

# South Staffordshire Local Plan Review Second Publication Plan (Regulation 19)

Land South of Holly Lane, Great Wyrley

Representations on behalf of Miller Homes

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# 1. Executive Summary

- 1.1. Pegasus Group are instructed by Miller Homes to make representations to the second South Staffordshire Local Plan Review Publication Plan. These representations follow on from, and should be read alongside, the representations submitted on the first Publication Plan (**Appendix 1**).
- 1.2. Miller Homes are one of the nations most respected homebuilders, having built over 100,000 homes since establishing in 1934. They operate across nine regions from Scotland down to central and southern England delivering to all sectors of the market, from apartments, and family homes to affordable housing and regeneration schemes. Miller are currently completing over 3,000 plots a year with 17,000 plots in their strategic land pipeline. They have an excellent track record in terms of delivery and ensure sites are swiftly brought forward once secured through site allocations and planning applications.
- 1.3. Miller Homes are promoting 23 ha of land for development, located to the south of Holly Lane, Great Wyrley. Great Wyrley is a highly sustainable Tier 1 settlement which is a suitable location for growth. The land comprises agricultural fields set across two parcels, split by a railway line, which is currently Green Belt. The entire landholding is available, suitable, and deliverable / developable and would form a logical and sensitive extension to the Tier 1 settlement.

**Figure 1.1: Miller Homes Landholding**



- 1.4. 4 ha of the landholding positioned at the northeast portion of the site is allocated for development in the Publication Plan, referred to as Site 536a Land off Holly Lane. Miller homes fully support this housing allocation and can confirm that it is suitable and deliverable (available and viable). Our Illustrative Masterplan clearly shows how this part of the landholding can achieve the requirement of the allocation including new homes, specialist units for older people, drop-off parking for Landywood Primary School, open space, landscaping, and access off Holly Lane.



- 1.5. Our primary concern in relation to second Publication Plan relates to the undisputed fact that there is a substantial unmet housing need in the wider Greater Birmingham and Black Country House Market Area (GBBCHMA). The first Publication Plan proposed to make a 4,000-home contribution towards the unmet needs and included Green Belt release at Tier 1 and Tier 2 settlements and the open countryside.
- 1.6. The second Publication Plan proposes to make a 640-home contribution towards those unmet needs and includes Green Belt release at Tier 1 settlements. The Council's justification for this change is predicated on updates to the National Planning Policy Framework (NPPF) since the first Publication Plan<sup>1</sup>. However, the changes to the NPPF do not negate the previous position that a 4,000-home contribution was required for soundness. Indeed, addressing the unmet needs of the GBBCHMA remains an exceptional circumstance to review and alter Green Belt boundaries, as the Publication Plan still proposes to do.
- 1.7. We consider that the overall housing requirement, including the contribution towards unmet needs, has yet to be demonstrated to be sound. If during examination it becomes clear that the Council need to increase their housing requirement, for soundness, we ask that consideration be given to the following options:
  - Extending the boundary of Site 536a by taking in land to the west that is within the landholding; or,
  - Extending the boundary of Site 536a by taking in land to the west and south that is within the landholding.
- 1.8. Great Wyrley is a highly sustainable settlement, with its Tier 1 status fully justified, making it an obvious location for more housing. It has already been established that there are exceptional circumstances for Green Belt release at the settlement, and it is suitably placed to provide new home that would limit displacement of those with ties to the Black Country, particularly those as Wolverhampton and Walsall. This approach would also have the added benefit of balancing the proportion of new homes directed towards each of the Tier 1 settlements, given that Great Wyrley is currently under-represented.
- 1.9. Another primary concern we have is that the second Publication Plan does not take account of the longer-term development needs beyond the plan period.
- 1.10. The first Publication Plan took account of the longer-term development needs beyond the plan period, and it has yet to be demonstrated that the alternative approach now proposed is sound. If during examination it becomes clear that the Council need to take account of longer-term development needs, for soundness, we ask that consideration is given to safeguarding the land within the landholding if it is not required to assist with meeting the housing requirement within the plan period.
- 1.11. The remainder of these representations are structured as follows:
  - **Section 2** provides details of Miller's landholding including commentary on the Council's evidence base documents;

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<sup>1</sup> As per NPPF, para 145



- **Section 3** comments on relevant policies within the Publication Plan and the omission of a policy on safeguarded land; and,
- **Section 4** provides our conclusions of the soundness of the Publication Plan.

