deliver unmet needs would be done so bordering the HMA where such needs have arisen, where suitable sites are available to do so, however the draft SSLPR does not seek to allocate any growth adjacent to the edge of Wolverhampton's administrative boundary.
38. Part of the rationale for the Council's Spatial Strategy approach relies on the most recent revisions to the NPPF. Yet, in essence the approach taken in the NPPF remains unchanged, i.e. that there is no *requirement* to alter Green Belt boundaries but if it is proposed it must be fully justified. We consider that the substantial unmet needs arising from the GBBCHMA represent cogent exceptional circumstances for Green Belt boundary amendments.

⁸ Paragraph 35 of the NPPF



39. A 'policy off' approach to housing land availability assessments for sites within the Green Belt should be undertaken, to ensure a holistic approach to development options that considers a range of factors. This would align with commentary in the South Staffordshire Green Belt Study (July 2019) at Paragraph 7.10 which states:

"Whilst the ideal would be to minimise harm to the Green Belt, it may be that the most sustainable locations for development will result in very high harm to the Green Belt. In each location where alterations to Green Belt boundaries are being considered, planning judgement is required to establish whether the sustainability benefits of Green Belt release and the associated development outweigh the harm to the Green Belt designation".

40. We consider that the importance of delivery of housing adjacent to Wolverhampton should be recognised, and growth be allocated on the edge of Wolverhampton as a consequence. This should include smaller sites which are deliverable in the early part of the SSLPR Plan period, including Land off Bridgnorth Road, Wightwick.

41. This action will help balance housing supply with housing needs, specific to the location in which such needs are arising, and will also help to offset the supply shortfall which we have identified.

Policy SA3: Housing Allocations

42. Draft Policy SA3 sets out the non-strategic housing allocations proposed in the SSLPR. An objection to draft Policy SA3 is made due the omission of Land off Bridgnorth Road, Wightwick as an allocation for housing.

43. As drafted, we consider Policy SA3 is not justified and therefore cannot be considered sound in line with the NPPF⁹.

44. Land off Bridgnorth Road abuts the urban edge of Wolverhampton, with existing residential development to the north, east and south. The site is relatively flat and has no major on-site constraints aside from Green Belt designation, which covers a significant proportion of South Staffordshire in any case.

⁹ Paragraph 35 of the NPPF



45. The site is well placed to access a number of key services and facilities, including Wightwick Hall Secondary School and Sixth Form which is directly adjacent to site and is easily accessible by active travel modes via Bridgnorth Road and Tinacre Hill (circa 500m). Castlecroft Primary School is within 1 mile of the site, and there are a number of Local Centres offering a range of services and facilities within 2 miles of the site. In addition, the site is within 3 miles of Wolverhampton City Centre, accessible by public transport with regular bus services from stops at Bridgnorth Road's junction with Tinacre Hill which are within 300m of the site, with a typical journey time into Wolverhampton City Centre being around 15 minutes.

46. Land off Bridgnorth Road has been assessed in the SHELAA at site reference 260. The assessment of the site is set out in the Housing Site Selection Topic Paper (2024) at Appendix 3.

47. The assessment of Land off Bridgnorth Road is generally positive, recognising the site's location on the western border of the Black Country and the lack of on-site constraints, with County Highways support in principle subject to highway improvements. However, a number of concerns are raised in the assessment of Land off Bridgnorth Road; these are discussed in turn in the following paragraphs of these representations.

Green Belt

48. The assessment of Land off Bridgnorth Road identifies that development would likely have high Green Belt harm.

49. The supporting Green Belt Review (2019 and 2022 Addendum) categorises the site as falling within parcel S59 which measures a total of 487.8ha. Parcel S59 is considered to perform strongly against the Green Belt purposes of checking unrestricted sprawl and safeguarding the countryside from encroachment. Parcel S59 is broken down into sub-parcels, with Land off Bridgnorth Road falling within S59C which measures 143.8ha in total and is also identified as performing strongly against the Green Belt purposes of checking unrestricted sprawl and safeguarding the countryside from encroachment.



