

SOUTH STAFFORDSHIRE LOCAL PLAN

PUBLICATION PLAN APRIL 2024

REGULATION 19 CONSULTATION

LAND NORTH OF A5, GAILEY

REPRESENTATION PREPARED ON BEHALF OF

RICHBOROUGH

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Appendix

Appendix 1- Site Location Plan



1. Introduction

- 1.1. This representation responds to the South Staffordshire District Council's ('SSDC') Local Plan Review 'Publication Plan' ('the Plan') consultation held during 2024 and under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Representations are made with regard to the Plan itself and to the accompanying published evidence, having regard to the National Planning Policy Framework ('NPPF') December 2023.
- 1.2. This representation is made by Pegasus Group on behalf of Richborough who have a specific land interest in the land north of the A5, Gailey, which is being promoted for residential-led development.
- 1.3. Richborough has previously submitted details of the Site through the Regulation 18 Preferred Options Plan, as well as the earlier iteration of the Regulation 19 Publication Plan document consulted upon in 2022. These earlier representations included the production of a Masterplan to demonstrate how the site could be delivered; this Vision has been updated for this consultation and can be found at **Appendix 1**.
- 1.4. Amendments to the National Planning Policy Framework (NPPF) in December 2023 led to a review of the District's proposed spatial strategy across the Plan Period, resulting in the current version of the Publication Plan (2024). These representations respond to the Council's spatial strategy in accommodating housing growth across the Plan period up to 2041 including the release of Green Belt land, as well as other specific development management policies relevant to the delivery of housing.
- 1.5. The representations are framed in the context of the requirements of the Local Plan to be legally compliant and sound. The latest iteration of the NPPF (December 2023) sets out at paragraph 230 guidance on implementation and interim arrangements in relation to national policy. This sets out that where emerging local plans reach pre-submission consultation prior to 19th March 2024, plans will continue to be examined in the context of the previous September 2023 iteration of the Framework. Due to the publication of this round of consultation in April 2024, SSDC have prepared the Plan under the provisions of the latest NPPF December 2023, and these representations have been prepared accordingly having regard to this national policy context. To ensure the policies of the Plan are fully justified it is



important that Plan policies are therefore consistent throughout with this new national policy framework.

1.6. The tests of soundness are set out in the NPPF (December 2023), paragraph 35. For a Plan to be sound, it must 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; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.7. The representations also address the legal and procedural requirements associated with the plan-making process.



2. Planning Policy Context

- 2.1. Richborough supports SSDC's review of the adopted South Staffordshire District Development Plan as required by Policy SAD1 of the Site Allocations Document ('SAD') 2018. This provides the opportunity for the Council to comprehensively review the Vision, Strategic Objectives, development requirements, spatial development strategy and policies shaping detailed development proposals.
- 2.2. The Plan review also provides the opportunity for the Council to not only review its own objectively assessed housing need, but also the role of the District in meeting unmet cross boundary needs from the wider Greater Birmingham and Black Country Housing Market Area ('GBBCHMA').

National Requirements for Plan-Making

- 2.3. The existing Core Strategy for South Staffordshire was adopted in 2012, and as such a holistic review of the Plan is overdue. A Local Plan review is also committed to within the Site Allocations Document 2018. This Local Plan Review will therefore ensure that an up-to-date Local Plan for South Staffordshire will be in place to support growth and meet future development needs across the Plan period.
- 2.4. The Publication Plan consultation follows previous consultations on the Local Plan review. This included in 2019 consultations on the Spatial Housing Strategy & Infrastructure Delivery document, along with consultation on the Preferred Options Regulation 18 Plan in 2021 and the previous Publication Plan in 2022.
- 2.5. Amendments to the National Planning Policy Framework (NPPF) in December 2023 led to a review of the District's proposed spatial strategy across the Plan Period, resulting in the current version of the Publication Plan (2024). Richborough have engaged at each stage of the plan making process. The current consultation document represents SSDC's final version of the Plan and is in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), having considered representations previously made to the Plan, as well as further evidence.



- 2.6. NPPF para 24 confirms that local planning authorities '*...are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*' In the context of South Staffordshire, strategic matters include housing, employment, infrastructure, and the Green Belt.
- 2.7. Richborough supports SSDC's proactive approach in continuing with a review of the Local Plan, to ensure that an up-to-date policy framework exists within the District to guide growth to 2041 and to ensure that development is genuinely plan-led but would like to make some representations on the soundness of some parts of the Plan. In particular, as highlighted within these representations, it is critically important that strong recognition is given for the need for an early review of the Plan to address issues such as the substantial unmet housing need across the wider HMA and the current absence of any sub regional agreement on the approach to the distribution of housing to be agreed between the GBBCHMA authorities. This is particularly significant given the approach adopted by the SSDC in significantly reducing the housing contribution towards the HMA's unmet housing need.



3. Vision, Strategic Objectives and Priorities

- 3.1. The Publication Plan (Regulation 19) identifies a number of 'Issues and Challenges' surrounding homes and communities, economic prosperity and the natural and built environment. The Document goes on to present a 'Vision' based upon these issues and challenges, and a number of 'Strategic Objectives' by which the Vision can be achieved.
- 3.2. It is noted that the Vision remains broadly the same as that presented in the adopted Core Strategy with regard to the aspirations to protect and enhance the District's rural character, communities, and landscape.
- 3.3. The Plan's Vision and objectives should be amended to reflect the need to meet both the present and future housing requirements, including those pressures arising through the Duty to Cooperate with neighbouring authorities. In this instance the well-known unmet housing needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) should be clearly considered. This is considered further, later in these representations.
- 3.4. Strategic Objective 1 lacks clarity and does not define the exceptional circumstances for release of Green Belt land as part of its strategy. It should be made clear that the need to identify land for growth and development over the Plan period, and beyond, means that there are exceptional circumstances arising which have required a full and detailed Green Belt boundary review, with a view to identifying land that it is proposed to be released from the Green Belt to meet the District's and the GBBCHMA's growth requirements.
- 3.5. In relation to Strategic Objective 2, reference is made to meeting the housing and employment needs of the District and a 'proportionate' contribution towards the unmet needs of the GBBCHMA and wider Functional Economic Market Area. It is considered this could be strengthened in meeting the needs of both existing and new residents of the District and the GBBCHMA. The overarching thrust that new housing should be focussed in sustainable locations in the District, and in particular the District's most sustainable Tier 1 settlements is acknowledged. However, to achieve balanced and sustainable growth across the District it is important that a range of sites are allocated for housing to ensure a balanced and reliable source of housing supply to meet not only the District's but also the wider HMA's unmet housing need over the Plan period. In determining what is considered to be a proportionate contribution to the HMA's unmet housing needs, SSDC must also ensure



specific consideration has been given to the District's ability to make a substantially larger contribution to unmet needs given it has a contiguous border with the West Midlands Conurbation. This will ensure the economic and social prosperity of communities throughout the District is supported. Greater recognition should be given to Tier 2 and 3 settlements as well as sites which relate well to the urban areas of adjoining authorities and can benefit from the sustainability of these locations including access to jobs, services, education and public transport provision.

3.6. The 'Issues and Challenges for South Staffordshire' as identified through community engagement are identified at Table 2 (page 13) of the Plan. Most notably this highlights the District's 'weaknesses' as

- demographic imbalance with a higher-than-average proportion of residents aged 65+, and a projected decline in families and working age residents, with resultant threat to some service provision;
- reliance on neighbouring areas for higher order services and a dependency on their economic health for access to employment; and
- poor public transport connectivity in parts of the district.

3.7. Alongside this, other 'threats' to the District include the increasing pressure for development on land within the Green Belt to meet District's housing needs and the needs of adjoining areas, which if not properly managed, could threaten the quality and character of the district, along with the lack of available brownfield land.

3.8. The emerging Plan provides the opportunity to support sustainable growth and positive change for the future of the District. This can be achieved through carefully planned strategic development which embraces the opportunities the District offers through high quality landscape led housing developments, delivering a range of homes to meet a mix of needs as part of balanced communities, whilst also delivering much needed infrastructure improvements across the District. Whilst the importance of brownfield sites is recognised, this balanced alongside strategic growth within open countryside and through Green Belt release is necessary to overcome those weaknesses identified by SSSC, ensuring the social and economic challenges of the District across the Plan period can be addressed in order to strengthen its future through the Plan period and beyond.



- 3.9. Despite acknowledging a current weakness of the District being a higher than average aging population and a decline in families and working age residents which places a threat on service provision across the District, the LP does not seek to directly address this issue by prioritising the delivery of family homes and ensuring the housing needs of the working age population are met across the Plan period, so as to change the aging demographic.
- 3.10. In particular, contributing a larger proportion of homes towards the unmet housing needs of the GBBCHMA would assist in addressing this issue, improving the affordability of homes (as acknowledged within the conclusions of the Spatial Housing Topic Paper, paragraph 4.10) and encouraging families and first time buyers to move into the District, and particularly within areas located along the eastern edge of the District with the adjoining West Midlands conurbation easily accessible via walking, cycling and existing public transport, and in turn supporting existing services, whilst also delivering enhanced infrastructure for the District via developer contributions.
- 3.11. SSDC have acknowledged that public transport in parts of the District is poor however the District benefits hugely from its proximity to the adjoining West Midlands conurbation. Delivering a range of housing sites across the District, particularly those located on or close to key transport infrastructure networks which benefit from access to cross boundary bus and rail services should be promoted, whilst a range of new housing at villages, including Tier 2 and 3 villages will ensure these settlements can continue to thrive and deliver services and improved infrastructure for existing communities rather than being isolated and forgotten. This should be reflected within the Vision and strategic objectives for delivering development across Plan period.