## 2. Miller Homes Landholding

2.1. This section provides details of the proposals for Miller Homes landholding and where relevant includes commentary on the evidence base documents underpinning the Publication Plan. The section is split into:

- Site 536a which is proposed as a housing allocation in the Publication Plan;
- Site 536a plus land to the west; and,
- Site 536a plus land to the west and south.

### Site 536a (4 ha)

2.2. Miller Homes have thoroughly considered the deliverability of this part of the landholding and have engaged in discussions with the South Staffordshire Council, Staffordshire County Council as the Local Highways Authority (LHA), and the adjacent Ladywood Primary School. The housing allocation and these discussions have shaped the Illustrative Masterplan which clearly shows how the housing allocation can be developed for new homes, specialist units for older people, access off Holly Lane, drop-off parking for the primary school, public open space, and landscaping.

2.3. The proposals are indicative and will be subject to change as the scheme evolves, with a level of flexibility included to allow the layout to respond to future market demands, the emerging requirements of Miller Homes, specialist housing providers and the primary school, and the adopted policy wording of the housing allocation.

Figure 2.2: Illustrative Masterplan for Site 536a





- 2.4. The Illustrative Masterplan shows an overall developed area of 2.84 ha. The residential element covers an area of 2.08 ha on the western part of the site. This allows for around 72 standard residential dwellings, based on a minimum density 35 dwellings per hectare (dph). The indicative layout is based on a standard mix of 2-4 bed, predominantly semi-detached house types, which are outward facing where possible (upholding good urban design principles), served by a mix of estate roads and private drives.
- 2.5. The specialist housing element comprises 40 units set across 0.6 ha. This is based on a review of equivalent schemes in the region and the general site requirements for specialist housing providers. This is likely to comprise a block, or blocks of apartments, set around a courtyard and car park, with landscape screening to delineate this from the residential element.
- 2.6. The Illustrative Masterplan shows two vehicular access points from Holly Lane. The LHA have not raised any issues with the principle of the vehicle access points from Holly Lane. The western access point provides dedicated access to the residential element, with the eastern access taken directly from the existing roundabout to the specialist housing element and drop-off parking area. The two access points reduce conflict between the uses from a highways / circulation perspective and provide differentiation from a commercial perspective if the residential and specialist housing elements are ultimately managed by separate operators.
- 2.7. The drop-off parking area is located directly adjacent to the school in the eastern part of the site and measures 0.16 ha. It will provide drop-off spaces via a dedicated access loop. The drop-off parking area will provide direct pedestrian access into the school from this location.
- 2.8. Miller Homes appointed highways consultant, Sweco, have progressed detailed proposals for the access arrangements off Holly Lane and drop-off parking area. These have been subject to recent pre-application discussions with LHA who have not raised any issues. The detailed proposal for the school drop-off is also the subject of ongoing discussions with Landywood Primary School.
- 2.9. The remaining 1.13 ha of land is free from development, to be used as public open space, landscaping, and associated boundary screening, particularly along the southern boundary to provide a defensible edge. The main area of public open space is shown in the south east corner of the site.

### **Site 536a Plus Land to the West (5.9 ha)**

- 2.10. The Illustrative Masterplan shows an additional net developable area of 0.65 ha to the west of the railway line which could deliver a further 22 standard residential dwellings. The western parcel could potentially deliver the specialist housing element as a standalone use.
- 2.11. The western parcel includes a further access point from Holly Lane, which has been confirmed as deliverable by Sweco. Assessments suggest the addition of circa 22 homes via a separate access point some way along Holly Lane will not generate any significant additional impacts.



