	<p>Local Plan Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2018 - 2039**

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

This form has two parts –
 Part A – Personal Details: need only be completed once.
 Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	Mr	Title	Mr
First Name	Alastair	First Name	Paul
Last Name	Stewart	Last Name	Hill
Job Title (where relevant)	Planning Manager	Job Title (where relevant)	Senior Director - Planning
Organisation (where relevant)	Persimmon Homes WM	Organisation (where relevant)	RPS
Address Line 1		Address Line 1	4 th Floor, 1 Newhall St.
Line 2		Line 2	Birmingham
Line 3		Line 3	
Line 4		Line 4	
Post Code		Post Code	B3 3NH
Telephone Number		Telephone Number	0121 622 8520
E-mail Address (where relevant)		E-mail Address (where relevant)	paul.hill@rpsgroup.com



Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Exceptional Circumstances

Policy DS1 - Green Belt has been included in the new Local Plan and references a number of boundary alterations to accommodate allocations set out in policies SA1, SA2, SA3, SA5, and SA7 (though other smaller boundary alterations are also proposed). Paragraph 140 of the NPPF makes clear that Green Belt boundaries should only be altered where exceptional circumstances must be 'fully evidenced and justified', which should be established through strategic policies of the development plan. Before this, however, paragraph 141 also makes clear that plans should demonstrate that all reasonable options have been considered to meet development needs before exceptional circumstances exist.

RPS agrees that exceptional circumstances exist to justify the release of green belt land for housing. This is because, as stated at paragraph 5.3 of the SSLP, opportunities to locate development on brownfield sites is 'very limited' due to the largely rural nature of the District. Consequently, in defining the preferred development strategy, the Council is right to look for green belt sites in sustainable locations to meet local needs, as well as the wider housing needs of the HMA. This is also a reasonable approach given that SSLP (paragraph 5.1) highlights that approximately 80% of the District is currently designated as Green Belt.

In terms of establishing exceptional circumstances, there are many recent examples of local plan examinations where green belt release to meet local needs, as well as releasing green belt to help meet neighbouring need outside the local authority boundary, was agreed and found to be soundly-based. The table below provides a summary of these examinations. For example, in Nuneaton and Bedworth, the Local Plan Inspector agreed that the Council had examined all reasonable non-green belt options and demonstrated these would be insufficient to meet the need identified. The Inspector also recognised that other recent Local Plans in the same HMA had found exceptional circumstances to alter the boundaries of the West Midlands Green Belt; the submitted Plan was not out of step with neighbouring authorities (IR, para 67).

In another example, in Central Bedfordshire, the Local Plan Inspector again accepted that Green Belt release was justified and that exceptional circumstances existed to assist meeting the housing needs of the wider HMA where those needs could not be met within neighbouring areas, notably Luton. This was on the basis that releasing green belt would help to locate new housing close to where the unmet need arose as part of achieving sustainable development (IR, para 88).

Green Belt authorities where exceptional circumstances identified to justify Green Belt release

Local Plan	Inspectors Report publication	Adoption date
Bolsover Local Plan 2033	15 January 2020	4 March 2020
Broxtowe Local Plan (Part 2)	7 October 2019	16 October 2019
Central Bedfordshire Local Plan 2015-2035	15 July 2021	22 July 2021
Cherwell (Part 1) Partial Review 2011-2031	6 August 2020	7 September 2020
County Durham Plan 2035	17 September 2020	21 October 2020
Doncaster Local Plan 2015-2035	30 June 2021	23 September 2021
Guildford Local Plan 2015-2034	27 March 2019	25 April 2019
Harlow Local Development Plan 2033	5 November 2020	10 December 2020
Hillingdon Local Plan (Part 2) 2026	22 October 2019	16 January 2020
Lancaster City Local Plan 2011-2031 (Part 1)	12 June 2020	29 July 2020
New Forest Local Plan 2016-2036 (Part 1)	25 March 2020	6 July 2020
Northeast Derbyshire Local Plan 2014-2034	19 July 2021	29 November 2021
North Warwickshire Local Plan 2033	19 November 2021	29 September 2021
Nottingham Land and Planning Policies (Part 2) 2011-2028	13 December 2019	13 January 2020
Nuneaton & Bedworth Local Plan 2011-2031	9 April 2019	11 June 2019
Oxford City Local Plan 2036	15 May 2020	8 June 2020
Reigate & Banstead Development Management Plan	9 July 2019	26 September 2019
Rossendale Local plan 2019-2036	19 November 2021	22 February 2022
Royal Borough of Windsor and Maidenhead	26 January 2022	8 February 2022
Rugby Local Plan 2011-2031	27 March 2019	4 June 2019
Rushcliffe Local Plan (Part 2) 2011-2028	20 September 2019	8 October 2019
South Oxfordshire Local Plan 2011-2035	27 November 2020	29 November 2021
Staffordshire Moorlands Local Plan 2014-2033	18 June 2020	9 September 2020
Stevenage Borough Local Plan 2011-2031	18 October 2017	22 May 2019
Sunderland Core Strategy and Development Plan 2015-2033	7 January 2020	30 January 2020
Vale of White Horse Local Plan 2031: Part Two	25 June 2019	9 October 2019
Wycombe District Local Plan	10 July 2019	19 August 2019