4. Development Strategy

Policy DS1 – Green Belt

- 4.1. Draft Policy DS1 is broadly in line with the relevant paragraphs of the NPPF relating to development within the Green Belt and is therefore supported. However, it should be noted that Richborough do not accept the Council's proposition that the Green Belt '*contributes towards rural character*'. Green Belt is a development restraint policy set out at Chapter 13 of the NPPF and is not a landscape or character policy. The NPPF outlines '*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Therefore, the Council should amend the text within Policy DS1 and its supporting text to represent national policy.
- 4.2. In accordance with the Duty to Cooperate, which still remains, the Council must do its utmost to assist in meeting unmet needs across the housing market area, particularly given SSDCs proximity to adjoining West Midlands conurbation. The 2018 Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Strategic Growth Study presented a strategic review of the Green Belt across the 'joint authorities' area. This review was undertaken in the light of the shortfall in housing need identified across the area. It was acknowledged that as a significant proportion of land within the Housing Market Area is covered by Green Belt, 'exceptional circumstances' through Local Plan reviews would be required to alter the Green Belt boundaries.
- 4.3. Despite proposing a contribution of 4,000 homes towards the unmet housing need of the GBBCHMA as part of the Reg 19 2022 Publication Plan, The Council are now of the view that the Growth Study, on which the 4,000 contribution was based, is out of date and requires further review, and the 2024 Reg 19 LP is instead proposing a token contribution of 640 homes towards the unmet HMA need across the Plan period. However, it is evident from the GBBCHMA Position Statement Addendum Update 2023 and evidence prepared by the other HMA authorities in the preparation of their Local Plan Reviews, that the unmet need continues to grow.
- 4.4. The GBBCHMA Position Statement Addendum Update 2023 continues to show a significant shortfall in housing delivery (2,053 dwellings shortfall as at 2020/21) across the HMA.



However, the Position Statement recognises that these figures do not reflect the full extent of the housing shortfall particularly given the status of Local Plans across the HMA and in turn the significant impact on supply and housing delivery which will need to be accounted for, As such the Statement continues to recognise that the shortfall is therefore likely to be far greater than that reflected within the baseline figures included within the Study.

- 4.5. This is evident through the most up to date housing figures published by the other HMA authorities currently undergoing a review of their Development Plans. In terms of need, Birmingham City Council for example, formally commenced the review of its new Plan and estimated a shortfall of 78,415 homes to 2042 in its Issues and Options (October 2022) document based on the Standard Method. This is a significantly greater shortfall than the housing requirement figure of 37,900 identified within the adopted Birmingham Development Plan 2011-2031.
- 4.6. The GBBCHMA Position Statement Addendum 2023 utilises the housing requirement figures identified by the Black Country Authorities as part of the Regulation 18 Black Country Plan (**BCP**), estimating 28,239 homes to 2039. Since the collapse of the BCP the Black Country authorities of Sandwell, Dudley and Wolverhampton have recently undergone consultation on their Regulation 18 Preferred Options Local Plan, each of which has identified a significant shortfall within their housing supply. Most notably, Sandwell with a shortfall of 18,606 are only in a position to identify a third of their housing land supply requirement, whilst Wolverhampton are only able to evidence half of their requirement with a shortfall of 11,998 homes.
- 4.7. This 'significant housing shortfall across the HMA' is acknowledged within South Staffordshire's Spatial Housing Strategy Topic Paper 2024 at paragraphs 4.5-4.9. At paragraph 4.9 it acknowledges that '*the adjacent authorities to South Staffordshire, Wolverhampton and Walsall are the two currently displaying the most significant unmet housing need which is less likely to be met through Black Country Green Belt options or further urban centres/employment land capacity uplifts*'. This suggests therefore that the only way in which to deliver this unmet need is through substantial Green Belt release.
- 4.8. The Spatial Housing Strategy Topic Paper (2024) continues to recognise the relationship between the District and adjoining GBBCMA authorities and the opportunity to deliver unmet housing needs along the north/north-western edge of the Black Country which will minimise the extent to which households from these areas are displaced from existing communities,



jobs and education. The Topic Paper at Paragraph 4.10 concluded that *'if unmet housing needs were located in close proximity to Wolverhampton and Walsall (i.e. along the north-western and northern edges of the Black Country) then this may minimise the extent to which households from these two areas are displaced from their existing communities, jobs and education'*.

- 4.9. The Green Belt Exceptional Circumstances Topic Paper 2024 (paragraphs 4.5 and 4.6) of the Local Plan evidence base continues to acknowledge the exceptional circumstances for the release of Green Belt land, providing the *'exceptional circumstances case for releasing Green Belt at the districts most sustainable settlements with the best sustainable transport links to these authorities in the conurbation that are the source of the unmet needs.'* However, in terms of delivering housing for the District and the GBBCHMA this continues to focus on the delivery of housing on non-Green Belt options. Paragraph 7.2 of the Topic Paper sets out that only 0.16% of the district's Green Belt is proposed for release despite SSDC acknowledging the significant unmet need of the wider GBBCHMA and these authorities being unable to accommodate any of SSDCs housing requirement given they are also constrained by Green Belt or cannot accommodate their own housing requirements.
- 4.10. It is unclear why SSDC require the assistance of other authorities, having written to the HMA and neighbouring authorities to understand if supply in their areas would allow the district to reduce its housing target. There are clear opportunities for sustainable housing development across the District through 'Green Belt' release whilst still ensuring a significant quantum of high value Green Belt land is protected. It is also evident, that since writing to the GBBCHMA authorities in 2021 (Appendix 1, Green Belt Topic Paper 2024), that the unmet housing shortfall across the HMA's, as evidenced through the various HMA authorities' Local Plan Reviews, is now significantly greater and SSDC ought to be considering making a greater contribution towards meeting the unmet need through additional housing allocations.
- 4.11. As well as continuing to focus on the delivery of homes through the development of non-green belt land, SSDC have placed an emphasis on higher density development. The Green Belt Exceptional Circumstances Paper 2024 sets out that *'under the preferred spatial strategy, land is released at an average density of 35 dwellings per hectare, thereby ensuring Green Belt release is kept to a minimum'*. The Paper points to the density of 35dph recommended in the GBBCHMA Strategic Growth Study 2018 to make efficient use of land prior to the release of Green Belt land. As recognised by SSDC however, the study is dated,



and pre dates mandatory government policy requirements, including increasingly stringent Building Regulations and 10% BNG. SSDC have also based the delivery of housing sites at a density of 35dph on historic development capacity in the District, including housing development sites which again did not have to deliver the requirements of more recent mandatory Government policy. This is discussed further at paragraph 4.25 of these representations.

- 4.12. SSDC clearly recognise the scale of the housing shortfall across the wider GBBCHMA however this is not reflected within the Plan itself. As demonstrated through the 2022 Publication Plan and under the provisions of the NPPF Paragraph 145, there are clear exceptional circumstances based on the housing evidence available at the time to suggest the release additional Green Belt sites to meet both the District's and the wider HMA's housing need. Furthermore, since consultation on the Publication Plan 2022, the housing shortfall across the HMA has grown yet further, and yet the majority of the Metropolitan Authority who have produced a Local Plan during 2022–2024 have suggested that they cannot meet their own housing needs and the shortfall should be addressed via the duty to cooperate.
- 4.13. The SSDC's substantially reduced contribution of 640 homes towards the HMA unmet need is not reflective of the 'significant housing shortfall' clearly evident across the HMA authorities. It is clear therefore that the District, along with others in the HMA, need to go further under the Duty to Cooperate to address this housing supply shortfall. South Staffordshire in particular has the ability to make a significantly larger contribution to unmet needs in the HMA as it has a contiguous border with the West Midlands Conurbation. This could include a number of sites which could be highly sustainable, located on the edge of the conurbation.
- 4.14. The eastern edge of South Staffordshire's local authority boundary adjoins the local authority areas of Dudley and Wolverhampton with key transport infrastructure links running through South Staffordshire. The direct relationship between these adjoining urban authorities and South Staffordshire provides further support for the release of Green Belt land within the District to deliver the housing sites necessary to meet the clear unmet housing need across the wider HMA. Proximity to these urban areas also enables sites, particularly those located on or close to key transport infrastructure networks to benefit from sustainable transport including access to cross boundary bus and rail services consistent with the Plan's spatial strategy.



- 4.15. Paragraph 145 of the NPPF states that *“strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the Plan period.”* The 2024 Publication Plan is proposing some limited Green Belt amendments to meet proposed housing requirements. However, in order to address, in particular, the issues arising from the shortfall in housing and employment land in the conurbation, it is essential that Green Belt boundaries are defined now which will endure. The currently adopted Local Plan at Policy GB2 included safeguarded land in order to accommodate the longer term needs of the District. The Core Strategy was adopted in 2012 and so is now 12 years old. The NPPF highlights that Local Plans should be reviewed every 5 years so in effect the Core Strategy has endured two Local Plan cycles.
- 4.16. As a result, Richborough consider the 2024 Publication Plan should establish Green Belt boundaries which will not require amendment in the next Local Plan cycle through the introduction of safeguarded land. The introduction of safeguarded land would give the Council greater flexibility to accommodate development requirements and to assist in meeting a growing unmet housing need across the GBBCGMA. Following the removal of Policy DS6 (Longer Term Growth Aspirations for a new settlement) as proposed within the Publication Plan 2022, the introduction of safeguarded land is particularly important to assist in the future growth of the District. Richborough therefore continues to advocate the importance and suitability of a growth corridor focused around the broad location of the A449 and West Coast Mainline between Wolverhampton and Stafford.
- 4.17. Policy DS1 as currently drafted is unsound and does not meet with the provisions of the NPPF Paragraph 35. It has been demonstrated that there are clear exceptional circumstances for the release of Green Belt land to meet the unmet housing needs of the GBBCHMA. The delivery of 640 homes is not however considered to be a proportionate contribution towards meeting this need. In addition, there are additional Green Belt sites suitable and available for housing which are sustainably located and will contribute further to meeting this need as well as addressing other issues and challenges identified within the District. The Green Belt boundary should therefore be amended further to enable the release of additional Green Belt sites, such as land north of the A5.
- 4.18. As drafted Policy DS1 is unsound and requires amendments, as it is neither justified nor consistent with national planning policy. The wording of the policy should therefore be revisited ensuring:



- 1) It makes reference to an early Plan Review
- 2) It recognises the full extent of the housing shortfall in the GBBCHMA through a significant housing contribution through the Plan period having regard to its contiguous border with the West Midlands Conurbation under the Duty to Cooperate.
- 3) Amend Green belt boundary to address the sub regional issues, allow boundary to ensure and introduce safeguarded land.

Policy DS2 – Green Belt Compensatory Improvements

4.19. Policy DS2 provides additional detail on expected compensatory improvements for Green Belt released sites. Richborough supports the inclusion of a policy setting out the need for Green Belt compensation in relation to sites being removed from the Green Belt. However, despite representations set out as part of the earlier 2022 Publication Local Plan consultation, the policy still leaves elements of ambiguity, and its practical application is unclear. Whilst it is appreciated that the SSDC have outlined that '*applicants must demonstrate proportionate compensatory improvements*', this does not provide a clear requirement for Green Belt compensation and a revised policy approach is preferred as outlined below.