**Figure 2.3: Illustrative Masterplan for Site 536a Plus Land to the West**



- 2.12. The only difference in constraints between Site 536a and the land to the west, is the proximity to the Grade II Listed Landywood Farmhouse. This difference is picked up in the evidence base, where the land to the west is considered under reference Site 536b. The Historic Environment Site Assessment (2020) (HESA) says that development here would need to be carefully located, to avoid encircling the farm and that a detailed assessment would be required to identify and protect key views both to and from the farmhouse. It also says that it would be unlikely that development could be delivered within the northeastern part of Site 536b.
- 2.13. Our previous representations provided our heritage consultants remarks which concluded that the potential for harm cause by the development in the west could only be less than substantial, which could be mitigated by the layout, screening, and provision of open space to further lessen or remove harmful impact. As shown on the Illustrative Masterplan, the northeastern part of the land to the west of the railway line will remain free from development and be provided as public open space. This stand-off would limit harm to the heritage asset and be an attractive gateway to the site.

### **Site 536a Plus Land to the West and South (23 ha)**

- 2.14. We have comprehensively demonstrated in previous representations that the whole landholding is suitable for development. The site could provide a significant number of new homes and offers the potential for a larger specialist facility for older people that could meet needs beyond the immediate area. It also has the potential to deliver recreation uses, alongside the school drop-off area, providing a facility that can be used by the school during school hours and the wider community outside school hours (with its own dedicated access and car parking).

**Figure 2.4: Illustrative Masterplan for Site 536a Plus Land to the West and South**



- 2.15. The Housing Site Selection Topic Paper (2024) notes that the development of the southern parts of the landholding would result in very high Green Belt harm. This assessment is taken from the findings of the South Staffordshire Green Belt Study (2019).
- 2.16. In our earlier representations we provided a thorough critique of the methodology of the Green Belt Study 2019, and ultimately concluded that the landholding does not provide a meaningful contribution to the five purposes of the Green Belt. It therefore follows that the development of the southern part of the landholding would not result in very high Green Belt harm, taking account of our assessment.
- 2.17. Irrespective, it is questionable whether it is appropriate to automatically discount sites for housing allocation simply on the basis that it would result in very high Green Belt harm. The only reason for this threshold was in response to representations made the Association of Black Country Authorities (ABCA) which sought to align the methodology in the Council's selection process with that of the joint Black Country Plan<sup>2</sup>. However, the Black Country Plan has since been abandoned by the ABCA, with each authority now looking to prepare their own Local Plan following different site selection methodologies.
- 2.1. Notwithstanding that, the Green Belt Study 2019 notes that along with consideration of harm, there are other important factors that need to be considered, most notably sustainability and viability issues. Indeed, the Green Belt Study 2019 itself notes that whilst the ideal would be minimising harm to the Green Belt, it may be that the most sustainable locations for development will result in very high harm<sup>3</sup>.

<sup>2</sup> Housing Site Selection Topic Paper (2024), para 1.5 and ABCA representations to Spatial Housing Strategy and Infrastructure Delivery Consultation 2019 dated 19 December 2019

<sup>3</sup> South Staffordshire Green Belt Study (2019), para 7.10



- 2.2. Green Belt harm is not noted in national policy as a relevant consideration when drawing up or reviewing Green Belt boundaries. Instead, national policy requires consideration to be given to the need to promote sustainable patterns of development<sup>4</sup>. In this regard it is relevant to note that the wider landholding forms a logical and sensitive extension to Great Wyrley, a highly sustainable Tier 1 settlement which has consistently been found to be a suitable location for growth.
- 2.3. Where it has been concluded that it is necessary to release Green Belt land for development, as is the case in South Staffordshire, national policy requires first consideration to be given to land which has been previously developed and / or is well-served by public transport<sup>5</sup>. In this regard it is relevant to note that the wider landholding is well-served by public transport. The centre of the parcel to the east is approximately 170m to the nearest regular bus stop, 1.2km to the nearest rail station, 730m to the nearest village/neighbourhood centre and 640m to the nearest education facility. The centre of the parcel to the west is approximately 350m to the nearest regular bus stop, 1.3km to the nearest rail station, 500m to the nearest village/neighbourhood centre and 350m to the nearest education facility<sup>6</sup>.
- 2.4. The Housing Site Selection Topic Paper (2024) also notes that the Highways Authority have advised against allocation of the full parcels due to surrounding road network. We dispute this. Initial highway investigations undertaken by Sweco have confirmed that a development of up to 350 homes could be served from the three proposed vehicular accesses off Holly Lane without significantly impacting the local highway network or the Holly Lane bridge. In addition, the proposed drop-off parking area for the school will assist in alleviating existing congestion issues.

