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Via eMail: [localplans@sstaffs.gov.uk](mailto:localplans@sstaffs.gov.uk)

**Date:** 13<sup>th</sup> December 2021  
**Client:** John Davies Farms Ltd  
**Our Ref:** SA31409

Dear Sir/Madam,

## **South Staffordshire Local Plan Review – Preferred Options Consultation**

We have been instructed by John Davies Farms Ltd to submit representations to the Preferred Options consultation of the Local Plan review.

The objector and agent details are provided at Appendix 1 of this letter, and the representations are set out in Appendix 2.

Should you require any further information please don't hesitate to contact me.

Yours sincerely

*M. Lloyd*

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for and on behalf of Berrys  
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## Appendix 1 - Objector and Agent Details

	<b>Objector</b>	<b>Agent</b>
<b>Organisation</b>	JOHN DAVIES FARMS LTD	BERRYS
<b>Contact Name</b>	c/o Agent	Mr Michael Lloyd
<b>Address</b>	c/o Agent	Beech House Anchorage Avenue Shrewsbury Business Park Shrewsbury Shropshire SY2 6FG
<b>Tel. Phone</b>	c/o Agent	01743 290646
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## Appendix 2 – Representations

### Question 1:

**Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No**

**Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.**

NO

The documents listed in Appendix A include the Housing Site Selection Topic Paper which details that, to identify sites for allocation in the Local Plan, the Council has undertaken many 'Call for Sites' and that these sites are included, and categorised, within the Council's Strategic Housing & Economic Land Availability Assessment (SHELAA). The categorisation of sites in the 2021 SHELAA has been used to help identify a shortlist of sites for allocation in the Local Plan. However, whilst it is evident that the 2021 SHELAA is an important evidence base document it is not identified within Appendix A of the Preferred Options document.

Nonetheless, as detailed within the Housing Topic Paper, Seisdon is a proposed Tier 4 settlement and sites in the settlement have therefore been considered for allocation. All 4 of the sites identified on the SHELAA 2021 plan for Seisdon have been identified as potentially suitable for housing development. The detailed assessment of these sites (in Appendix 3 of the Topic Paper) identifies that all 4 sites are broadly comparable but that 671 and 358 give rise to the least amount of harm on the purposes of the Green Belt in this location.

The assessment of sites contained within the Housing Site Selection Topic Paper is based upon a number of criteria including the findings of the Sustainability Appraisal and the Green Belt Study. However, it is contended that there are a number of inaccuracies with the sustainability assessment of site 671 in Seisdon, as follows:

- Site 671 has been identified as scoring poorly with respect to 'Climate Change and Adaptation' due to part of the site being within an area determined to be at low, medium and high risk of surface water flooding. The assessment therefore concludes that development at the site would be expected to have a major negative impact on pluvial flood risk, as development could potentially locate some site end users in areas at high risk of surface water flooding, as well as exacerbate pluvial flood risk in surrounding locations. However, the area subject of surface water flooding is negligible and can either be excluded from the allocation or accommodated within any site layout as part of a sustainable drainage solution and/or open space provision. The potential 'Climate Change and Adaptation' impact should therefore be revised to negligible.
- Site 671 has been identified as scoring poorly with respect to 'Cultural Heritage'. For this aspect of the assessment, development on both site 359

and site 671 is considered to have the potential to give rise to minor negative impacts. However, the assessment details that development on site 359 may negatively impact on the setting of Listed Buildings, the settlement's Conservation Area and coincides with the archaeological feature 'Seisdon Hall Park, Trysull'. In comparison, the only concern raised on Site 671 is that it is located adjacent to 'Seisdon Hall Park, Trysull'. It is evident that site 359 has a far greater potential impact upon the historic environment than site 671 and this should be reflected in the scoring with site 671 identified as being negligible in this aspect.

