

Friday 31 May 2024

Representations to South Staffordshire Local Plan Review Regulation 18 consultation (April 2024)

Land south of New Road, Featherstone

These representations are made on behalf of Barratt David Wilson Homes (Mercia) (herein referred to as DWH) (part of Barratt Developments Plc), in response to the second South Staffordshire Local Plan Review (LPR) Regulation 19 publication consultation.

DWH is promoting land south of New Road, Featherstone (the site) (site ref: 396). These representations are supported by:

- Concept Development Plan (**Appendix 1**)

DWH previously submitted representations to the first LPR Regulation 19 publication consultation in December 2022. With the Plan now updated, these representations wholly respond to the current, second Regulation 19 consultation.

Site 396

The site is bound by New Road to the north, East Road to the south, the urban edge of Featherstone to the east, and Brinsford to the west. HMP Oakwood, HMP Featherstone and YOI Featherstone, and the ROF Featherstone employment site are all located beyond Brinsford to the west.

The site benefits from a wide range of local services and facilities within Featherstone. These include the Featherstone Academy Primary School, Featherstone Children's Centre and Nursery School, four convenience stores and a post office, sports facilities, doctor's surgery, community hall, a café, opticians, hair saloon, hotel and restaurant, and a take away.

A bus service runs along New Road immediately to the north of the site and bus stops in close proximity to the site provide regular services to Wolverhampton City Centre and Cannock Town Centre.

The Concept Development Plan (Appendix 1) shows a potential capacity of circa 400 new homes across the entire site. The site comprises two parcels divided relatively equally by Rabbit Lane. Parcel B to the west, closest to Brinsford has a capacity of circa 235 dwellings, whilst Parcel A, immediately to the west of Featherstone, has a potential capacity of circa 165 dwellings. The Concept Development Plan therefore presents two different options in terms of scale of potential growth at Featherstone.

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Reflecting the scale of growth at other Tier 2 settlements (DWH is of the view Featherstone should be identified as a Tier 2 settlement, as per our response to draft Policy DS5 below), it may be that circa 165 dwellings would be most suitable in terms of the size of Featherstone. The Concept Development Plan demonstrates that an area of Site 396 which could be proposed for allocation or safeguarded to the west of Featherstone, which is controlled by a developer (DWH). The plan identifies a woodland buffer along the western site boundary of Parcel A (east of Rabbit Lane) which could remain in the Green Belt and provide a new defensible boundary.

Approach to plan – correct version of NPPF

Paragraph 230 of the most recent 2023 NPPF sets out that:

“The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre- submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements.”

Regulation 19 consultation on the Publication Plan was undertaken in November – December 2022 and therefore accordingly South Staffordshire’s Local Plan should be examined in accordance with the 2021 version of the NPPF.

As such NPPF 2021 paragraph 141 applies to South Staffordshire’s emerging plan, including the need to review Green Belt boundaries in terms of meeting need from other neighbouring authorities.

Representations

Policy DS4: Development Needs

Policy DS4 has dramatically changed since the 2022 Publication Plan. Both the district’s local housing need and the contribution to the unmet needs of the GBCHMA have reduced. Overall the Plan is now planning for 4,726 homes up to 2041, rather than 9,089 homes up to 2039 as proposed by the previous Publication Plan.

As set out in the introduction to the plan, this reduced housing need has come about following a change in national planning policy, with the updated National Planning Policy Framework (NPPF) published in December 2023. This no longer requires Green Belt to be reviewed to meet housing needs and subsequently for authorities to meet their own needs. Appreciating the wider HMA authorities are in the process of preparing an updated Strategic Growth Study to gauge the scale of the unmet need and where it should be located, it maybe this Plan should include an immediate review mechanism policy, with that Review addressing additional unmet needs.

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Duty to cooperate

Besides South Staffordshire, there are a number of plans across the HMA intending to be submitted before the government's likely deadline of 30 June 2025 for being examined under the current system, rather than that contained in the Levelling Up and Regeneration Act. In particular this includes Dudley, Sandwell and Wolverhampton. All three of these authorities have published draft plans with proposed allocations for Regulation 18 consultation. In all cases, none propose to meet their own need, in doing so none intend to release any Green Belt for new homes. For Dudley and Wolverhampton, this represents a change to their approach in the now abandoned Black Country Plan. The shortfall arising from all three authorities totals:

- Dudley – 1,078 home shortfall between 2023 and 2041 (9% of the borough's total needs)
- Sandwell – 18,606 home shortfall between 2022 and 2041 (62% of the borough's total needs)
- Wolverhampton – 11,998 home shortfall between 2022 and 2042 (52% of the city's total needs)

Irrespective of the relevant NPPF which applies, both the 2021 and 2023 versions include a requirement to comply with the duty to cooperate (it is also a legal requirement). The duty should not be used as a 'low bar' to disregard the scale of housing need across the HMA up to 2031, which DWH consider to be substantial based on each Council's own evidence bases. It should be used as a way to strategically plan and meet the HMA's total needs.