4.20. Policy DS2 also sets out the following hierarchy for Green Belt compensation.

- a) *Compensatory improvements to remaining Green Belt land adjacent to, or in close proximity to the development site;*
- b) *Compensatory improvements to remaining Green Belt land within the wider locality accommodating the development;*
- c) *Compensatory improvements to remaining Green Belt land in an area identified through the council's latest Nature Recovery Network mapping or Open Space Strategy.*

In the event that it is robustly demonstrated that none of the above options can be satisfied (e.g., as land is demonstrably not available) then the council will accept a commuted sum that it will use to undertake compensatory improvements.



- 4.21. The hierarchical approach to the Green Belt compensation policy as drafted is not supported. Neither the NPPF nor the PPG refer to a hierarchy of preferred methods of Green Belt compensation. Furthermore, when assessing the policy, it is not at all clear that the preferred methods of Green Belt compensation would deliver a greater benefit than the approaches lower down the hierarchy.
- 4.22. In the first instance, it would appear that all of the potential methods (items a–c plus the penultimate paragraph) require some method of actually delivering the compensation. In practical terms this is likely to be via a S106 agreement associated with a planning permission to develop the allocation (former Green Belt) site and which either delivers contributions towards compensatory improvements or requires the delivery of the identified improvements.
- 4.23. Whilst it is accepted that having the Green Belt compensation located close to the allocation could be advantageous and should be pursued, ultimately it is the overall value of that Green Belt improvement which is of greatest significance. There is also a suggestion within criteria a) and b) of the proposed policy that the preferred approach is reliant on the developer of the allocation owning additional land in the vicinity. This may not always be the case and so care must be taken to ensure that the application of the policy does not result in ransom type scenario. Similarly, a further issue relates to the potential for the lowest ranked element of the compensation hierarchy (the penultimate paragraph involving paying a commuted sum) resulting in the same, or greater, benefit than compensation associated with the highest element in the hierarchy; especially if it results in significant improvements to an existing resource. This could be as a result of the contributions secured in a commuted sum being spent on public land next to the development site.
- 4.24. Therefore, other benefits associated with particular Green Belt compensation schemes which may be more significant than just proximity to the development site need to be explored further. For instance, the compensation could deliver enhancements to give greater public access to a recreation route such as a Canalside walk or deliver improvements to a degraded nature conservation site. Such Green Belt compensation may deliver wider benefits than merely enhancing land in the immediate vicinity of the site. This has not been fully explored within the supporting evidence base when considering the release of Green Belt land, with the conclusions of the Green Belt Exceptional Circumstances Topic Paper



2024 only referring to the compensatory measures offered to the south of the larger Strategic Allocation of Land east of Billbrook.

- 4.25. In view of the above, the policy as currently drafted is considered to be unsound as it is neither justified nor consistent with national policy. It is suggested that the policy is amended to delete reference to the hierarchy and instead state that Green Belt compensation is required in conjunction with development of sites removed from the Green Belt which could include improvements to green infrastructure, woodland planting, landscape and visual enhancements, biodiversity improvements, new or enhanced cycle or walking routes and improved access to new, enhanced, or existing recreational and outdoor sports provision. The policy should also indicate that this can be delivered through direct improvements to land or via S106 contributions and the Council will seek the optimum public benefits in proportion to the scale of the site being removed from the Green Belt.

Policy DS4 – Development Needs

- 4.26. Policies DS4 sets out that SSDC will deliver a minimum of 4,726 dwellings across the Plan period up to 2041. This is a significant drop from the 9,089 dwellings identified in the previous 2022 Publication Plan.
- 4.27. This sees a reduction in the housing delivery to meet the District's own need from 5,330 to a *'minimum of 4,086 dwellings'*. This is in addition to a significant reduction in the 4,000 homes previously identified towards meeting the unmet needs of the HMA, with a contribution of only 640 homes now proposed towards this need.
- 4.28. Further to the Publication Plan 2022 the District's housing requirement has been revisited using the Standard Method. A reduction in the District's annual household growth baseline figure which is now 173 households (from 189 households in 2022), and an increase in the District's affordability ratio now 9.00 (down from 8.43 in 2022) has resulted in reduction in the annual housing requirement across the Plan period from 241 dpa to 227 dpa.
- 4.29. Planning Practice Guidance is however clear that the figure produced by the Standard Method represents a minimum figure, rather than a requirement. This sits alongside the provisions of NPPF paragraph 67 which sets out that in terms any identified housing need figure *'the requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic*



development or infrastructure investment. Having regard to the provisions of national policy, Richborough therefore raises concerns regarding the level of homes proposed with insufficient housing to meet both the District's and wider GBBCHMA housing and development growth needs across the Plan period.

- 4.30. In reviewing the baseline figure no account has been given to the District's relationship with the directly adjoining urban area of Wolverhampton and the 35% standard method uplift figure applicable to the 20 largest cities in England, including Wolverhampton. In terms of housing need the SHMA 2024 update (paragraph 4.14) acknowledges that Wolverhampton's City boundary, as defined by the ONS, partly falls within SSDC's authority boundary. It does not however make any further adjustment to the baseline figure, stating that the overwhelming majority of the City's boundary falls within the Borough of Wolverhampton and therefore does not need to be accounted for with SSDC's housing requirement figure. Given SSDC have acknowledged the role of the District within not just the GBBCHMA but also the Functional Economic Market Area (FEMA), it would however seem appropriate for SSDC to include a proportionate amount of this uplift within the District's housing requirement for the Plan period rather than simply to set it to one side. This is even more pertinent given the up-to-date evidence of these cross-boundary authorities, highlighting the inability to accommodate housing need.
- 4.31. The updated SHMA (2022) projected the working age population in South Staffordshire to grow by 6,618 people between 2020 and 2040, however the SHMA update 2024 projects growth of only 1,012 people between 2023 and 2041. The apparent disparity between the two figures appears to be due to the 2022 growth projections having accounted for the GBBCHMA unmet housing need contribution, whilst the latest 2024 figure does not.
- 4.32. Whilst acknowledging that *'South Staffordshire is within a Functional Economic Market Area with the four Black Country authorities and so significant cross boundary flows are to be expected'* (SHMA 2024, paragraph 5.9), the Plan continues to ignore this relationship and the need therefore to contribute further to unmet housing needs of these authorities.
- 4.33. Instead, the SHMA (2024) at paragraph 5.10 continue to set out that *'The fact that additional housing does not have a good correlation with employment within the District means that providing further additional housing to try and achieve a balance with jobs would be inappropriate and would likely perpetuate the unsustainable current commuting patterns'*. The high commuting ratio along with the overwhelming housing shortfall across the



GBBCHHMA authority areas and in particular the conurbation directly adjoining South Staffordshire emphasises further a requirement for District to deliver a much higher contribution towards meeting the wider HMA's unmet housing need in excess of the standard method housing requirement figure.

- 4.34. In addition, the most recent 2024 South Staffordshire Strategic Housing Market Assessment update, as with the authorities' previous SHMAs, fails to consider the impact of committed development at the HS2 West Midlands Interchange ('WMI'), which is projected to create around 8,500 new jobs and up to 8,100 indirect jobs off-site, well in excess of the increase in the working age population between 2018 and 2038 identified by the HMA (6,618 people). In addition, the SHMAs do not consider the significant job growth provided through committed strategic employment developments planned at i54 and ROF Featherstone, despite the Economic Development Needs Assessment (EDNA) 2022 having identified the i54 development as a *'key employment corridor'* and stating that the facility *'could lead to a profound effect on the local and sub-regional property market as demand for engineering/manufacturing space increases'* (paragraph 4.22).
- 4.35. The EDNA update 2024 updates the earlier EDNA prepared by DLP Planning on behalf of SDDC to identify future employment needs across the South Staffordshire area for the period through to 2041. The EDNA update outlines that the approved WMI has the potential to generate some 1,560 jobs, however the previous EDNA (2022) set out that the WMI is projected to deliver 8,500 jobs on site together with up to 8,100 indirect jobs off site. Richborough would like to see further clarity in relation to these figures particularly as job growth is considered to be much higher.
- 4.36. With instability evident across the wider Birmingham and Black Country surrounding the delivery of unmet housing need and with no clear cross boundary redistribution agreements in place, the approach previously adopted under the 2022 Publication Plan in meeting this unmet HMA housing shortfall was actively supported and encouraged. Whilst it is acknowledged within the latest Publication Plan 2024 that the District should continue to contribute towards the housing needs of the wider HMA, 640 homes is not considered an *'appropriate'* level of contribution, particularly also given the District's role within the Functional Economic Market Area (FEMA). The Plan should therefore go further in providing additional homes to address the significant and growing housing need across the wider



GBBCHMA and in turn the opportunities this will create in addressing some of the key challenges the District faces in addressing its future economic health.

- 4.37. It is also essential therefore that the Plan provides flexibility above the minimum housing requirement to allow for a buffer to ensure sufficient homes will come forward to meet need. The Plan currently provides a buffer of 10% however despite the significant reduction in housing numbers across the Plan period, this has been reduced from the 13% buffer included within the 2022 Publication Plan. In view of the 2024 Publication Plan reducing housing supply from the 2022 version, rather than reducing the buffer, it ought to be increasing it as there will be less supply overall and therefore a proportionally greater impact if sites don't come forward.
- 4.38. Richborough objects to Policy DS4 as being not justified based on proportionate evidence nor positively prepared in line with national policy having regard to the District's own economic and infrastructure development needs, along with the shortfall in housing across the Greater Birmingham Housing Market Area and the District's role within the Functional Economic Market Area. Richborough consider therefore that the minimum housing requirement figure across the Plan period should be substantially greater than that currently proposed and more akin with the housing figure proposed under the previous 2022 Publication Plan.
- 4.39. Policy DS4 sets out that the delivery of new development will be monitored, and the housing needs of the District and GBBCHMA kept under review to inform whether a review of the Local Plan is required. If the LP is not to allocate additional land to contribute towards meeting the overwhelming housing shortfall in the HMA, it is imperative that further work work in accordance with the Duty to Cooperate (NPPF paragraph 24), along with an early review of the Local Plan, in accordance with NPPF Paragraph 33, is undertaken as soon as possible to address this subregional issue.
- 4.40. Paragraph 5.12 of the Plan sets out '*Proposals for updated evidence considering the housing market area shortfalls and potential growth locations are currently in discussion across the West Midlands Development Needs Group and South Staffordshire is committed to participating in updating the evidence base and considering its findings through future plan-making*'. Whilst the District appear committed to resolving the unmet housing need across the wider HMA, if the current Plan is to continue to contribute only 640 homes towards the wider HMA unmet housing need rather than the 4,000 homes previously identified, then



there must be a clear commitment within the Plan to carry out an early review once the GBBCHMA authorities have undertaken a comprehensive up date of the GBBCHMA Strategic Growth Study.