50. However, it is considered that an individual assessment of Land off Bridgnorth Road, which measures circa 7.8ha and is thus far less significant in terms of the scale of assessments undertaken in the Green Belt Review in this location, would identify the site as being able to be developed without having a significant impact on the purposes of the Green Belt.
51. With regard to checking unrestricted sprawl, the Green Belt Review assessment of parcel S59C finds that “land is adjacent or close to the large built-up area, contains no or very limited urban development, and has strong openness. It retains a relatively strong relationship with the wider countryside”.
52. Whilst Land off Bridgnorth Road does not contain urban development, aside from the existing dwelling known as Cherringham, it is effectively surrounded by built development to the north, east and south. In turn, the level of openness of Land off Bridgnorth Road is considered to be far more limited than the wider S59C parcel. The same can also be said with regard to the site’s relationship with the urban area which is considered to be far stronger than with the wider countryside. Thus, the contribution of Land off Bridgnorth Road to checking unrestricted sprawl cannot be considered strong, more likely weak or moderate at most.
53. In terms of safeguarding the countryside from encroachment, the Green Belt Review assessment of parcel S59C finds that “land contains the characteristics of open countryside (i.e. an absence of built or otherwise urbanising uses in Green Belt terms) and does not have a stronger relationship with the urban area than with the wider countryside”.
54. Again, whilst Land off Bridgnorth Road does not contain urban development, aside from the existing dwelling known as Cherringham, it is effectively surrounded by built development to the north, east and south. In addition, given the location of the site it is clear that its relationship with the urban area is far stronger than with the wider countryside. Thus, the contribution of Land off Bridgnorth Road to safeguarding the countryside from encroachment also cannot be considered strong, more likely weak or moderate at most.



55. The above assessment of the contribution of Land off Bridgnorth Road to the purposes of the Green Belt, with a comparison to the summary set out in the Green Belt Study assessment of parcel S59C, is set out in Table 2 below:

Table 2: Green Belt Assessment Comparison

<u>Green Belt Purpose</u>	<u>SSLPR Green Belt Study Assessment</u>	<u>Marrons Assessment</u>
P1. Checking the unrestricted sprawl of large built-up areas	Strong	Weak / No Contribution (Moderate at most)
P2 .Preventing the merging of neighbouring towns	Weak / No Contribution	Weak / No Contribution
P3. Safeguarding the countryside from encroachment	Strong	Weak / No Contribution (Moderate at most)
P4. Preserve the setting and special character of historic towns	Weak / No Contribution	Weak / No Contribution
P5. Assist urban regeneration, by encouraging recycling of derelict and other urban land	Strong	Strong

56. On the basis of the above, it is considered that the contribution of Land off Bridgnorth Road to the purposes of the Green Belt is far more limited than the wider assessment of parcels S59 and more specifically S59C. As such, concerns relating to the release of Land off Bridgnorth Road from the Green Belt and allocation for development in the SSLPR are deemed to be unfounded.

Landscape Impact

57. The assessment of Land off Bridgnorth Road identifies that the site is in an area of moderate landscape sensitivity.

58. The supporting Landscape Study (2019 and 2022 Addendum) categorises the site as falling within parcel SL29 which measures a total of 187.1ha. Parcel SL29 is considered to have moderate landscape sensitivity overall, with specific concerns raised in relation to the open land which falls between the southern edge of Perton and Wightwick; this does not include Land off Bridgnorth Road.



59. It is considered that an individual assessment of Land off Bridgnorth Road, which measures circa 7.8ha and is thus far less significant in terms of the scale of assessment undertaken in the Landscape Study, would not raise significant concerns in terms of impact on landscape given the nature of the site and its location. In any case, it is considered any landscape impacts could be sufficiently mitigated through detailed design and masterplanning.

60. On the basis of the above, it is considered that concerns relating to landscape impact with specific reference to Land off Bridgnorth Road are unfounded, and not a constraint that renders the site unsuitable as an allocation for residential development.

Trees

61. The assessment of Land off Bridgnorth Road identifies that the site is separated from the highway by a dense tree belt which is subject to Tree Preservation Orders.

62. Whilst this is accurate, it is important to note that there is an existing access from Bridgnorth Road to serve the existing dwelling known as Cherringham. Further, it is considered that a suitable access to the site could be achieved with minimal impact on the existing tree belt, which would be either entirely or majority retained, with further tree planting able to be made elsewhere in the site to negate for any loss and to assist with the achievement of Biodiversity Net Gain.

63. As such, it is considered that concerns relating to trees are unfounded and not a constraint that render Land off Bridgnorth Road unsuitable as an allocation for residential development.

Conclusion

64. Given the context of a shortfall in housing supply and concerns raised with the Development Strategy as set out in response to draft Policies DS4 and DS5 above, Land off Bridgnorth Road should be allocated in the emerging SSLPR.