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<sup>4</sup> As per NPPF, para 147

<sup>5</sup> As per NPPF, para 147

<sup>6</sup> Housing Site Selection Topic Paper (2024), Appendix 3



### 3. Comments on Publication Plan

- 3.1. The section provides comments on relevant policies within the Publication Plan as well as the omission of safeguarded land. These comments follow on from, and should be read alongside, those submitted on the first Publication Plan (**Appendix 1**).

#### Development Strategy

##### Policy DS4: Development Needs

- 3.2. The policy says that during the plan period up to 2041, the Council will promote the delivery of a minimum of 4,726 homes over the period 2023–2041 to meet the district’s housing target, whilst providing approximately 10% additional homes to ensure plan flexibility. The policy says that the housing target includes the district’s own housing requirement of 4,086 homes, plus a 640-home contribution towards unmet housing needs of the GBBCHMA.

##### *Plan Period*

- 3.3. The anticipated adoption date of the Local Plan, set out in the latest Local Development Scheme, is early 2026<sup>7</sup>. If the Local Plan is adopted in 2026 this would leave the minimum 15-year period to 2041, required by national policy<sup>8</sup>.
- 3.4. As such, there cannot afford to be any delays during examination. However, there is a very real risk of delay. The Publication Plan seeks to limit Green Belt release owing to current national policy, but there will likely be critical changes in approach on this matter from Government through amendments to national policy, planning reform and legislative changes. In addition, the Publication Plan seeks to make a negligible contribution towards the unmet housing needs of the GBBCHMA and there is a very real risk of failure in getting agreement with neighbouring authorities to address this issue under the duty to cooperate.
- 3.5. To safeguard against these delays and ensure that adoption stays on track for early 2026, we consider that additional housing allocations should be identified now.

##### *Housing Needs of the District*

- 3.6. The 4,086 homes for the district are based on the standard method for calculating local housing needs and is the minimum starting point for housing delivery. This is not justified, considering the reasonable alternatives, and based on proportionate evidence<sup>9</sup>.
- 3.7. National policy recognises that there may be exceptional circumstances which justify an alternative approach to assessing housing needs<sup>10</sup>. National policy also recognises that the housing requirement may be higher than the identified housing need if, for example, it reflects growth ambitions linked to economic development or infrastructure investment<sup>11</sup>.

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<sup>7</sup> Local Development Scheme, September 2023

<sup>8</sup> As per NPPF, para 22

<sup>9</sup> As per NPPF, 35(b)

<sup>10</sup> As per NPPF, para 61

<sup>11</sup> As per NPPF, para 67



- 3.8. We consider that there are exceptional circumstances which justify an alternative approach to assessing housing needs. The economic prosperity of the district is being guided by the economic growth scenario that has been considered in the South Staffordshire Economic Development Needs Assessment Update (2024) (EDNA). The Publication Plan proposes the allocation of several strategic employment sites to assist with accommodating that growth (Four Ashes, Hilton Cross Business Park, ROF Featherstone, West Midlands Interchange, i54 and M6, Junction 13, Dunston).
- 3.9. The EDNA notes how the number of jobs generated by the growth scenario is significantly higher than the number of jobs generated by the local housing need figure<sup>12</sup>.
- 3.10. The district already has very significant gross commuting flows and we consider that the local housing need figure, will exacerbate those flows. It is justified to align jobs and housing growth which would have a positive effect of reducing community flows.