- Table 7.2 of the Green Belt Study provides an assessment of each site's potential harm on the Green Belt. Whilst some sites in Seisdon have been identified as potentially having a 'Moderate-High' impact, site 671's potential impact is identified as 'Moderate'. However, this distinction between sites is not adequately recognised in the Sustainability Appraisal. In addition, site 671 is also uniquely located within the settlement, adjoining the recreational ground, to reduce the impact of removing land from the Green Belt by providing compensatory improvements in the form of:
  - new or enhanced green infrastructure;
  - woodland planting;
  - landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
  - improvements to biodiversity, habitat connectivity and natural capital;
  - new or enhanced walking and cycle routes; and
  - improved access to new, enhanced or existing recreational and playing field provision.
- The assessment contained within the sustainability appraisal also fails to give sufficient weight to the fact that site 671 lies closer, and benefits from better pedestrian linkages, to the settlement's main services/facility (Seisdon Convenience Store and Off Licence).

It is evident, therefore, that the full assessment of all minor and major positive and negative sustainability effects arising from site 671 (contained within Appendix B of the 2021 Sustainability Appraisal of the South Staffordshire Local Plan Review) should be revisited to acknowledge the above points. It is further contended that such a review would clearly identify that site 671 represents the most sustainable location for new housing development in Seisdon.

## Question 2:

**(a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP? Yes/No**

**(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver? Yes/No**

NO COMMENT

## Question 3:

**a) Have the correct vision and strategic objectives been identified? Yes/No**

**b) Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives? Yes/No**

- a) YES – the vision and objectives seek to enable development that will meet the area’s needs whilst also protecting and enhancing the area’s most important assets (including its rural character, communities and landscape).

In particular, the Plan’s objectives to provide housing to meet the needs of different groups in the community, including the elderly (strategic objective 4) and to protect and enhance sustainable village centres (strategic objective 8) are supported.

- b) NO – Please refer to the following representations submitted on draft policies (Chapters 4 and 5).

## Question 4:

**Do you support the policy approach in Policy DS1 – Green Belt and Policy DS2 – Open Countryside? Yes/No**

**If no, please explain how these policies should be amended?**

NO

Policy DS1 seeks, in the 3<sup>rd</sup> paragraph, to provide a definition for “limited infilling in villages” identified in the National Planning Policy Framework (NPPF) as an exception to the policy of constraint in Green Belts. However, the definition provided fails to recognise that interpretation of “limited infilling” should be made having regard to local circumstances.

It is contended that Policy DS1 should be amended to omit reference to “small gaps (1 or 2 buildings)” and “exceed the height of existing buildings” as these parameters limit the scale of development that can be delivered, regardless of its impact upon

the purposes of the Green Belt. The scale of a development, in terms of numbers and heights of dwellings, should be left to determination at the Planning Application stage when detailed consideration can be given to how a proposed development relates to the existing built form of a village including the scale of the existing village, the physical circumstances of the site and its relationship to the village. Only through detailed consideration of these factors can a conclusion be reached on whether a development represents limited infill.

## **Question 5:**

**Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? Yes/No**

**If no, please explain how this policy should be amended?**

NO

The consultation document details that the Plan's proposed housing target is made up of South Staffordshire's housing need (based on the government's standard method), completions in the district since the start of the Plan period and additional housing to contribute towards the unmet needs of the Greater Birmingham Housing Market Area.

Whilst this approach is supported, we are aware that the Association of Black Country Authorities (ABCA) wrote to Shropshire Council on the 24 February 2021 (in response to Shropshire Council's Regulation 19 consultation), to highlight that there will continue to be a shortfall of land to meet the Black Country's housing needs even in the light of Shropshire's proposed contribution in its Regulation 19 Plan and the proposed contributions in other emerging neighbouring Local Plans, including South Staffordshire, Lichfield and Cannock. ABCA anticipate that these contributions could accommodate in the region of up to 10,500-12,500 homes and in the best-case scenario, and would leave the Black Country with a significant shortfall.

Whilst further contributions may come forward – including from Telford & Wrekin, Solihull and Bromsgrove the letter from ABCA to Shropshire Council indicates that the contribution provided in South Staffordshire may need to rise if the needs in the wider housing market area are to be met and provides additional justification for the release of land in South Staffordshire to meet the needs of the Black Country.

In addition, and significantly, the spatial strategy for housing has been refined from that contained in the 2019 Spatial Housing Strategy and Infrastructure Delivery consultation. One of the key changes made is the removal of small site allocations in Tier 4 villages "as current monitoring information suggests these allocations are not required to meet the national requirement for 10% of housing growth to be delivered on sites of less than 1 hectare".