65. There are no technical or environmental reasons why Land off Bridgnorth Road cannot be allocated, with the only concerns raised in the assessment of the site in the



Housing Site Selection Topic Paper either considered to be unfounded or able to be dealt with through detailed design and masterplanning.

66. It has been demonstrated that Land off Bridgnorth Road is developable, and the site is easily deliverable within the early part of the SSLPR Plan period. As such, we request the allocation of Land off Bridgnorth Road in draft Policy SA3. An appropriate minimum housing figure would be 125 dwellings.

Detailed Strategic and Non-Strategic Development Management Policies

Policy HC1: Housing Mix

67. Draft Policy HC1 seeks to ensure that residential development proposals contribute towards the provision of mixed, sustainable and inclusive communities.
68. As drafted, Policy HC1 is not justified and therefore cannot be considered sound in line with the NPPF¹⁰.
69. It is recognised that the draft Policy is particularly seeking to increase the stock of 2 and 3 bedroom dwellings in South Staffordshire, however the imposition of a minimum of 70% dwellings with 3 bedrooms or less on new residential development will not deliver mixed, sustainable and inclusive communities. Whilst the policy provides some flexibility recognising that the specific mix breakdown should be determined on a site by site basis, it is considered that such consideration will be limited by the imposition of a minimum 70% requirement for dwellings with 3 bedrooms or less.
70. It is recommended that draft Policy HC1 is amended to remove reference to a minimum requirement for dwellings with 3 bedrooms or less, and to include scenarios where a mix which varies from that desired would be considered acceptable. This should include where updated or area specific market evidence is available, landform, design and local character, density considerations, on-site constraints such as heritage, viability, and market factors.

¹⁰ Paragraph 35 of the NPPF



Policy HC2: Housing Density

71. Draft Policy HC2 seeks to require housing developments achieve a minimum net density of 35 dwellings per net developable hectare on sites within or adjoining Tier 1 settlements and in infill locations within the built-up area of Tier 1-3 settlements across the District.
72. As drafted, Policy HC2 is not justified and therefore cannot be considered sound in line with the NPPF¹¹.
73. Although the draft Policy does seek to provide some flexibility, and whilst it is recognised that the NPPF seeks to make efficient use of land¹², as written draft Policy HC2 is unduly onerous.
74. In some cases, a lower density than 35 dwellings per net developable hectare will be appropriate when considering any on-site or off-site constraints, such as the historic environment, or where the related settlement character requires a lower density in order for good design to be achievable. This is particularly noteworthy given the other policy measures which the SSLPR seeks to impose on residential development including in draft Policies HC8 and HC12.
75. As such, it is considered that draft Policy HC2 should be amended to set out that the net density of 35 dwellings per net developable hectare is a target which should be assessed on a site-by-site basis taking account of on-site and off-site constraints, impact on the related settlement character and the influence of any other SSLPR policy measures which reduce achievable net density.

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

76. Draft Policy HC4 seeks to provide support for housing to suit the needs of older people and others with special housing requirements.

¹¹ Paragraph 35 of the NPPF

¹² Chapter 11 of the NPPF



77. As drafted, Policy HC4 is not justified or consistent with national policy and therefore cannot be considered sound in line with the NPPF¹³.
78. The fourth paragraph of draft Policy HC4 seeks to require all major residential developments to fully comply with Building Regulations Part M4(2) Category 2: Accessible and Adaptable Dwellings. The Council's evidence for implementation of such higher standards is an increase in the ageing population which is projected to continue to rise.
79. Whilst the Local Plan Viability Study may conclude that the introduction of such measures would not have an impact on development viability, L&Q Estates consider that the introduction of such standards is contrary to the NPPF¹⁴ which is clear that optional technical standards for accessible and adaptable housing should only be introduced where this will address an identified need for such properties.
80. In the absence of such evidence, L&Q Estates consider that the fourth paragraph of draft Policy HC4 should be amended to encourage inclusion of dwellings which meet the requirements of Building Regulations Part M4(2) Category 2: Accessible and Adaptable Dwellings, or be deleted.

Policy HC8: Self-Build and Custom Housebuilding

81. Draft Policy HC8 seeks to support the provision of self-build and custom housebuilding schemes in South Staffordshire.
82. As drafted, Policy HC8 is not justified and therefore cannot be considered sound in line with the NPPF¹⁵.
83. The second paragraph of draft Policy HC8 seeks to require major developments to take account of the need for self-build and custom build plots and make provision to reflect such a need as appropriate. However, it is that considered this policy requirement is ambiguous and does not provide sufficient clarity with regard to the expectation of an applicant for a major development proposal, particularly given the

¹³ Paragraph 35 of the NPPF

¹⁴ Paragraph 135 f) and Footnote 52 of the NPPF

¹⁵ Paragraph 35 of the NPPF



Council does not publish its Self-Build and Custom Housebuilding Register or any data relating to it publicly.