- 4.41. The extent of the unmet housing need evidenced within the GBBCHMA and in particular the main urban authorities of Wolverhampton and Dudley clearly requires the cooperation of adjoining authorities such as South Staffordshire to contribute a substantial, albeit appropriate, quantum of housing land if this need is to be met.

Policy DS5 – The Spatial Strategy to 2041

- 4.42. The previous 2022 Publication Plan proposed a much larger housing requirement to deliver both the District's and the wider HMA's housing needs across the Plan Period, with delivery of over 9,000 new homes in the Period up to 2040. The 2024 Publication Local Plan document however has significantly reduced the housing requirement to 4,726 homes, alongside a more 'insular' Spatial Strategy for the District, with housing numbers to be delivered across the Plan period based on a 'bottom up' approach to housing capacity to meet the District's own need and a limited contribution towards the unmet need of the GBBCHMA.
- 4.43. SDDC's preferred spatial strategy option, Option I, as identified in the Spatial Strategy Topic Paper 2024, focuses growth to sustainable non Green Belt locations, including safeguarded land and Open Countryside allocation sites, alongside additional limited Green Belt allocations made adjacent to Tier 1 settlements. The two strategic allocations at land north of Penkridge and east of Billbrook include the delivery of 1,779 homes (minimum); with 1,374 homes allocated at Tier 1 settlements; 914 homes at Tier 2 settlements; 228 homes across Tier 3 settlements, 30 homes at Tier 4 settlements; 81 homes south of Stafford; and 194 homes at other rural locations/Tier 5 settlements. The current strategy proposes no homes along the northern or Western edge of the Black Country urban area.
- 4.44. The Plan therefore relies upon the delivery of over a third of the District's housing requirement (inc. GBBCHMA unmet housing need contribution) on the large strategic allocations of land east of Billbrook and land north of Penkridge. Larger sites of this scale will typically have longer lead in times, with the SHELAA 2023 suggesting a lead in time of between 4 and 5 years for site allocations (without permission) of between 500 and 1000 homes. This seems optimistic given the current delays experienced through the planning system and does not



address the District's and GBBCHMA's immediate housing needs. This is reflected in the Indicative Housing Trajectory 2023 for the Plan period with completions falling significantly short of local housing need in the period through to 2028. This is also evident in the later part of the Plan period once these strategic allocations are complete and insufficient housing allocations to meet need right through the Plan period and beyond.

- 4.45. Furthermore, it is also noted based on the housing figures included in the Spatial Housing Strategy Table at paragraph 5.22 within the 2024 Publication Plan, that although the Strategic Allocation at Land north of Penkridge proposes 1,109 homes which is in excess of the minimum 1,029 homes figure identified under Policy SA2, Land East of Bilbrook includes only 581 homes rather than the minimum 750 identified under Policy SA1. This equates to 84 less homes to be delivered across the two strategic allocations than indicated under policies SA1 and SA2.
- 4.46. Whilst support is given within the Plan to the delivery of housing allocations, including the release of land within the Green Belt, it is important that further recognition is given in Policy DS5 to a range of housing allocation sites in delivering balanced housing growth to meet the housing needs of not only the District but also the GBBCHMA, both in the short term and through the Plan period to 2041. The opportunity for this additional housing development to deliver key strategic infrastructure and service improvements for the District, including road infrastructure, education and health facilities and quantitative and qualitative improvements to accessible open space and green infrastructure provision, should also be emphasised. Inevitably with the delivery of less homes across the Plan period (under the provisions of Policy DS4), there will be less opportunity to deliver a range of housing sites and meet a range of housing needs as part of balanced and reliable housing growth and the delivery of necessary infrastructure improvements across the Plan period.
- 4.47. Contributing a larger proportion of homes towards the unmet housing needs of the GBBCHMA would assist in addressing this balance, improving the affordability of homes (as acknowledged within the conclusions of the Spatial Housing Topic Paper, paragraph 4.10) and encouraging families and first time buyers to move into the District, and particularly into areas located along the eastern edge of the District adjoining the West Midlands conurbation which could support existing services whilst also delivering enhanced infrastructure for the District via developer contributions.



- 4.48. Similarly to the Plan's strategic objectives and Policy DS4, the role the District plays in the wider GBBCHMA and FEMA must be emphasised further within the wording of Policy DS5. Spatial Strategy Option I currently fails to reflect the District's relationship with the adjoining areas of Dudley and Wolverhampton, addressing the high employment commuting ratio from the District to these urban areas via key infrastructure links. In addition to housing at Tier 1 settlements and to the north of the District, the spatial strategy should therefore place greater emphasis on housing growth along the eastern edge of the District, as recommended through the GBBCHMA Strategic Growth Study.
- 4.49. The Housing Site Selection Topic Paper 2024 para 4.3 acknowledges that consideration of site constraints, including Green Belt, has limited other sites coming forward in Tier 1 villages. As evidenced through these representations however, it is clear that land north of the A5 is both suitable and deliverable for housing development. Similarly to the adopted Core Strategy it has also been acknowledged within the Council's evidence base that Tier 2 and 3 settlements can also accommodate housing growth to deliver the spatial strategy for sustainable housing development well served by public transport. Whilst this may require the release of Green Belt land, carefully considered layouts have the ability to enhance landscape setting through appropriate compensatory measures alongside the protection of high and very high value Green Belt.
- 4.50. Although the importance of brownfield development is acknowledged as part of a balanced housing strategy for the District, it is important that over reliance on these sites does not result in an overprovision of development unable to meet a range of needs (including families and older people), reduced affordable housing due to viability issues, an adverse impact on the existing landscape character of village settlements, as well as limited outdoor amenity opportunities. Furthermore, the capacity of such sites to deliver new homes should have regard to the impact of 10% biodiversity net gain to be met on all sites, in particular given the high biodiversity value open mosaic habits commonly associated with brownfield sites will potentially require greater need to offset biodiversity habitats which in turn will result in a lower net developable area and less capacity to deliver housing numbers.
- 4.51. Windfall development across the Plan period comprises of 600 homes, contributing towards meeting the housing requirement of the District. Windfall development however does not allow for the level of or delivery of planned strategic infrastructure nor the range of market and affordable housing which the delivery of carefully planned housing allocations through



the Plan will deliver. Furthermore, having confirmed that very limited previously developed sites are now available to accommodate housing development it is unclear what windfall sites will come forward to deliver housing, particularly given the SHELAA 2023 identifies a substantial number of the identified brownfield sites as neither being suitable or available and those sites identified as being suitable previously have been allocated within the Site Allocations Document 2018.

- 4.52. Historic windfall delivery rates have been based on the ability of historic permissions across the District to achieve a capacity of 35dph. These developments were however based on less onerous policy provisions of the adopted Core Strategy, which did not require the delivery of 10% BNG, NDSS or M4(2)/M4(3) compliant homes for example, all of which have implications for the overall capacity of sites. Alongside this, the delivery assumptions made by the Council again have been based on historic rates of delivery, with an estimated lead in time of 2 years for sites without permission for developments of 5–15 homes and 15–49 homes – this would seem optimistic given the substantial delays experienced in the planning system as a result of under resourced LPA’s and increasingly complex planning applications including more recently the need to assess 10% BNG for all sites.
- 4.53. The spatial strategy as currently proposed also fails to address affordability concerns within the District not only in terms of the open market and general housing supply but also in meeting the District’s affordable housing requirements. In terms of the delivery of affordable homes, the Affordable Housing and Housing Mix Topic Paper confirms at Paragraph 5.1 that 28.8% of the housing to be delivered up to 2042 should be affordable. Whilst Policy HC3 requires 30% affordable housing provision on all development (subject to viability), paragraph 8.2 continues to set out that ‘affordable housing provision could be reduced to a figure slightly below 30% on brownfield sites, as well as strategic sites due to substantial infrastructure delivery and resulting impacts on viability’.
- 4.54. Alongside this, neither Policies SA1 (Strategic development location: Land East of Bilbrook) or SA2 (Strategic development location: Land north of Penkridge or SA2) are committed in delivering 30% affordable housing provision. With a substantial proportion of the Districts’ housing requirement identified through the delivery of these two proposed strategic allocations (1,779 new homes) and via windfall sites (600 homes) across the plan period, the delivery of much needed affordable housing within the short term is therefore heavily constrained. The allocation of additional housing sites, along with safeguarded sites, of a



range of sizes would therefore allow for a more reliable source of housing delivery, including much need affordable homes across the Plan period, both in the shorter and longer term up to 2041, and beyond.

- 4.55. In summary, Richborough objects to Policy DS5 which is currently considered unsound as currently drafted. It is not justified based on proportionate evidence nor positively prepared in the context of addressing the shortfall in housing across the Greater Birmingham Housing Market Area and the Districts role within the Functional Economic Market Area.
- 4.56. It is considered that additional housing allocations capable of accommodating a range of housing needs in sustainable locations accessible to public transport should be delivered across the Plan period. This should include land which is suitably located to contribute towards meeting need in the GBBHMA, which would be located adjacent to the adjoining conurbations to make best use of the services available, public transport provision and to meet the need for housing close to its source. Without additional allocations the demographic imbalance and associated issues and challenges currently experienced across the District due to an ageing population and a decline of families and working age population will continue to threaten the economic stability of the District.