*Unmet Needs of the GBBCHMA*

- 3.11. The 640-home contribution towards the unmet need of the GBBCHMA is predicated on limiting Green Belt release to Tier 1 settlements. The contribution has not been informed by effective joint working on cross-boundary strategic matters and has not been informed by agreements with the GBBCHMA. Furthermore, the contribution is not justified<sup>13</sup>.
- 3.12. The reasons for reducing the 4,000-home contribution proposed in the first Publication Plan contribution are set out in the Duty to Cooperate Topic Paper (2024) which states at paragraphs 5.9 and 5.10<sup>14</sup> that:

*"...The Council were previously of the view that the level of growth proposed (incorporating the 4,000 home contribution to HMA unmet need) would be necessary in order to have a sound plan, however proposed changes to the NPPF cast doubt over that assertion. Following publication of the updated NPPF in December 2023 and confirmation that there was no requirement for Green Belt boundaries to be reviewed or changed, and it was within authorities' gift to choose to do so where they could demonstrate exceptional circumstances, led the Council to review its strategic approach."*

*In addition, the Council was also mindful that the delay to plan preparation meant that the Strategic Growth Study (2018) on which the previous 4,000 home contribution was directly informed, was no longer up to date and therefore could not be relied to justify at the strategic level the previously proposed plan target and level of Green Belt release."*

- 3.13. However, the updates to the NPPF do not nullify the previous position that a 4,000-home contribution was required for soundness. Furthermore, the updates to the NPPF do not negate the established position that the unmet needs of the GBBCHMA are an exceptional circumstance to alter Green Belt boundaries. Indeed, the Council are still justifiably relying on this as an exceptional circumstance for Green Belt release (albeit limited to the Tier 1 settlements). In addition, irrespective of whether the Council consider the Strategic Growth Study 2018 to be out of date, it is still appropriate to contribute towards the unmet needs

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<sup>12</sup> EDNA, para 7.30

<sup>13</sup> As per NPPF, para 35(a), 35(b) and 35(c)

<sup>14</sup> And repeated in the Spatial Housing Topic Paper (2024) at para 2.4 and 2.5



of the GBBCHMA. Indeed, the Council are still proposing to assist with addressing unmet housing needs (albeit reduced to 640-homes).

3.14. A reduction in the contribution largely defers the issue of addressing unmet needs to other authorities within the GBBCHMA who are not as far advanced in their plan-making process. Evidence also points towards a worsening situation of the significant housing shortfalls within the GBBCHMA which have increased, not decreased, since the first Publication Plan to:

- Shortfall in Birmingham – 78,415 homes<sup>15</sup>
- Shortfall in Wolverhampton – 11,413 homes to 2042
- Shortfall in Sandwell – 18,606 homes to 2041
- Shortfall in Dudley – 1,078 homes to 2041
- Shortfall in Walsall – updated published figures have not been confirmed albeit previously stood at 8,761 to 2039<sup>16</sup>.

3.15. A higher contribution towards the unmet needs of the GBBCHMA would be a positive approach, justified, and more effective in addressing the cross-boundary issue of unmet housing needs. The district is more than capable of making a higher contribution towards the unmet needs of the GBBCHMA through the allocation of additional land.

#### *Monitoring*

3.16. This policy should have a clear requirement within it to ensure the Council undertake regular annual monitoring of housing delivery and set out what actions will be taken if housing delivery is slow to progress or drops below a five-year supply, which in our view should trigger a full review of the Local Plan. This will be critical if no further unmet needs from the GBBCHMA are to be met and no additional allocations are made.

## **Omission of Safeguarded Land**

3.1. National policy says:

***“Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”<sup>17</sup>.***

3.2. In this instance the Council have identified a requirement to review the Green Belt boundaries and have done so in their Green Belt Review 2019. The Council have also chosen to alter the Green Belt boundaries in the Publication Plan as there are exceptional circumstances to do so.

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<sup>15</sup> Duty to Cooperate Topic Paper (2024), para 5.3

<sup>16</sup> Spatial Housing Strategic Topic Paper (2024), Appendix 1, para 4.8

<sup>17</sup> As per NPPF, para 145



3.3. National policy also says that:

***“When defining Green Belt boundaries, plans should...c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”<sup>18</sup>.***

3.4. The development needs beyond the plan period are not accounted for in the Publication Plan. For soundness, we consider that the Council need to identify the longer-term development needs beyond the plan period, and if necessary, identify areas of safeguarded land. As things stand, we do not consider that the omission of safeguarded land has been justified.