This change is considered to be inappropriate as it fails to recognise the sustainability of the Tier 4 settlements or provide the level of growth necessary in these settlements to meet the Plan's objectives of provide housing to meet the needs of different groups in the community or to protect and enhance sustainable village centres.

As highlighted in paragraph 4.3 of the Plan, there is a finite and diminishing supply of brownfield land and windfall sites within settlements. Therefore, without the provision of allocations, there will be an unmet need for housing arising from the local community and a failure to support and enhance community facilities and services, in Tier 4 settlements.

Whilst it is unclear whether the requirement for 10% of housing growth to be delivered on sites of less than 1 hectare is likely to be met, it is significant that paragraph 69 of the NPPF states that *"local planning authorities should:*

- a) *identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved"*

It is clear that the 10% requirement is therefore a minimum requirement and for the Plan to be considered sound it must plan positively the provision of housing sites of less than one hectare through the allocation of land.

Given the above, it is considered evident that small site allocations in Tier 4 villages should be reintroduced to positively plan the provision of sites of no larger than one hectare, and to provide the level of growth necessary in these settlements to meet the Plan's objectives of providing housing to meet the needs of different groups in the community and to protect and enhance sustainable village centres.

## **Question 6:**

**Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement? Yes/No**

**If no, please explain how this policy should be amended?**

NO

The longer-term growth aspiration for a new settlement relates not to the current Plan period, but to future Plan periods. As such it is considered premature to include a policy which seeks to set out the criteria for such a settlement when the justification for that settlement, in terms of housing and employment growth, has yet to be fully established and the potential options for accommodating that growth fully explored.

It is noted that the proposed policy recognises that a new settlement is only one key option amongst a number to be considered by the Council in future Plan making.

Nonetheless, alternative options for accommodating housing and employment growth in future plan periods include directing growth to lower tier settlements, such as Seisdon, where growth will meet the needs arising in those settlements and surrounding areas whilst also helping to maintain and enhance the vitality of rural communities and their local services (in accordance with paragraph 79 of the NPPF).

Given the above, it is concluded that policy DS4 should be omitted from the Plan in order to ensure that this option does not prejudice the future consideration of alternative options for accommodating growth in the District in subsequent Plan periods.

## **Question 7:**

**a) Do you support the proposed strategic housing allocations in policies SA1-SA4? Yes/No**

**If no, please explain your reasons for this.**

**b) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code? Yes/No**

NO

The Plan places a significant reliance (min 4448 homes by the end of the Plan period) on the delivery of four strategic sites as follows:

- SA1 Land east of Bilbrook (min 848 homes) site ref. 519
- SA2 Land at Cross Green (min 1200 homes) site ref. 646a and 646b
- SA3 Land north of Linthouse Lane (min 1200 homes) site ref. 486c; and
- SA4 Land north of Penkridge (min 1200 homes) site ref. 010, 420 and 584

Such a reliance brings into question the deliverability of the Plan should any one of these sites fail to deliver homes at the rate envisaged. Issues such as the delivery of infrastructure to serve these sites is fundamental in determining the rate at which these sites will deliver homes. However, such issues are identified for further consideration as part of the preparation of Supplementary Planning Documents (SPDs) to be adopted in the early years of the plan period. Without the detailed assessment to be provided in these SPDs, there is considerable uncertainty over whether the four strategic sites will deliver homes at the rate required and therefore whether the Plan will be effective.

In addition, it is noted that three of the four sites require the release of land from the Green Belt, namely

- SA1 Land east of Bilbrook (min 848 homes)



- SA2 Land at Cross Green (min 1200 homes)
- SA3 Land north of Linthouse Lane (min 1200 homes); and

The Housing Topic Paper details that the release of green belt land in these locations will result in:

- SA1: SA findings Major negative effects are predicted against the landscape criteria, due to the site's Green Belt harm.
- SA2: SA findings Major negative effects are predicted against the landscape criteria, due to the sites Green Belt harm.
- SA3: SA findings Major negative effects are predicted against the landscape criteria, due to the sites Green Belt harm.

The Green Belt Study (2019) provides further detail in table 7.1 that development of:

SA1: Site 519 will result in a 'high' level of harm to the Green Belt;

SA2: Site 646a will result in a 'high' level of harm to the Green Belt;

SA2: Site 646b will result in 'high' or 'very high' levels of harm to the Green Belt; and

SA3: Site 486c will result in a 'high' level of harm to the Green Belt.