RPS contends the situation in South Staffordshire is very similar to these two examples, and others in the table, where land in non-Green Belt locations within existing settlements is limited and where other locations beyond settlement boundaries is required to meet local housing needs, and wider unmet needs of the HMA, and is consistent with the spatial development strategy. Consequently, releasing Green Belt in the District is, for these reasons, justified and consistent with national policy. RPS notes that the Council has prepared an Exceptional Circumstances Topic Paper, dated November 2022, which similarly argues that both strategic and site-specific circumstances do exist to justify Green belt release is needed in the District. RPS broadly concurs with this paper.

However, RPS considers that the Council can, and should, go much further than its current proposals for altering the Green Belt. Separate submissions made under Policies DS2 and DS3 argue that the contribution (currently 4,000 dwellings) towards the unmet needs across the wider-HMA should be revisited and revised upwards in light of the recent proposals published in August 2021 by the Black Country Authorities as part of its local plan review, which has established a scale level of unmet need far greater than previous estimates suggested when the 4,000 contribution was originally consulted by the Council on in 2018, and other factors (namely the extension of the plan period by one year).

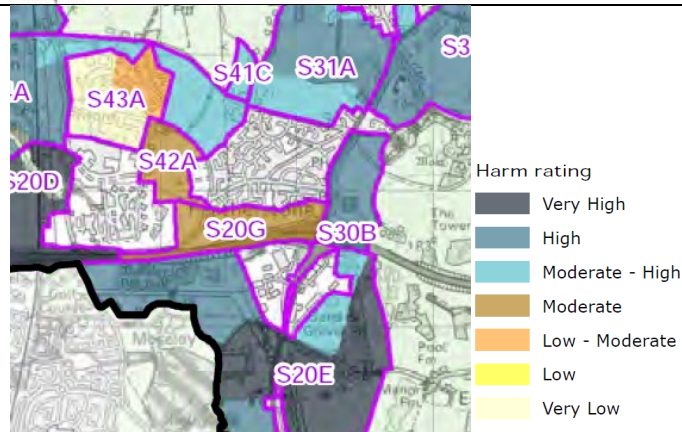
In this context, RPS suggest that additional land should be considered for release from the Green Belt in the District. As explained below, RPS contend that Land east of Brookhouse Lane (site 170) is an appropriate site to be released for this purpose.

Justification for releasing site 170 in Green Belt terms

A Vision Document has been prepared in support of Land east of Brookhouse Lane and is appended to the submissions made on behalf of Persimmon Homes (**Appendix 1**). This includes a commentary on Green Belt considerations relating to the Site.

Council's assessment of Green Belt Contributions / Harm – Land east of Brookhouse Lane (170)

The Council continues to rely on the Green Belt Study (GBS) 2019, prepared by LUC. The evidence is split into two parts; stage 1 and stage 2. In stage 1 of the GBS, the Site forms part of 'Parcel S20' which is a large tract of land between Wolverhampton, Walsall and Cheslyn Hay comprising 1,221 hectares of land. Parcels assessed in the study vary greatly in size, with several under 4 hectares in size i.e. smaller than the Site. In this scenario, the assessment of Parcel S20 against the Green Belt Purposes has limited value for the Site in terms of its contribution to the Green Belt. Stage 2 of the Study sub-divides the parcels into smaller units and the Site is located within sub-parcel 'S20G'. (see figure below, taken from Figure 7.3a of the Council's Green Belt Study Addendum, August 2022).



The Site has been assigned a reference 'S20Gs1', which is located within sub-parcel S20G. The Council's analysis for the sub-parcel states:

"The sub-parcel makes a strong contribution to the prevention of sprawl of the West Midlands conurbation and to preventing encroachment on the countryside, and a moderate contribution to maintaining the separation between the neighbouring towns of Wolverhampton and Cheslyn Hay. The land is separated from industrial development to the south by the strong boundary of the M6 and to the north is contained by the settlement edge of Featherstone. Due to the extent of its containment, particularly the role of the M54 and associated woodland belts to the east, the release of this land would simplify the Green Belt boundary and would not weaken the integrity of surrounding Green Belt land".
(Green Belt Study 2019 Stage 1 and 2 Report, Appendix 3: Harm Assessments, p395)

RPS agrees with the Council that the release of the Site would 'not weaken the integrity of the surrounding Green Belt'. This, our view, points to site-specific exceptional circumstances that would justify the release of the Land east of Brookhouse Lane for housing. Nonetheless, according to the Council's evidence, sub-Parcel S20G scores 'moderate' in terms of Green Belt harm should development take place on the parcel. The first point of note is that Appendix 3 of the GBS defines 'moderate' harm solely in relation to the sub-Parcel (within which site 170 form a part) but does not assess the harm specific to site 170. This is significant because sub-Parcel SG20, at 35.4 hectares (see Table 7.1 of the Appendix 3 of the GBS), is over twice the area of site (17.1 hectares according to Table 7.2 of the GBS), and is clearly much more closely related to the edge of the existing settlement than the larger sub-Parcel. However, the GBS applies the same 'moderate' harm to site 170 as it has to the sub-Parcel, despite the differences between the sub-Parcel and the Site. The Council's Green Belt assessment does not therefore fully reflect the extent of Site 170 and so, in effect, is assessing the likely harm (or otherwise) is a different site.