Paragraph 11 in the majority of the Statements of Common Ground (SoCG) with other HMA authorities confirms that the GBHMA Development Needs Group Draft Statement of Common Ground (2022) is the appropriate vehicle for considering housing need issues across the HMA holistically. Being agreed in August 2022, it is now out of date given the approach of a number of HMA authorities referred to above. Beyond this, it includes reference to South Staffordshire's 4,000 home contribution to the unmet, as well as Lichfield's contribution, though their plan has now been formally withdrawn from examination. Overall, it is clear there is no agreed position (section 7, p46).

Ultimately it is not clear how the HMA authorities, who intend to submit their individual local plans on or before 30th June 2025, can meet the duty to cooperate when leaving such a significant scale of unmet need. All HMA authorities, including South Staffordshire, should be working together to agree how the unmet need up to 2031, as a minimum, is going to be met. This unmet need represents real people in need of a home, now. This will require difficult decisions to be made in terms of Green Belt release. The previous Publication Plan (2022) demonstrates that South Staffordshire has suitable and deliverable capacity to deliver at least 4,000 additional homes which can contribute to the GBBCHMA unmet need. No plan should be progressed to adoption until the scale of unmet need and where it is to be delivered has been agreed.

Ultimately, before any plan across the HMA is progressed to examination, all 14 GBBCHMA authorities should be exploring all growth options in order to meet their own objectively assessed needs and those of the wider GBBCHMA, if plans are to be considered positively prepared.

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Functional relationships

The scale of the unmet need arising from the Black Country totals circa 32,000 homes alone. South Staffordshire's proposed reduced contribution to the unmet needs does not reflect the functional links between the district and the Black Country – the Black Country's unmet needs should be delivered as close as possible to where they arise, not pushed further away.

Sufficient buffer

As noted by draft Policy DS4, approximately 10% additional homes will be provided to “ensure plan flexibility”, this is not however reflected in the housing target, which would increase the need by 473 dwellings. It is assumed the district intends to provide for this allowance through windfall sites, however, to plan positively and to ensure sustainable development comes forward, additional sites should be allocated to meet this need, particularly since the updated South Staffordshire Housing Market Assessment Partial Update (2024) also projects an increase in the number of working age people moving to the district over the plan period, accommodating these people will be key to the long term economic growth and social sustainability of the district

Policy DS5: The Spatial Strategy to 2041

As per the 2022 Publication Plan, the spatial strategy continues to propose that growth is distributed to the district's most sustainable locations to avoid a disproportionate level of growth in the district's less sustainable settlements. This reflects the requirements of the NPPF.

However, there is a clear inconsistency in the proposed new settlement hierarchy, particularly with regard to Featherstone. Featherstone has a strong offering of services and facilities which are commensurate with that offered by the other Tier 2 settlements. The audit of services undertaken by the Rural Services and Facilities Audit (2021) makes a clear case for Featherstone being identified as a Tier 2 settlement, rather than a Tier 3 settlement, especially as the facilities offered by Featherstone are equivalent to Tier 2 settlements. Featherstone should be a Tier 2 settlement, and as such could make a greater contribution to delivering the new homes required within the district.

Featherstone is also located in close proximity to where the majority of the district's employment growth is being directed, at i54, West Midlands Interchange and the ROF Featherstone employment site (as recognised at paragraph 2.3 of the Publication Plan (2024)). Additional housing should therefore be located in close proximity to where employment need is generated.

Policy SA5: Allocations

DWH remains of the view that Site 396 continues to be assessed incorrectly in the plan's evidence base, this is despite the comments made in our representations in response to the 2022 Publication Plan consultation.

Site 396 to the west of Featherstone Lane, Featherstone site scores 'major negative' for landscape and townscape in the most recent Sustainability Appraisal (March 2024), despite the *Landscape Study (2019)* scoring the site's landscape sensitivity as '**Low Moderate**' (along with land to the south of Featherstone, the least sensitive of all sites around the village). **Site 396 should score 'minor negative' for landscape and townscape.**

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The site scores 'major negative' for education, however no justification is provided for this. Indeed, there is no justification for this as the site is within an acceptable walking distance of the Featherstone Academy Primary School. **Site 396 should therefore score 'minor negative' for education.**

It is appreciated that the Council's evidence base, including the Infrastructure Delivery Plan 2024, demonstrates there is currently a lack of highway capacity at Featherstone (particularly in regard to the A460). This capacity issue will be resolved through the delivery of the M54 / M6 / M6 Toll link road, the Development Consent Order for which has now been granted and exploration work has now commenced. The link road will be completed well within the current plan period after which Featherstone could accommodate a requisite allocation of housing.