5. Land North of the A5, Gailey

Site Description and Proposed Development

- 5.1. Richborough has current interests in Land North of the A5, Gailey, as identified on the Site Location Plan included at Appendix 1 to this Representation.
- 5.2. The site comprises approximately 35 hectares of land, situated to the west of junction 12 of the M6, east of the A449 and north of the A5. The site comprises a number of irregularly shaped field parcels, alongside some elements of previously developed land. The site is bisected by the Staffordshire and Worcestershire Canal, whilst the West Coat Mainline runs to the western edge.
- 5.3. Of most significance is the site is located immediately to the north of the WMI which has been consented and work has now commenced. The WMI represents a strategic rail freight interchange which will deliver circa 8,500 full-time jobs. It has an area of 297 ha. and will deliver around 743,000 sq. m. of prime logistics floor area. It will generate around £430 million in local economic activity and represents a £1 billion international investment in the region. It also delivers 2 new country parks spanning 44 ha. WMI is predicted to support a further 8,100 indirect jobs via the supply chain. The rail freight facility will also be a significant factor in shifting goods from road transport to rail. It is estimated it will reduce HGV journeys by up to 50 million HGV km per year when fully operational. The first phase of construction commenced in 2023.
- 5.4. The site is also located to the South of South Staffordshire College, which is understood by Richborough as being promoted through this Local Plan Review for potential longer-term residential use. As such, Land North of the A5 provides the opportunity for the neighbouring parcels of land to be brought forward in collaboration to deliver a major new and sustainable location for new development to meet long term needs and, therefore, Richborough will work cooperatively on future master-planning to ensure a comprehensive and sustainable site could be delivered.
- 5.5. Details of how the site could be developed have yet to be fully set out, however, given the size of the site, there is significant opportunities to provide a range of properties which are consistent with the LPA's housing mix need. The location of the site also would allow for public



open space including children's play areas and seek to achieve at least a 10% biodiversity net gain as per the Environment Act 2021 requirements.

Housing Allocations- Policy SA3

- 5.1. South Staffordshire District Council at Strategic Objective 2 identify that housing growth will be located at the Districts most sustainable locations and assist in meeting the wider GBBCHMA.
- 5.2. As discussed in Section 3 of these representations, the overarching thrust that new housing development should be focused in sustainable locations in the District is supported. However, it is considered that to achieve a well-balanced and sustainable growth across the District over the plan period, it is important that a range of sites are allocated for housing.
- 5.3. The emerging Plan provides an opportunity to support sustainable growth across the District through carefully planned strategic development which delivers landscape led housing development in opportune locations.
- 5.4. Whilst it is recognised that Policy DS5 seeks to direct growth to the most accessible and sustainable locations within South Staffordshire, the proposed quantum of allocations proposed within the Plan are the minimum required as per the Standard Methodology.
- 5.5. As discussed previously, the GBBCHMA has a large unmet housing need and is likely to be significantly greater than that previously published. The collapse of the Black Country Plan has also led to further instability across the Black Country and wider area and Richborough considers the South Staffordshire's lack of safeguarded land is misguided. The Council is encouraged to safeguard land of a variety of sizes and locations as to ensure sustainable housing growth can be achieved during the plan period.
- 5.6. Due to the GBBCHMA large unmet housing need, it is considered the site would promote choice for local residents in regard to housing location and could assist the unmet housing of the HMA and therefore suggest the site be allocated for housing.
- 5.7. If the LPA do not seek to remove the site from the Green Belt at this current time, it is strongly advised that this site be safeguarded for future development.



Sustainability Appraisal

- 5.8. The Publication Plan is supported by a Sustainability Appraisal ('the SA'), prepared by Lepus Consulting. The purpose of the SA is stated as being to appraise the sustainability performance of all potential site allocations for development.
- 5.9. Land North of the A5, Gailey, is assessed within the SA as 'Land off Gailey Island' under site reference: 585. It is noted that the SA of site 585 refers to the site being assessed as a primarily residential-led development. the juxtaposition of this land with the WMI which means that infrastructure utilisation would be maximised. This is likely to result in a different sustainability score than that set out in the SA.
- 5.10. The current residential led SA includes an assessment of the nature and magnitude of the impact of the development, both pre- and post-mitigation This includes an assessment of the nature and magnitude of the impact of the development, both pre- and post-mitigation.
- 5.11. Richborough supports the scoring overall, in a context of a residential-led development, but disputes the finding that developing the Site would result in a Major Negative impact upon landscape and townscape.
- 5.12. The SA sets out that site is considered to result in a 'high' level harm to the Green Belt, as concluded by the Green Belt Study which supports the LPR.
- 5.13. In respect of other aspects, the site was only found to have 'moderate' landscape sensitivity and a 'minor negative' impact on Cannock Chase Area of Outstanding Natural Beauty, landscape character, views from the public right of way network, views for local residents, urbanisation of the countryside and coalescence.
- 5.14. The finding that the site would have a Major Negative impact upon landscape and townscape accordingly appears to be based upon the finding that the site would result in a 'high' level of harm to the Green Belt. Not only is this considered inaccurate regarding the summary of Green Belt impact, but it also implies that the consideration of Green Belt impact carries significantly greater weight than other landscape considerations in the overall assessment of impact upon Landscape and Townscape.
- 5.15. In addition, it is not clear whether the assessment has taken into account the significant impact the development of the Interchange will have on the character of the wider area both



in terms of landscape but also in terms of the relationship and role of the site in terms of the Green Belt.

- 5.16. It is therefore considered that the SA impact score of Major Negative ('--') should be reduced to a Minor Negative ('-') score in respect of Landscape and Townscape.

Green Belt

- 5.17. In August 2022, SSDC published the South Staffordshire Green Belt Study Addendum. The reports are an addendum to the South Staffordshire Green Belt Study (2019) and provides additional sub-parcel assessment and amended maps and plans.
- 5.18. The South Staffordshire Green Belt Study was published in July 2019, alongside a study employing the same methodology for the Black Country authorities. The study forms an important piece of evidence for the review of the South Staffordshire Local Plan.
- 5.19. The Green Belt Study comprised of two parts; the first was to assess 'strategic variations' between the contribution of land to the five purposes of the Green Belt, whilst the second includes a more focused assessment of the potential 'harm' of removing land from the Green Belt.
- 5.20. Alongside the Green Belt Study, a Stage 3 assessment involved undertaking a landscape sensitivity assessment in order to assess the sensitivity of land within the South Staffordshire to housing and employment development. Whilst there is a relationship between landscape sensitivity and Green Belt contribution/harm in that physical elements which play a role in determining landscape character, there are fundamental distinctions in the purposes of the two assessments. As such, the findings of the Stage 3 landscape sensitivity assessment for South Staffordshire and the Black Country are presented in a separate document (Landscape Study 2019) and is considered later in this representation.

Green Belt Purposes

- 5.21. The National Planning Policy Framework (NPPF) (2023) states that the Green Belt should serve the five following purposes:
- To check the unrestricted sprawl of large built-up area;
 - To prevent neighbouring towns merging into one another;



- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Land North of the A5, Gailey; Contributions to Green Belt Purposes

5.22. The Green Belt Assessment which forms part of the Local Plan evidence base identifies the site as falling within Green Belt parcel ref: S32 'Between Wolverhampton and Stafford'. This land parcel is significant, covering some 7,308 hectares.

5.23. This land is assessed as making the following contribution to the purposes of the Green Belt.

GB Purpose	Assessment	Rating
P1: Checking the unrestricted sprawl of large built-up areas	Land is sufficiently separated or distant from a large built-up area for there to be no significant potential for urban sprawl from the large built-up area.	Weak / No contribution
P2: Preventing the merging of neighbouring towns	Land plays no significant role due to the distance between the West Midlands conurbation and Stafford, and between Stafford and Cannock.	Weak / No contribution
P3: Safeguarding the countryside from encroachment	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	Strong
P4: Preserve the setting and special character of historic towns	Land does not contribute to the setting or special character of a historic town	Weak / No contribution

<p>P5: Assist urban regeneration, by encouraging recycling of derelict and other urban land</p>	<p>All parcels are considered to make an equal contribution to this purpose.</p>	<p>Strong</p>
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Table 5.1: Land Parcel S32 Contribution Towards Green Belt Purposes

5.24. Richborough broadly agrees with the above conclusions, apart from the assessment against Purpose 3. The subsequent 'harm' assessment (ref: S32Es1) concludes that development of the site would result in a 'high' level of harm, stating that:

'The sub-parcel makes a strong contribution to preventing encroachment on the countryside. This part of the sub-parcel is largely contained by strong boundaries (the M6 motorway, A449, A5 and railway line), but the introduction of new development in the north of the sub-parcel, either in isolation or as part of a larger development including land to the south of the A5, would result in a considerably weaker separation between Penkridge and inset development to the south, significantly impacting the wider countryside separation of the urban areas of Penkridge, Brewood, Coven and Cannock, significantly weakening the Green Belt.'

5.25. The above assessment is considered to be flawed, particularly in respect of Green Belt purpose 3 and the suggestion that the land "contains the characteristics of open countryside". This assessment seems to fail to recognise the recent consenting of a Strategic Rail Freight Interchange, known as West Midlands Interchange (WMI), at Four Ashes. This consent is recognised through the LPR, and it is proposed that it is allocated and removed from the Green Belt (see Policy SA7 – Employment allocation – West Midlands Interchange).

5.26. It is submitted that this proposed allocation of the Interchange will fundamentally change the Green Belt baseline in this location. Once the WMI is built, the Site would fundamentally not be influenced by an absence of built or otherwise urbanising uses.

5.27. It is therefore considered that the consented WMI represents a significant material consideration when assessing the Green Belt impact of this Site.



Availability

- 5.28. Richborough has demonstrated that they are supportive of the development of the site to deliver much needed new homes.

As such, this representation confirms that there is nothing to prevent this site from being delivered immediately upon its removal from the Green Belt and the receipt of the necessary consents. The site can therefore be considered to be available.

Sustainability

- 5.29. As set out above the site is immediately adjacent to the WMI, which represents one of the largest strategic employment developments in the West Midlands. The Site is located in close proximity to the strategic road network, the West Coast Mainline and the WMSRFI.
- 5.30. The location of north of A5, Gailey immediately adjacent to the WMI makes it entirely suitable for the provision of complementary housing led development aimed at meeting the established shortfall in employment land within the Black Country. Development of this land for housing would have significant benefits in utilising the direct linkages with the WMI. By providing complementary employment uses in close proximity will reduce the need to travel, maximise the utilisation of existing infrastructure and contribute towards sustainable development.
- 5.31. The site could also contribute towards the provision of a new settlement consistent with the provisions of Policy DS6 which would ensure new housing development and jobs could be located in close proximity to the consented strategic employment development at the WMI. This clearly represents a sustainable approach to delivering a new settlement. The provision of a new settlement in this location would serve to co-locate homes and jobs, whilst also providing exemplary sustainable transport opportunities to destinations both regionally and nationally.
- 5.32. The site is therefore sustainably located.

Suitability

- 5.33. The site is a suitable site for development, subject to its release from the Green Belt.



Deliverability

- 5.34. There is an agreement in place between the landowner and Richborough to facilitate the development of the site. Richborough would work collaboratively with surrounding landowners and developers to ensure the delivery of a comprehensive new settlement, beyond 2038.