Furthermore, the GBS does not take into account the emerging proposals for the Site set out in the illustrative masterplan in the Vision Document, which shows that a significant proportion of the Site will remain open and undeveloped as part of development. Notably, section 6 (page 38) of the document shows a net



developable area of 4.86 hectares, which represents just 28% of the gross site area (17.1 hectares), or just 13.7% of the sub-Parcel. This represents a significant gap in the Council's evidence base that has not been addressed because the assessment has not been updated since 2019. This further undermines the soundness of the assessment because it does not reflect on all available and relevant information submitted in support of Site 170. On this basis, the assessment of contribution and harm applied by the Council to Site 170 is not robust and so is not soundly-based.

Site-Specific Green Belt Assessment – for Persimmon Homes

A site-specific Green Belt assessment has been undertaken on behalf of Persimmon Homes by Pleydell Smithyman Ltd (PSL) against the five purposes of Green Belt identified in paragraph 138 of the NPPF, set out in section 5 of the Vision Document (page 30-31). In summary,

Purpose 1: To check the unrestricted sprawl of large built-up areas:

- The Site would be well related to the existing settlement of Featherstone to the north. The Site is bounded to the west by East Road/ Featherstone Lane and to the west by Junction 1 of the M54 and the A460 which both represent strong defensible boundaries. The proposed spine road and associated planting would represent a **strong defensible and permanent Green Belt boundary**, which would not lead to unrestricted sprawl into the countryside.

Purpose 2: To prevent neighbouring towns merging into one another:

- The nearest settlement to Featherstone is Wolverhampton. The Site is already physically and visually separated from Wolverhampton by the M54 corridor and the associated wooded embankment and although the development of the Site would result in a minimal reduction in the width of the Green Belt in this location it **would not lead to any physical or visual coalescence** between Featherstone and Wolverhampton.

Purpose 3: To assist in safeguarding the countryside from encroachment

- Most of the Site is currently under agricultural cultivation. However, the close relationship to the existing settlement edge of Featherstone to the north and the influences of major road corridors to the south and east combine to provide a strong urban fringe character. There is also a high level of visual containment. Given the clearly identifiable boundaries which would define the extent of built development, the release of the Site from the Green Belt for development **would not result in encroachment** into the wider countryside.

Purpose 4: To preserve the setting and special character of historic towns:

- There are no historic towns to consider in this assessment.

Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:

- The north-eastern corner of the Site is not in productive agricultural use comprising hardstanding with unauthorised traveller use and overgrown scrub. This area covers 26% of the gross developable site area shown. Consequently, development of the Site would have **some benefit in assisting urban regeneration**.



This analysis demonstrates that the Site has a low harm rating than that suggested by the Council. A low harm rating would indicate that the release of the Site would not undermine the purposes of the wider Green Belt in this location. On this basis, RPS does not consider the Council's conclusion on Site 170 to be soundly-based (not justified).

The alternative assessment above provides further site-specific justification that exceptional circumstances exist to support the release of the Site for housing in this version of the SSLP. However, if the release of the Site from the Green Belt and allocation in the local plan for residential development is not deemed appropriate in this round of plan-making, then consideration should be given to safeguarding its release in future plans. This is considered briefly below.

Potential for safeguarding of the Site (Alternative approach)

Policy SA5 of the SSLP identifies two sites for allocation at Featherstone. One of these is Site 397 'Land adjacent to Brinsford Lodge, Brookhouse Lane. This site was identified as a 'Safeguarded Allocated Site' in the Site Allocations Document under Policy SAD3 of that plan. Site 397 was therefore previously part of the Green Belt before it was safeguarded.

However, once this site is allocated in the new local plan, there will be no other safeguarded residential sites identified at Featherstone. RPS contend that, in the context of an ever decreasing supply of non-Green Belt brownfield land, in order to provide for an orderly release of land to meet future needs beyond the new plan period (to 2039) the Council should take the opportunity to identify safeguarded land to replace site 397. The evidence presented in this submission shows that Site 170 would cause the least harm to the wider Green Belt than any other Green Belt site option considered at Featherstone through this round of plan-making for the District.

On this basis, RPS contend that it would be logical to identify site 170 for safeguarding in this local plan ahead of the other site options at Featherstone.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

On this basis of the above, Land east of Brookhouse Lane should be released from the Green Belt and allocated for housing in the SSLP. As an alternative, RPS contend that it would be logical to identify site 170 for safeguarding in this local plan ahead of the other site options at Featherstone.



(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

RPS has raised specific issues and concerns through this representation that goes to the soundness of the SSLP and it is essential these concerns and the councils evidence is fully tested.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>



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