3.5. Failing to consider long term development needs runs the risk that Green Belt boundaries would need to be reviewed again during the next Local Plan review. This risk could be negated if long term needs are understood and, as required, land is safeguarded now.

3.6. Safeguarded land can also be used to provide flexibility and security during the plan period, by allowing its allocation during Local Plan reviews in response to poor housing delivery and / or changing housing needs, for instance. This is the approach taken in the adopted development plan documents and is the approach taken in other sound Local Plans such as that in West Lancashire.

## **Site Allocations**

### **Policy SA3: Housing Allocations**

3.7. The policy lists the housing allocations proposed in the Publication Plan. However, if the housing requirement at Policy DS4 is increased for soundness, then more housing allocations would need to be identified.

3.8. The policy includes Site 536a as a housing allocation. We fully support the identification of this site as a housing allocation. The accompanying proforma at Appendix C of the Publication Plan provides further details of the housing allocation, which for ease of reference is reiterated below.

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<sup>18</sup> As per NPPF, para 148



Site Reference	536a	Village	Great Wyrley
Minimum capacity	84 dwellings	Address	Land off Holly Lane
Site area	4 Ha	Proposed Use	Housing
<p>Please note: You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p> <p>KEY</p> <ul style="list-style-type: none"> <li>Green Infrastructure</li> <li>Development Boundary</li> <li>Green Belt</li> <li>Housing Site Allocations</li> </ul> <p>Scale 1:2,500</p> <p>Loades PLC &amp; Land off Holly Lane Ref: 638 &amp; 536a</p> <p>© Crown copyright and database rights 2021 Ordnance Survey 100019681</p>			
Key requirements	<ul style="list-style-type: none"> <li>• Deliver on site drop off parking to serve Landywood Primary School.</li> <li>• Deliver on site specialist older persons housing.</li> <li>• Any historic environment mitigation for the site, as identified in the council's Historic Environment Site Assessment Stage 2 (2022), including retention and enhancement of tree and hedgerow boundaries bordering the site and any mitigation required as a result of archaeological investigations.</li> <li>• Reinforce landscaping on southern site edge to provide a defensible boundary.</li> <li>• Any relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards.</li> </ul>		
Proposed access / active travel measures	Provide vehicular and pedestrian access via Holly Lane		

Source: Publication Plan, Appendix C

- 3.9. Our Illustrative Masterplan clearly shows how each of the requirements of the housing allocation can be achieved including new homes, drop-off parking, specialist older persons housing, retention and enhancement of tree and hedgerow boundaries, reinforced landscaping on the southern site edge to provide a defensible boundary, and vehicle and pedestrian access via Holly Lane.
- 3.10. That said, the provision of specialist older persons housing and drop-off parking has implications for the viability of the site. Whilst there is no suggestion that these elements cannot be delivered, it is relevant to note that the Council's evidence suggests that the site





may only be viable with a slightly reduced affordable housing provision, pending further detail being provided at the application stage<sup>19</sup>.

- 3.11. We also make a couple of suggestions to the wording of the key requirements.
- 3.12. Firstly, the wording of third bullet point should be amended as follows to prevent ambiguity<sup>20</sup>:

***“Any historic environment mitigation for the site, as identified in the Council’s Historic Environment Site Assessment Stage 2 (2022), including retention and enhancement of tree and hedgerow boundaries bordering the site and, if required, archaeological mitigation”.***

- 3.13. The requirements for potential archaeological mitigation including a desk-based assessment and field evaluation will be dependent upon the finalised development scheme for which an application would be submitted. This is noted in the HESA (2022). The requirement for archaeological mitigation, or otherwise, is still to be determined and we consider that the wording of the third bullet point should be amended to make that clear as we have suggested above.
- 3.14. Secondly, the last bullet point should be removed to avoid unnecessary duplication of policy requirements that appear elsewhere in the Publication Plan<sup>21</sup>.