6. Development Management Policies

Policy HC1- Housing Mix

- 6.1. Policy HC1 as currently drafted is overly prescriptive in relation to housing mix and pre-empted housing need through the Plan period rather than simply referring to the Strategic Housing Market Assessment as a means of deterring housing mix.
- 6.2. Whilst the emphasis has been placed on the delivery of 2 and 3 bedroom homes it is important to note that the supporting evidence within the Strategic Housing Market Assessment 2024 (Figure 8.1) also shows a clear need for 4 bedroom market and affordable family homes. In addition, the evidence points to a large number of underoccupied homes as a result of an aging population and elderly residents not wishing to downsize. Therefore, whilst the existing housing stock across the District includes a large proportion of larger family homes these are not available to meet the needs of families in need of these homes. This therefore needs to be revisited within the provisions of Policy HC1 deleting specific reference to the delivery of 2 and 3 bedroom homes and instead simplified to read as follows:
- 'All new housing developments should provide a mixture of property sizes, types and tenures in order to meet the needs of different groups in the community with the specific mix breakdown to be determined on a site-by-site basis and reflective of need identified in the council's latest Housing Market Assessment.'*
- 6.3. On major development sites a minimum of 70% of properties comprise of 3 bedrooms or less is restrictive and does not afford sufficient flexibility in order to meet the need to provide for a range of size, type, and tenure for different groups.
- 6.4. Emphasis within the policy to *'meeting the needs of the district's ageing population'* does not take a balanced approach to meeting a range of needs, including first time buyers and family homes and should therefore be deleted. Furthermore, this is unnecessary given it is dealt with under Policy HC4.
- 6.5. The use of the phrase 'disproportionate' in the penultimate paragraph, when describing the quantum of 4+ bedroom houses, lacks the precision and clarity needed for a Plan policy. Furthermore, this does not provide sufficient flexibility, assuming there will not be a



requirement for a greater proportion of 4 bedroom homes through the Plan period. As highlighted above it has been recognised by SSDC that the existing 4 bedroom housing stock is underoccupied with an ageing population and therefore if the delivery of 4 bedroom homes is limited through the Plan period as a result of Policy HC1, as currently drafted, then the need for these larger family homes will be further exacerbated. Housing mix should be guided by market signals as reflected in the most up to date assessment needs. Such assessments will need to be updated over the course of the plan period.

- 6.6. In addition, the Plan acknowledges an increased need to accommodate for home working. It sets out at paragraph 8.5 that *'The council is committed to ensuring that homes are well designed and offer suitable living conditions to future occupiers. With increases in the amount of home working this is more important to achieve than ever before'*. Policy HC1 as currently drafted however will restrict the ability to meet these needs across the Plan period.
- 6.7. As above, in relation to the delivery of 2 and 3 bedroom homes, reference to *'any development that fails to make efficient use of land by providing a disproportionate amount of large, 4+ bedroom homes compared with local housing need will be refused, in accordance with the requirements of this policy and Policy HC2'* should therefore be deleted, with the focus of the policy on need on an area and site-by-site by site basis as reflected within an up to date SHMA.
- 6.8. The policy should recognise that needs and demand will vary from area to area and site to site, including individual settlements. Mix can also influence the viability of development and the policy should recognise this and identify that its requirements could be subject to a viability assessment, thus allowing for flexibility in its application.
- 6.9. In light of the above, the policy is considered unsound as currently drafted, as elements of the policy are considered unnecessary and unjustified for the reasons set out above.

Policy HC2- Housing Density

- 6.10. Policy HC2 sets out an aim to achieve a minimum net density of 35 dwellings per net developable hectare for all housing developments *'within or adjoining Tier 1 settlements, in infill locations within the development boundaries of other settlements in the district or in urban extensions to neighbouring towns and cities'*.



6.11. Richborough welcome the addition to the policy (set out below) which recognises that a blanket approach to density is unlikely to be effective stating:

'In achieving this standard across a development as a whole, densities of different areas within a scheme may vary where justified by local character impacts and provision of services and facilities.

The net density on a site may go below the minimum density standard set above if to do otherwise would demonstrably result in adverse impacts to the surrounding area's historic environment, settlement pattern or landscape character or would prevent the delivery of other Local Plan policy requirements.'

6.12. Whilst achieving an overall net density of 35dph across larger strategic sites and housing allocations may be achievable, including various character areas across a more extensive development site, this could prove more difficult across other allocation sites, and conflict with other policy provisions across the Plan, particularly having regard to the District's rural character. Furthermore, achieving a net density of 35dph on smaller sites of under 10 dwellings will also be particularly difficult having regard to other policy provisions with the Plan. As identified earlier in these representations reliance on the delivery of housing developments at a higher density delivery does not provide a reliable strategy for the delivery of the District's housing requirement across the Plan period and therefore a greater number of housing sites will be necessary to achieve the required housing numbers (along with mix and affordable homes to meet need) as identified under policies HC4 and HC5.

6.13. The provisions of Policy HC10 (Design Requirements), whilst setting out that developments should use land efficiently, also requires existing landscape and settlement character to be respected, as well as requiring a variety of green infrastructure to be incorporated, among other design requirements. Policy HC17 also requires a landscape led approach to provide a hierarchy of open spaces throughout development layouts, whilst Policy NB4 on Landscape Character, requires the intrinsic rural character and local distinctiveness of South Staffordshire landscape to be maintained and where possible enhanced. This, along with other policy and technical considerations across a development, including delivery of SuDs, 10% BNG, NDSS and M4(2)/M4(3) compliant homes, places increase pressure on sites and the ability to achieve higher densities without compromising landscape character and the amenities of existing residential areas.



6.14. The allocation of additional housing sites across the Plan period would however allow for the delivery of much needed homes balanced alongside the need to deliver high quality residential environments which are sensitively integrated into the immediate setting, townscape, landscape and wider settlement pattern, consistent with the provisions of proposed Policy HC10.

Policy HC3– Affordable Housing

6.15. Policy HC3 requires proposals for major residential development to provide 30% of all dwellings as affordable housing. The use of the term 'major residential development' in this context requires a definition to save confusion as to what size of development affordable housing becomes a requirement as defined within the NPPF. The policy also needs to ensure that evidence is provided when considering viability, especially when looking at brownfield sites.

6.16. The requirement for 30% affordable housing (along with proposed tenure split) appears to be supported by the Viability Study Stage 2 Report 2022 (VA) which confirms at paragraph 3.2.7 that the proposed affordable housing figure can be appropriate for South Staffordshire, but it does highlight the challenges in delivering such a requirement and the need for higher site values to be achieved to deliver this across the board.

6.17. Affordable housing mix is dealt with on a site specific basis under the provisions of Policy HC1 and has not been subject to viability testing and as such both policy HC3 and HC1 should introduce greater flexibility in this regard, to allow for viability to be considered alongside the mix identified within an up to date SHMA.

6.18. The NPPF is clear that the derivation of affordable housing policies should take account not only of need but also have regards to viability and deliverability and a differentiated policy approach should be used to the provision of affordable housing, as set out in the Viability Study.

6.19. The Council's position to continue with the established approach of using Section 106 planning obligations to secure the necessary infrastructure to support and mitigate the effects of new development is supported.



- 6.20. The requirement to 'pepper pot' affordable housing in clusters across the development is generally supported. However, the policy should recognise that for management purposes, Registered Providers do require a degree of clustering of affordable housing within a development and this will inform site layouts.
- 6.21. Richborough supports the removal of the suggestion that grant funding for homes to be provided under the requirements of the Policy as requested within the Regulation 18 Representation.
- 6.22. The frequent reference to further guidance being provided by the Affordable Housing SPD is noted. The SPD should do no more than clarify the Local Plan policy and it is suggested that if the requirements for implementing the policy are known to need explanation now then these should either be included within the Plan now or set out within the explanatory text. The SPD is not the appropriate approach for setting new policy and or burdens on delivery, and the Plan should provide clarity at the point of adoption as to what it requires.

Policy HC4- Homes for older people and others with special housing requirements

- 6.23. Policy HC4 notes major development should:
- '...clearly contributes to meeting the needs of older and disabled people.'*
- 6.24. The above policy wording does not define 'older people', so it is unclear as to exactly who this Policy is targeting or who would be eligible to occupy such dwellings.
- 6.25. It stipulates that all major development should provide bungalows, age restricted single storey accommodation, sheltered/retirement living and extra care housing. The Council do not define what ages will be restricted for single storey development and as such, the policy requires clarification on this matter. There is no evidence to suggest that the provisions of Policy HC4 have been subject to viability testing for major developments of 10+ homes, with the viability assumptions included within the Viability Study 2022 only taking account costs associated with M4(2) and not M4(3) compliance and/or inclusion of single storey accommodation/bungalows.
- 6.26. Such specialist housing, especially that related to extra care and retirement living, often need a minimum critical mass to be viable (for example, extra care units typically require 60+



bedrooms to be viable) and therefore the Council needs to determine, through evidence the minimum size of site which should be able to viably support the provision of such accommodation.

- 6.27. The policy then needs to provide much greater clarity on when such housing will be required as part of a major development, and to make clear that some housing types may be required on any given site. This was raised in representations to the previous round of consultation to the 2022 Publication Plan, however it continues to remain unchanged within the Publication Plan 2024 policy wording.
- 6.28. Despite concerns raised as part of the last round of consultation, it is also noted that the plan continues to require 100% of all housing to be M4(2) compliant following on from the 30% of all homes to be Building Regulation M4(2) compliant proposed under the Preferred Options consultation Plan. This brings with it issues of affordability, in a context where the accessibility and affordability of housing is an area of wider concern. Whilst the principle of provision of a percentage of M4(2) accessible is agreed, it is not a requirement of the whole population to have such provision. The ability to deliver all homes to M4(2) standards will inevitably impact on the overall capacity of sites to deliver new homes.
- 6.29. The Council's Viability Study, Stage 2 (2022) acknowledges that at present Part M of the Building Regulations requires all dwellings to be built to a minimum of M4(1) with further enhanced requirements to M4(2) and M4(3) required through policy, subject to evidence of need as well as viability.
- 6.30. Currently, the requirement for M4(2) properties is optional within Building Regulations and are described as making "reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users". It is recognised that the older person population is likely to increase over the plan period, however an ageing population affects the whole country and is not an issue specific to South Staffordshire. If the Government had intended that evidence of an ageing population alone justify adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.
- 6.31. Furthermore, the HMA identifies a need for 1,783 accessible and adaptable general homes for those over 65 years and 1,235 for those under 65 years, across the Plan Period. This equates



to less than 30% of the overall housing requirement to be delivered by this Plan. The updated SHMA 2022 at paragraph 8.14 concludes that it is calculated that adapted housing M4(2) will be required for 3,978 households by 2040 in South Staffordshire. The requirement for 100% M4(2) homes is not therefore considered to be adequately justified by the evidence.