84. Further, it is considered the Council's Self-Build and Custom Housebuilding Register couldn't be relied upon as clear evidence to support such a policy intervention in any case given the ability for an individual to enter their details on to multiple Registers, skewing the data derived, when that individual may have no means or desire to carry out such a project in reality in any case.
85. In addition, the delivery of self-build and custom build plots on larger residential schemes are unlikely to be desirable to those on the Councils' Self-Build and Custom Housebuilding Register given the majority of self-builders and custom builders tend to seek standalone plots in the open countryside. Moreover, there are practical issues with delivery of self-build and custom-build homes on larger residential schemes which require consideration, along with the potential for impact on development viability.
86. It is also considered that the requirement for developers to actively market plots at a reasonable price for a minimum period of 12 months as set out in the third paragraph of draft Policy HC8 is unreasonable. 12 months is a significant marketing period and could delay bringing forward sites with planning permission that are otherwise deliverable, impacting the Council's short-term housing supply.
87. As such, it is considered that clarity and flexibility should be incorporated into draft Policy HC8, to provide support for the provision of self-build and custom build plots on major residential development sites where appropriate, and to reduce any marketing period to a maximum of 6 months. Alternatively, the second and third paragraphs of draft Policy HC8 should be deleted.

Policy HC12: Space about Dwellings and Internal Space

88. Draft Policy HC12 seeks to require residential development to create a place that people find attractive through internal and external space requirements.



89. As drafted, Policy HC12 is not justified or consistent with national policy and therefore cannot be considered sound in line with the NPPF¹⁶.
90. The fourth paragraph of draft Policy HC12 seeks to implement, as a minimum, the requirements of the Nationally Described Space Standard (NDSS) for all new residential development in South Staffordshire.
91. L&Q Estates are supportive of the NDSS being used to influence the standard of housing developments, however there may be instances where greater flexibility is required in order to meet need. Further, L&Q Estates consider that the introduction of such standards is contrary to the NPPF¹⁷ which is clear that optional technical standards for accessible and adaptable housing should only be introduced where this will address an identified need for such properties. L&Q Estates consider that if the Government had expected all properties to be built to NDSS, that they would have made such standards mandatory and not optional requiring sufficient evidence.
92. In the absence of such evidence, L&Q Estates consider that the fourth paragraph of draft Policy HC12 should be amended to encourage consideration of the NDSS against need and the local market, or be deleted.

Policy NB6A: Net Zero New Build Residential Development (Operational Energy)

93. Draft Policy NB6A seeks to encourage carbon reduction and energy efficiency measures in new development.
94. As drafted, Policy NB6A is not justified or consistent with national policy and therefore cannot be considered sound in line with the NPPF¹⁸.
95. For residential development proposals, draft Policy NB6A seeks to require achievement of net zero regulated carbon emissions through the attainment a minimum 63% reduction compared to the baseline set by Building Regulations Part L plus a further reduction to be achieved through provision on-site renewable energy generating technologies.

¹⁶ Paragraph 35 of the NPPF

¹⁷ Paragraph 135 f) and Footnote 52 of the NPPF

¹⁸ Paragraph 35 of the NPPF



96. However, this policy imposition is considered to be unnecessary given it seeks to go further than current Building Regulations and given the Future Homes Standard which is due to be implemented in 2025, in advance of the likely adoption of the SSLPR. This will update Part L of Building Regulations and require new build dwellings to be future-proofed with low carbon heating and world-leading levels of energy efficiency¹⁹.
97. It is noted that a Written Ministerial Statement issued by Baroness Penn and delivered by Housing and Planning Minister Lee Rowley MP in December 2023 sets out clear direction on the need for Local Plans to avoid setting energy efficiency standards which go beyond current and future planned Building Regulations requirements, with an update to national planning policy or guidance expected in due course to formalise the Government's approach²⁰.
98. As such, draft Policy NB6A should be revised to encourage the provision of renewable and low carbon energy generating technologies within new development, or be deleted entirely.

¹⁹ [The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings)

²⁰ [Planning: Local Energy Efficiency Standards - Hansard - UK Parliament](https://hansard.parliament.uk/commons/2023/12/07/wms/23120700000008)