## Delivering the Right Homes

### Policy HC1: Housing Mix

- 3.15. The policy states that on major development housing sites (excluding sites exclusively provided for self-build or custom housebuilding), the market housing must include a minimum of 70% of properties with 3 bedrooms or less, 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. The policy also states that 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.
- 3.16. We do not consider that the lack of flexibility in these parts of the policy is justified<sup>22</sup>.
- 3.17. The most suitable and appropriate manner to assess housing mix is by determination of the market at the time of submission of a planning application, rather than at the point of adoption of the Local Plan. Furthermore, needs and demand will vary from area to area and site to site. Indeed, there may be instances when a site is wholly suitable for a different housing mix than currently prescribed by the policy.

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<sup>19</sup> The Homes for Older and Disabled People Topic Paper (2024), para 3.35

<sup>20</sup> As per NPPF, para 16(d)

<sup>21</sup> As per NPPF, para 16(f)

<sup>22</sup> As per NPPF, para 35(b)



- 3.18. It is justified to allow for a level of flexibility within these parts of the policy and to do otherwise could have a knock-on impact on effective housing delivery.

**Policy HC3: Affordable Housing**

- 3.19. The policy says that the affordable housing contribution should be broken down using the ratio of 25% First Homes, 50% social rent, and 25% shared ownership.
- 3.20. We do not consider that the lack of flexibility within this part of the policy is justified<sup>23</sup>.
- 3.21. Different proportions of social rent and shared ownership should be allowed to come forward, based on the latest evidence of need at the time of making a planning application. The shared ownership definition should also be broadened so that it encapsulated all other affordable routes to home ownership in line with the NPPF definition.
- 3.22. It is justified to allow for a level of flexibility within with part of the policy and to do otherwise could have a knock-on impact on effective housing delivery.
- 3.23. The policy also says that the Council will consider what local eligibility criteria should be implemented for the delivery of First Homes and detail these in the Affordable Housing SPD. We refer your attention to our representations on the First Homes local eligibility criteria (**Appendix 2**).

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

- 3.24. This policy requires all major developments to ensure 100% of both the market and affordable housing meets the higher access standards Part M4(2) Category 2: Accessible and adaptable dwellings of Building Regulations.
- 3.25. We do not consider that this policy is justified<sup>24</sup>.
- 3.26. Part M4(2) is an optional standard. It is for the Council to demonstrate the need for Part M4(2), with Planning Practice Guidance (PPG) providing details on what factors can be considered<sup>25</sup>.
- 3.27. The Housing Market Assessment Update (2022) identifies a total need of 3,978 units in the district to meet the Part M4(2) standard by 2040. This is split into just over 3,000 in the general housing stock, and almost 1,000 in supported housing. However, this figure does not take account of the accessibility and adaptability of existing housing stock. It is noted in the Homes for Older and Disabled People Topic Paper (2024) that the contribution from the existing housing stock is likely to be very low. However, the topic paper also notes that it is not possible to demonstrate this, owing to the lack of data available.
- 3.28. It is justified to allow for a level of flexibility within the policy and to do otherwise could have a knock-on impact on effective housing delivery.

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<sup>23</sup> As per NPPF, para 35(b)

<sup>24</sup> As per NPPF, para 35(b)

<sup>25</sup> Paragraph: 007 Reference ID: 56-007-20150327



### **Policy HC8: Self-build and Custom Housebuilding**

- 3.29. The policy says that major developments will be required 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, and that the Council may require a design code for development of the plots.
- 3.30. We do not consider that this part of the policy is justified<sup>26</sup>.
- 3.31. The need for self and custom build plots is relatively low<sup>27</sup>. The blanket approach of the policy, which is not necessary owing to the low demand, is likely to frustrate the delivery of regular housing particularly for volume housebuilders whose approach may not always be compatible with self-building. This part of the policy should be removed and instead the Council should consider alternative approaches such as allocations for self and custom build plots or opportunities on public land.