- 6.32. Having highlighted the above, it is also noted that the Council's Viability Study 2022 simply refers to a Government consultation¹ which indicates that M4(2) standards may become mandatory for all new housing.
- 6.33. That consultation was undertaken in 2020 and in July 2022 the Government published their response. This indicates that M4(2) dwellings may indeed become mandatory. This will necessitate a change to Building Regulations and statutory guidance, on which the Government will consult further in due course.
- 6.34. At the present time, though, the requirement for M4(2) dwellings is not mandatory and if the Council wish to pursue a policy requirement of 100% M4(2) dwellings then this needs to be justified, with reference to both need and cost.
- 6.35. As drafted, Policy HC4 is not sound as it is not adequately justified.

Policy HC8 – Self-build and Custom Housebuilding

- 6.36. Policy HC8 requires sites for major residential development to "... have regard to the need on the council's self-build register and make provision of self and custom build plots to reflect this". The policy should be clear that in having regard to the Council's self-build register, it is only part 1 of the register which needs to be considered. The policy should also recognise, that delivery of self-build housing on new residential sites, successfully occurs when there is a distinct phasing or grouping of plots, secured for such delivery.
- 6.37. Whilst Richborough generally supports the concept of self-build/custom housing, they do not consider providing them as part of a larger housing development is the most appropriate solution because self/custom builders are more likely to want a more bespoke

¹ www.gov.uk: Raising accessibility standards for new homes: summary of consultation responses and government responses (July 2022)



location/setting. Smaller dedicated self/custom sites are therefore a more appropriate answer.

Policy HC10- Design Requirements

6.38. The introduction of a detailed design policy to ensure high quality design and the creation of beautiful places in line with Government guidance is supported. However, a number of specific comments are made on the policy as drafted:

- The provision of tree lined streets (item c) should be subject to highway authority agreement, and where appropriate, their adoption. In Richborough's experience, local highway authorities do not want trees in immediate proximity of the street due to management concerns or liability.
- The point on house types and tenures (item l) is repetition of policy material set out at Policy HC1 and is therefore unnecessary.
- The provision of bespoke house types is onerous and unrealistic for commercial housebuilders who work with a portfolio of house types. This will be re relevant for the majority of housing development sites. Housetype Portfolios go through rigorous audits, ensuring they meet with necessary Building Regulation requirements, materials are available via suppliers for the quantum of homes proposed as well as ensuring developments are commercially viable, whilst also meeting with demands of customers. The reference to 'bespoke homes' within the Policy is unjustified, jeopardising the delivery of homes within the District. The policy should therefore be amended to instead refer to '*a range of house types*'.

6.39. The policy as currently drafted is currently unsound as there are elements of the policy that are unnecessary and/or unjustified and as such the policy should be amended to reflect the amendments as set out above.

Policy HC12- Space About Dwellings and Internal Space

6.40. The continuity of existing external space and dwelling standards is generally supported although there should be a recognition that certain house types, for example Part M4(2) dwellings, should have smaller, more manageable gardens.



6.41. The introduction of the optional nationally described space standard (NDSS) to all new homes should accord with the provisions of the NPFF (para 135f and Footnote 52) which sets out that 'policies may also make use of the NDSS, where the need for an internal space standard can be justified'. However, the implementation of NDSS should still allow for flexibility when a different solution might be required, for example to meet a specific housing mix or housing need/design requirements (including provision for working from home as advocated within the policy supporting text at paragraph 8.5) along with any particular site constraints. This needs to be referenced in the policy wording.

Policy HC14- Health Infrastructure

6.42. Further to the previous round of consultation on the Publication Plan 2022 version, the policy continues to refer to proposed development causing '*unacceptable impact*' on existing healthcare facilities but fails to define what level of impact is deemed unacceptable or how that is to be measured. The policy should acknowledge that not all residents of a development will be new to a catchment area and may indeed already be registered by the local health care provider, thereby not creating a net additional burden.

6.43. Careful analysis is required therefore with regard to the capacity of existing infrastructure to accommodate new patients, before reaching a conclusion as to what any CIL Regulation 122 compliant financial request might be. The requirement for CIL Reg compliance of any request should be clearly specified within policy, especially in view of recent appeal decisions in Malvern and Harborough.

6.44. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above. The policy needs to be more explicit over what health infrastructure it is needing. The requirement for

Policy HC15- Education

6.45. Richborough broadly supports the policies' objective for the improvement or construction of schools to meet the demand generated by children in new development. However, as currently written, the policy makes a blanket assumption that new education infrastructure will be required from all new development.



- 6.46. The Policy text requires further clarification as any such provision to be delivered by a S106 agreement, must have regard to the tests of CIL Regulation 122. The policy should make this explicit. In this regard, the policy should also recognise new infrastructure will be required from new development, only where it can be demonstrated that existing capacity to accommodate growth does not currently exist.
- 6.47. The policy is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.

Policy HC17- Open Space

- 6.48. Whilst there is no in principle objection to the requirements of the policy or the provision of open space within developments, some clarifications are required in order to ensure that the Policy is sound.
- 6.49. The policy requirement for on-site equipped play provision as default (for developments of 33 homes or above) and off-site contributions for sites between 10 -32 dwellings is not supported as this will not be appropriate for every site. For example, where there is already high-quality equipped play provision in the locality it would not make sense to duplicate this provision.
- 6.50. The provision of onsite open space as currently prescribed under Policy HC17 will also place further constraints on development in meeting with the requirements of a higher density of 35dph under Policy HC2. This again throws into question the ability to deliver sufficient homes across the Plan period based on a reliance on higher density development, highlighting further the need to allocate additional housing sites. The provision of more homes would also contribute positively in delivery a range of formal and informal open space infrastructure for the benefit of not only new residents but also existing communities.
- 6.51. With regards to smaller sites required to pay an offsite contribution under the provisions of the policy it may be preferable to provide an area of open space on site, where for example an area of informal open space site can be provided on part of the site which cannot be developed as a result of other design and policy requirements. For example, SuDs features can also deliver opportunities for informal open space and areas of site may need to remain undeveloped to retain important landscape views through the site.

- 6.52. The focus of Green Infrastructure provision should be based on quality rather than quantity or 'useability' and the exclusion of small incidental green infrastructure (GI) without a clear recreational purpose from on-site open space provision is not supported. The policy text cites landscape buffers as an example of incidental GI which may be excluded. This is not appropriate as landscape buffers can be of a significant size and clearly contribute towards open space provision on a site. They should therefore be included in these calculations. Planning Practice Guidance acknowledges that '*Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals, and other water bodies*' (Paragraph 004 – ref ID: 8-004-20190721).
- 6.53. The overly prescriptive wording of the policy should therefore be revisited to ensure the policy takes a more flexible approach to open space provision having regard to need in accordance with the CIL regulation tests to achieve the right design solution for each site. The policy should make clear reference to national guidance ensuring that open space and green infrastructure is properly and clearly defined and to recognise the contribution that a range of spaces and uses will bring to a development.
- 6.54. The policy as drafted is unsound as it is *inconsistent with national policy* and is *unjustified* for the reasons set out above.

Policy HC18- Sports facilities and playing pitches

- 6.55. Policy HC18 sets out that all new major developments will make a contribution towards sports facilities and playing pitches.
- 6.56. The policy continues that this will be '*secured through a S106 agreement and informed by the latest Sport Facilities and Playing Pitch Strategies*', however the emphasis should be on establishing deficiencies in existing sports and playing pitch provision (in accordance with the latest evidence) and a requirement for any additional provision alongside the proposed development having regard to the tests of the CIL Regulations, rather than making a blanket assumption that all major developments will be required to make a contribution towards sports facilities and playing pitches. The wording of the policy as currently drafted should therefore be revisited to ensure this is made explicit.



- 6.57. Regard will need to be given not only to evidence of provision included within the latest Sport Facilities and Playing Pitch Strategies but also have regard to the delivery of new facilities as part of the larger strategic allocations. For example, land north of Penkridge (Policy SA2), will provide a new community park, along with full size sports pitches and associated facilities, whilst land east of Bilbrook will also deliver additional playing pitches.
- 6.58. It is noted that further guidance on the procedure for determining provision required from new development will be set out in an Open Space, Sport, and Recreation SPD. However, the policy requires all new major residential development to contribute towards sports facilities and playing pitches, but no further quantitative details are provided to set out the detail of what will be expected within the Publication Plan.
- 6.59. An SPD should not be the vehicle for unexpected costs with any specific requirements relating to the delivery of developer s106 obligations included within the provisions of the Local Plan itself.
- 6.60. The requirements of delivering sports facilities and playing pitches through on-site provision or S106 contributions is only one element of the package that sites will need to provide, and the Council must ensure the delivery of all potential obligations are taken into account for both on and off-site provision to support the soundness of the Plan at examination.

Policy EC11- Infrastructure

- 6.61. We note that the policy commits the Council to work with and support infrastructure providers and also offers policy support for this. Any assessment of cumulative impact and mitigation requested must be proportionate and CIL Regulation 122 compliant. The policy should be explicit that this is the case.
- 6.62. In particular the policy ought to make clear that infrastructure contributions can take a number of forms, individually attributing a proportion of the cost of an element of infrastructure.
- 6.63. The policy as currently drafted is considered unsound, as it is neither *justified* nor *consistent with national policy* for the reasons set out above.



Policy EC12 – Sustainable Transport

- 6.64. The Policy sets out a number of criteria that all new developments will be required to follow. Point b) requires 'safe access and an acceptable degree of impact on the local highway network' to be demonstrated. The wording of the policy should however be revisited to ensure consistency with the NPPF Paragraph 115 which sets out that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 6.65. As currently written the wording of point e) is unclear and lacks clarity in the context of the policy which relates to transport and the delivery of sustainable travel and is currently open to interpretation. In particular it is unclear why a policy relating to sustainable transport is seeking to minimise the impact of noise. The policy should focus on the transport related element. A more appropriate form of wording is suggested as follows:

'Where required, appropriate mitigation to address the impacts of any increased traffic (including cumulative impacts) associated with the proposed development shall be provided, either through direct improvements or Section 106 contributions where proportionate and CIL Regulation 122 compliant'

- 6.66. As currently written the policy is therefore considered unsound as it is not consistent with national policy for the reasons set out above.