The release of these sites will therefore result in a weakening of the Green Belt, for example by leaving a narrow gap between towns or increasing its containment by urban areas (as detailed in paragraph 6.23 of the Green Belt Study).

In order to ensure that the Plan is consistent with national policy requirements, less reliance should be placed on the delivery of housing on large scale strategic sites (S1 – S4) with a greater level of growth, and allocations, directed to lower tier (tier 4) settlements in need of growth where allocations would maintain and enhance the vitality of these communities but not give rise to the 'high' or 'very high' levels of harm to the Green Belt associated with the larger scale (S1-S3) housing sites.

Such a change will ensure that the Plan:

- plan positively for the provision of housing sites of less than one hectare through the allocation of land (in accordance with paragraph 69 of the NPPF);
- ensure that the Plan is effective in delivering the housing requirement over the Plan period (in accordance with paragraph 23 of the NPPF)
- meet housing needs of lower tier (tier 4) settlements (in accordance with paragraph 78 of the NPPF);
- maintain and enhance the vitality of rural communities and their local services (in accordance with paragraph 79 of the NPPF);
- ensure that land is not unnecessarily included within the Green Belt and demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period, when reviewing Green Belt boundaries (in accordance with paragraph 143 of the NPPF).

## **Question 8:**

**Do you support the proposed housing allocations in Policy SA5? Yes/No**

**Please reference the site reference number (e.g site 582) for the site you are commenting on in your response.**

NO

It is noted that, as detailed in the Green Belt Study (2019) (table 7.1) a number of sites are proposed for allocation (including site references 224 Codsall, 523 Cheslyn Hay, 536a Great Wyrley, 591 Huntington and 582 West of Wolverhampton) that would result in 'moderate-high', 'high' or 'very high' levels of harm to the Green Belt.

The release of these sites will therefore result in a weakening of the Green Belt, for example by leaving a narrow gap between towns, increasing its containment by urban areas or by isolating an area of Green Belt that makes a stronger contribution (as detailed in paragraph 6.23 of the Green Belt Study).

Given the above, it is considered that growth proposed on allocations that would result in significant levels of harm (moderate-high and above) to the Green Belt, should be directed to sites where a lesser degree of harm would arise and where the level of growth would ensure that the Plan:

- plans positively for the provision of housing sites of less than one hectare through the allocation of land (in accordance with paragraph 69 of the NPPF);
- meets housing needs of lower tier (tier 4) settlements (in accordance with paragraph 78 of the NPPF);
- maintains and enhances the vitality of rural communities and their local services (in accordance with paragraph 79 of the NPPF).

## **Question 9:**

**A) Do you support the proposed pitch allocations in Policy SA6? Yes/No**

**Please reference the site reference number (e.g SS001) for the site you are commenting on in your response.**

**B) Is there another option for meeting our gypsy and traveller needs, including any alternative site suggestions that could be considered? Yes/No**

**Please provide details, including a plan for new site suggestions**

NO COMMENT - GYPSY AND TRAVELLER SITE PROVISION

**Question 10:**

**Do you support the proposed allocation in Policy SA7? Yes/No**

NO COMMENT - STRATEGIC EMPLOYMENT LAND ALLOCATION

**Question 11:**

**Do you agree with the proposed policy approaches set out in Chapter 6?  
Yes/No**

**If no, then please provide details setting out what changes are needed,  
referencing the Policy Reference number (e.g HC1 - Housing Mix).**

NO COMMENT – DETAILED DEVELOPMENT MANAGEMENT POLICIES

**Question 12:**

**a) It is proposed that the fully drafted policies in this document (Policies DS1-DS4 and SA1-SA7) are all strategic policies required by paragraph 21 of the NPPF. Do you agree these are strategic policies? Yes/No**

No

Paragraph 21 of the NPPF states that strategic policies should be limited to “those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies”.

It is considered that policies SA1 – SA7 provide a level of detail that is more appropriately dealt with through the Plan’s non-strategic policies.

**b) Are there any other proposed policies in Chapter 6 that you consider should be identified as strategic policies? Yes/No**

**If yes, then please provide details including the Policy Reference (e.g HC1 – Housing Mix)**

NO COMMENT