Site 396's constraints have been overplayed in the Council's evidence and given the timing of the significant infrastructure improvements in the area growth should be directed to Featherstone given its sustainability. As such, land south of New Road, Featherstone should be a proposed housing allocation in the Plan to accommodate this or, as a minimum, safeguarded. It is accepted that a draft policy proposing to allocate or safeguard land to the west of Featherstone might be subject to a clause that it should not come forward until the link road has been delivered.

Policy HC1: Housing Mix

No changes have been made to this policy since the 2022 version of the Publication Plan.

DWH's comments therefore remain that the policy should be more flexible, recognising that housing needs vary within different areas and on a site-by-site basis. The policy must ensure that the viability of development proposals is protected whilst providing an appropriate housing mix for the site location and local market. In addition to evidence such as the latest Housing Market Assessment, it would be appropriate for the Council to refer to other evidence including current demand.

A prescriptive housing mix policy would apply a blanket approach which could restrict the ability of new development to respond to the needs of the local area (specifically those of the settlement it is located at). Housing requirements constantly evolve and as such there should be flexibility embedded in policies to enable them to respond to changing demands and context. Draft Policy HC1 should therefore more closely reflect the flexibility of the existing Core Strategy policy H1 which requires:

"A mix of housing sizes, types and tenures within both market and affordable sectors, particularly the needs of an ageing population, informed by the Housing Market Assessment, which meet the needs and aspirations of all sections of the local community."

The *Strategic Housing Market Assessment (October 2022)* and the *Partial Update (February 2024)* do not identify a significant predicted change in the projected household type proportions in South Staffordshire between 2018 figures and 2040. As such, it is not clear why a highly prescriptive housing mix is included within draft Policy HC1.

Policy HC3: Affordable Housing

As per our comments to the previous Publication Plan, existing Core Strategy Policy H2 states that the precise proportion of affordable housing tenure split will be agreed with the Council *"having regard to local housing needs within the locality of the development, exceptional circumstances and the effects on the viability of a scheme."*

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The proposed policy should be less prescriptive in terms of tenure mix, to allow sites to best respond to current housing needs with a location and site-specific approach. Impact on scheme viability is referenced in the existing Policy H2, and there should also be an allowance for a consideration of site viability, including whether there is a need for new infrastructure etc. which could impact on delivery of the allocated sites. The proposed tenure split for affordable housing is broadly in line with the need evidenced in the *Housing Market Assessment Update 2022* and the *Partial Update (February 2024)*. However, this may change over time and location-specific flexibility should be provided.

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

No changes have been made to this policy since the 2022 version of the Publication Plan.

DWH's comments therefore remain that if the Council wishes to adopt the higher optional standards within the Building Regulations (Part M4(2) Category 2) for accessible and adaptable homes, it should only do so by applying the criteria set out in PPG.

The PPG identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. The Council should provide localised evidence making the specific case for South Staffordshire which justifies the inclusion of **optional** higher standards for accessible and adaptable homes in this policy. If the Council can provide the appropriate evidence and this policy is to be included, then a transition period being included within the policy could be supported, as appropriate.

The Council should also note that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

There is a need for policy to be consistent with national standards unless a specific evidenced reason exists for a higher standard to be applied in South Staffordshire.

Policy HC12: Space about dwellings and internal space

No changes have been made to this policy since the 2022 version of the Publication Plan.

DWH's comments therefore remain that external space standards and amenity spaces should not be explicitly stated within the policy. Whilst there are caveats contained within which state an allowance for flexibility "*depending upon the site orientation and the individual merits of the development proposal*", planning judgement on a case-by-case basis with reference to the distance/size criteria as guidance rather than policy would suffice to achieve suitable quality residential environments. It must be ensured that specific criteria do not result in 'planning by numbers' and an unintentional lack of flexibility in assessing future planning applications.

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Policy HC13: Parking Provision

No changes have been made to this policy since the 2022 version of the Publication Plan.

Part (e) of the policy references Appendix I of the Plan sets out parking standards, in relation to electric vehicles.

Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now taken effect and provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs and that their total number must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or the equal to the number of dwellings where there are more parking spaces. Building Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket.

The policy should avoid repeating electric vehicle requirements which are otherwise secured through Building Regulations and which may risk a lack of accordance with the Regulations should requirements change during the lifetime of the Plan.

Policy NB6A: Net zero new build residential development (operational energy) and NB6C: embodied carbon and waste

Previous policy NB6 has been proposed to be replaced with policies NB6A-C.

Whilst DWH supports in principle the Council's ambitions to achieve net zero, there are significant concerns with the proposed approach.