Policy NB1 – Protecting, enhancing and expanding natural assets

- 6.67. The policy sets out that 'The developer must demonstrate through submission of documents that where a protected species mitigation licence is required from Natural England, that Natural England would be reasonably likely to grant this, and that the three tests under Regulation 55 sub-paragraphs (2)(e-g), and (9)(a-b) of the Conservation of Habitats and Species Regulations 2017 (as amended) would be met'.
- 6.68. Whilst important that consideration is given to the potential requirement for a species mitigation licence, this should be identified within the supporting policy text or the Natural Environment and Biodiversity SPD for information purposes only rather than under the provisions of planning policy. The requirement should therefore be deleted from Policy NB1.



- 6.69. The provisions of the policy, as currently written are reliant upon Natural England (NE) responding in relation to an initial licence application in advance of a formal application being submitted which is considered to be onerous and unnecessary given NE are not required to grant at this stage. It is likely that the details of the layout and associated mitigation may well evolve through the planning application process. Where appropriate, Natural England will have the opportunity to comment on a proposed development through the statutory application consultation process, whilst developers have the opportunity to seek advice in relation to the licence simultaneously alongside the planning application. To require this input 'upfront', has the potential to unnecessarily slow up the submission of applications and in turn planning permissions.
- 6.70. In referring to the best and most versatile agricultural land the policy sets out that it will be protected and enhanced. The NPPF (at paragraph 180) however recognises the economic and other benefits of agricultural land which should be considered in the overall planning balance alongside the provision of much needed homes to meet the District and the wider GBBCHMA. The policy as currently drafted should be amended to accurately reflect the provisions of national policy.
- 6.71. The policy is considered unsound, as it is neither justified nor consistent with national policy for the reasons set out above.

Policy NB2- Biodiversity

- 6.72. Richborough are supportive of the need to address net losses to Biodiversity, through the provision of enhancement to deliver and overall net gain. The Council's policy requirement to deliver 10% Biodiversity Net Gain, reflects that of the Environment Act and is not objected to. However, given the 10% BNG is a mandatory requirement for all developments (subject to some exemptions) the detailed provisions included in Policy NB2 in relation to BNG are considered unnecessary and a duplication of national policy requirements (Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)).
- 6.73. The Policy should therefore be simplified with clauses a)-c) deleted so as to avoid the potential for misinterpretation within the wording of the policy and confusion when read alongside the requirements of the Act and any associated guidance. Clause a) requires existing habitats on site to be maintained and enhanced as a priority. However, the Act



requires the provision of 10% net gain having regard to the pre development biodiversity value of the site. This may involve the loss of existing habitats and replacing with new having regard to outputs of the statutory biodiversity Metric. At clause c) the policy also sets out a requirement to secure the habitat in perpetuity and where it is demonstrated this is not possible to secure the habitat for 30 years. This however exceeds the mandatory requirements set out at Schedule 7A of the T&C Planning Act 1990, which specifies that a habitat is to be secured for *'at least 30years after the development is completed'*.

- 6.74. The Natural Environment and Biodiversity SPD provides the opportunity to expand upon the requirements of BNG at a national level were considered necessary and of assistance to the reader at a local level, including biodiversity enhancement projects where offsite net gains could be delivered in lieu of onsite provision. The SPD should not seek any additional policy provisions to that identified under Policy NB2.

Policy NB4- Landscape Character

- 6.75. Policy NB4, would benefit to an amendment in the text, which reflects the comments made on Policy NB2 above. As drafted, the second paragraph states:

"All trees, woodland, and hedgerows should be protected and retained"

- 6.76. Whilst it is appreciated that the following sentence identified that should a loss be required, appropriate mitigation measure must be delivered by the developer, the above sentence should be amended to the following:

"All trees, woodland and hedgerows should be protected and retained wherever possible"

- 6.77. It should also be noted within the policy however that despite the protection of trees and hedgerow wherever possible, in particular trees which contribute positively/are particularly important to the character and amenity value of the site, some loss of trees and hedgerows is likely to be inevitable as it almost always necessary to remove hedgerows to accommodate a vehicular access into the site or example.



**Policy NB6A: Net zero new build residential development (operational energy)
Sustainable Construction**

- 6.78. NB6A requires all new residential developments to achieve net zero regulated and unregulated carbon emissions through the application of a number of requirements.
- 6.79. Although a move towards delivering greater energy efficiency is supported, it is important that the Development Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry.
- 6.80. Energy efficiency and the need to make significant improvements towards the pathway to net zero has been addressed at a national level through increasingly stringent Building Regulation requirements. In addition, from 2025 the Future Homes Standard will also require new homes to produce at least 75% lower CO2 emissions than current energy efficiency requirements. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 was clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations setting out that ***'Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures that development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework'*** ...'
- 6.81. The Local Plan is not supported by robust evidence to support this approach taken. It is noted that the Council have not undertaken an updated viability study to support the 2024 Publication Plan with both the Sustainable Construction Policy NB6 Task A Report (2023) and Sustainable Construction Policy NB6 – Addendum Report (2024) postdating the most up to date Viability Report 2022. The Addendum Report sets out that the 63% reduction on the Part L 2021 TER (regulated carbon emissions) was the most carbon effective option that remained within the 7% cost uplift that the viability had previously tested. There is the risk however of making various assumptions here without vigorously testing against the specifics of the revised policy and the potential cost implications for proposed developments and whilst the policy incorporates the ability to demonstrate a site specific viability case a thorough and up to date assessment should be undertaken to assess alongside the



implications of Policy NB6A other policy requirements set out in the 2024 Publication Plan. As there is no evidence on viability the policy conflicts with Government advice and should be deleted.

- 6.82. Concern is identified in relation to some of the technical detail included at Policy NB6.A Clause A7 in relation to post occupancy evaluation, with the policy stating that;

Large-scale development (over 50 homes) should monitor and report total energy use and renewable energy generation values on an annual basis for 5 years from first occupation. An outline plan for the implementation of this should be submitted with the application. Monitored data are to be reported to the local planning authority.

- 6.83. This raises similar concerns as raised within representations made by Richborough to the previous round of consultation in relation to Policy NB6 and post completion monitoring. Firstly, once sold the properties will be owned by the purchasers and their mortgagees. There are issues of data protection and consent surrounding the recording and sharing of data with a third party and/or the reliance on the cooperation of private home owners to share data in order to meet with the requirements of any monitoring condition associated with Policy NB6A.

- 6.84. Secondly, a question arises as to the purpose of such widespread collation of such data. It will not be possible to post factum make alterations to the constructed buildings, so what is the benefit or purpose of such a significant amount of data collation? If the purpose is to inform and advise as to future construction methods, then this could be equally achieved by an informed and targeted research exercise by organisations such as the BRE in advising Governments and through amendments to building regulations. Extracting, what is in effect lifestyle data, from private individuals, is neither considered desirable nor practical in this regard.

- 6.85. There is no evidence to suggest that the Council have considered or addressed the GDPR implications of this requirement, its effect on 'mortgage-ability', or indeed its effect on sales values. This element of the policy is not practical to be delivered in the form proposed, and is therefore considered unsound, on the grounds of being neither justified nor consistent with national policy for the reasons set out above.



Policy NB6C: Embodied carbon and waste

- 6.86. Richborough fully appreciate the value of Whole Life-Cycle Carbon assessments and the need for some form of post construction, pre-occupation assessment. Whilst it is noted that the requirements in relation to embodied carbon have been revisited since the earlier 2022 iteration of the Publication Plan document, which now 'encourages' (at Clause C1) rather than requires all new residential development to complete a whole life carbon assessment there remains concern over the inclusion of the policy, in particular when read alongside paragraph 13.15 which sets out that the submission of information will be required at the post-completion stage via condition *'to verify that as built embodied carbon quantities remain compliant'*.
- 6.87. Similarly to representations made in relation to provisions under Policy NB6A, Policy NB6C Clause C2 is also considered unnecessary with Building Regulations instead providing the basis on which the construction of buildings should adhere to. There should be no expectation placed on housebuilders and builders to exceed national standards which have already been through vigorous viability testing and provide certainty for both housebuilders and developers.
- 6.88. Clause 3 in relation to *'easy material re-use and disassembly'* and *'end of life demolition'* is ambiguous and lacks clarity, placing reliance on further detail within an SPD. The SPD should do no more than clarify the Local Plan policy, and it is suggested that if the requirements for implementing the policy require explanation now, then these should either be included within the Plan Policy or set out within the explanatory text.
- 6.89. The requirement for an Energy Statement to accompany applications is referenced only within the supporting text at Paragraph 13.15. To ensure clarity to the reader reference to the provision of an Energy Statement if deemed necessary to deliver the requirements of Policy NB6C should be explicitly set out within the Policy itself rather than an afterthought. The purpose of an Energy Statement at the planning stages is however questioned given the requirements under Building Regulations to meet specific standards of construction in relation to energy efficiency with housebuilders housing portfolios designed to address these requirements.



- 6.90. As currently drafted the policy is not considered to be adequately justified or consistent with national policy for the reasons set out above.

7. Conclusion

- 7.1. This representation is made by Pegasus Group on behalf of Richborough Limited to the South Staffordshire Local Plan Review, Publication Plan (Regulation 19). This representation relates to land north of the A5, which Richborough is promoting for residential development.
- 7.2. Richborough is supportive of the Local Plan Review undertaking but has made specific comments on key matters associated with the Local Plan Review. These include on the amount of land identified for housing, Green Belt land release and safeguarded land, on some development management policies, and, on site specific matters associated with the Council's consideration and evidence base on the land north of the A5.
- 7.3. With the overwhelming housing shortfall, it is imperative that further work is undertaken with the GBBCHMA authorities as a matter of priority to agree a clear position in relation to the housing shortfall across the wider HMA along with the distribution of housing numbers. An early review of the Local Plan, in accordance with NPPF Paragraph 33, should therefore be undertaken as soon as possible to respond to the increasing need for development both within South Staffordshire and the wider housing market area.
- 7.4. The information contained within this representation demonstrates land north of the A5 is a suitable and deliverable site for residential development and that the site could deliver development to meet the identified housing needs within the Plan period.



Appendix 1

Site Location Plan

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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