The requirements for carbon emission reductions in the policy go beyond the Government's Future Homes Standard roadmap that most developers are working to and on which they have based their future plans, and indeed BDW's own zero carbon homes roadmap – whose target is for all our house types to be zero carbon (regulated energy only) by 2030.

In any case, it is important to state that we agree with the need for advancing carbon reduction standards, however, these targets are not the most appropriate way to achieve the desired outcomes. Whilst the Future Homes Standard should set the overall framework and timeframes for the wide scale deliverability of carbon reductions, where opportunities arise BDW would be open to explore advancing standards on select sites, which can contribute to increasing industry readiness for when Future Homes Standard is introduced.

BDW are on track to move all our house types across to updated Building Regulations Part L which will deliver a 31-35% reduction and will uplift our standards again in 2025 to a 75-80% reduction - in line with the Future Homes Standard. There are a number of reasons why building ahead of the Future Homes Standard now may not actually be the best solution. Principally, because of the potentially detrimental local impact on delivery through a lack of sufficiently skilled labour available to implement these new technologies at scale.

The approach, based on the Future Homes target roadmap, takes a more gradual approach which is the right approach. This roadmap, which South Staffordshire should follow, allows time for the government to clarify their policy position on key issues such as whole life carbon where at present there is considerable uncertainty as to how this should be consistently measured. The 2025

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implementation date allows time to unpick challenges, carry out appropriate research & development to test low carbon solutions, as well as monitor smaller scale Future Homes Standard projects and how products and the associated supply chain performs.

In principle additional onsite renewable energy should be provided to assist in meeting net zero regulated energy targets. However, South Staffordshire should be flexible in the application of this policy to take account of site-specific constraints which may constrain the onsite provision of, or offsite connection to, renewable/low carbon energy generation.

BDW recognise that understanding the embodied carbon of all proposed materials on a development is an important aspect of driving the use of more sustainable practices. Whilst in principle we do not object to a Whole Life Carbon Assessment (WLCA) being required, having discussed with our in-house technical experts, there are issues surrounding data collection to be able to undertake a proper WLCA. Principally, many manufacturers are still lacking the creation and verification of data for Environmental Product Declarations (EPDs).

Most EPDs are from France or Belgium, as both countries require EPDs for construction products. Though there are UK based EPDs, these are often generic values which will not accurately reflect a completed property, so it is important that South Staffordshire allow some tolerance when assessing any submitted WLCA. There are also a few reasons to why in the UK we do not have enough of what is needed to carry out WLC assessments:

- a) EPDs are currently taking around 3 years to be created and verified (leading to potential disruption to the supply of homes if a WLCA cannot be provided due to lack of EPDs)
- b) Manufacturers often have not calculated the Life Cycle Assessment of their product/doesn't have any carbon data (impacting the robustness of any submitted WLCA)
- c) There is no mandatory requirement for construction products to generate EPDs (again impacting the robustness of any submitted WLCA)

Without the full provision of robust EPDs, the assessment process becomes a lot more difficult / time consuming and the WCLA overall becomes somewhat compromised.

Also, given the extent of information required to provide a meaningful WLCA, careful consideration would be required around the timing of submission to the Council. If a WLCA is to be submitted, then it should be required as part of the planning conditions attached to a grant of detailed planning permission. This certainty on what is being built would avoid abortive resource and cost, for both applicants and the LPA, as it would prove difficult for applicants to submit a robust WLCA based on Outline application parameters. The Council must talk with the development industry about the timing of submitting WLCAs should they pursue this via the proposed policies.

Summary

DWH welcomes the opportunity to engage with the South Staffordshire Local Plan Review Publication Plan (Regulation 19) consultation (2024).

While much in the Plan's vision, objectives and spatial strategy seem sensible, the significant reduction in the contribution to the wider GBBCHMA is an issue which needs further resolution with the other GBBCHMA authorities in terms of agreeing the scale of the unmet need and having a strategic plan for

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how it will be met. The following matters also remain unresolved for which additional evidence needs to be provided or for which changes to the Plan will be required:

- Featherstone should be a Tier 2 settlement based on the facilities and services it offers, which are commensurate with other Tier 2 villages.
- The road infrastructure at Featherstone will be significantly improved during the early stage of the plan period. Additional areas for housing should therefore be allocated at Featherstone, or at least safeguarded to allow new housing to meet the needs of the settlement
- DWH's site to the west of Featherstone (Site 396) is a sustainable location to accommodate this growth and these representations set out a vision for how this could be achieved, whilst delivering a new defensible Green Belt boundaries for Featherstone.
- There is also concern development management policies repeat Building Regulations or seek to impose standards higher than that required by Building Regulations.

We would welcome the opportunity to discuss the site and these representations with officers further.

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