### **Policy HC10: Design Requirements**

- 3.32. Criteria a) of the policy requires development proposals to reflect relevant requirements in the latest South Staffordshire Design Guide SPD, relevant national and local design codes and Conservation Area Management Plans. These documents are material considerations and should, if necessary, be listed as key documents beneath the policy rather than in the policy itself since their content are not being scrutinised as part of this Local Plan process.
- 3.33. Criteria c) requires development proposals to incorporate tree lined streets, particularly along primary highways routes through the site. An element of flexibility needs to be drafted into the wording of the policy to reflect national policy and take account of the fact that there may be specific cases why this would be inappropriate<sup>28</sup>.
- 3.34. Criteria l) requires development proposals to provide a range of house sizes, types and tenures in accordance with Policy HC1. It should be removed to avoid unnecessary duplication of policy requirements that appear elsewhere in the Publication Plan<sup>29</sup>.

### **Policy HC12: Space about Dwellings and Internal Space Standards**

- 3.35. The policy says that all new residential developments must meet or exceed the government's Technical Housing Standards – Nationally Described Space Standard (2015) or subsequent editions.
- 3.36. We do not consider that this policy is justified<sup>30</sup>.
- 3.37. NDSS is an optional standard. It is for the Council to provide justification for requiring the internal space policy, with PPG providing details on what factors should be considered<sup>31</sup>.
- 3.38. The Internal Space Standards Topic Paper (2024) notes that not all property types delivered since the optional standard was introduced meet the standard. This does not

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<sup>26</sup> As per NPPF, para 35(b)

<sup>27</sup> Publication Plan, para 7.20

<sup>28</sup> As per NPPF, para 136, footnote 53

<sup>29</sup> As per NPPF, para 16(f)

<sup>30</sup> As per NPPF, para 35(b)

<sup>31</sup> Paragraph: 020 Reference ID: 56-020-20150327



demonstrate the need for the policy. What it demonstrates is that these property types have been deemed acceptable in the past, all matters considered. The topic paper also notes that Registered Providers have in the past declined invitations to bid for affordable homes, due to their design and lack of sufficient internal space. However, a policy which requires all new homes to meet the standard is not necessary to address that issue, as clearly not all homes in the district will be delivered by Registered Providers.

- 3.39. It is justified to allow for a level of flexibility within the policy and to do otherwise could have a knock-on impact on effective housing delivery.

#### **Policy HC18: Sports Facilities and Playing Pitches**

- 3.40. The policy says that all new major residential development will make a contribution towards sports facilities and playing pitches which will be secured through a S106 agreement and informed by the latest Sport Facilities and Playing Pitch Strategies.
- 3.41. We do not consider that this policy is consistent with national policy<sup>32</sup>.
- 3.42. We note that the Future Housing Growth & Playing Pitch Requirements Topic Paper (2024) identifies current and projected shortfalls in provision. However, this may not necessarily be the case in the future, particularly when the shortfalls are minimal for the most part.
- 3.43. We consider that the policy needs rewording so that it requires a contribution only when it is demonstrably necessary, so that it is consistent with national policy and meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

## **Protecting and Enhancing the Natural Environment**

#### **Policy NB2: Biodiversity**

- 3.44. The policy says that all new development must provide a minimum of 10% biodiversity net gain. The policy should be reworded so that this is clear which developments are exempt from the requirements, in line with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 3.45. The policy also says that proposals must demonstrate the measurement of biodiversity net gain through the submission of the biodiversity metric. However, the post-development habitat value only needs to be demonstrated through the biodiversity metric after approval. The policy should be reworded so it is clear what information needs to be submitted and when, in line with the requirement of the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.

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

- 3.46. Turley have considered this policy in detail on behalf of Miller, and their representations have been provided (**Appendix 3**). For soundness, amendments are proposed to the wording of the policy so that:

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<sup>32</sup> As per NPPF, para 57 and para 35(d)



- Reference to unregulated energy is removed;
- Energy efficiency and renewable energy targets are removed;
- Timeframes are incorporated for the spending of offsetting obligations; and,
- Post occupancy evaluation is for a sample size of 10% of homes.

3.47. In addition, the viability of the requirements of the policy needs to be considered for it to be justified and ultimately sound.

#### **Policy NB6C: Embodied Carbon and Waste**

3.48. Turley have considered this policy in detail on behalf of Miller, and their representations on this policy have been provided (**Appendix 3**). For soundness, amendments are proposed to the wording of the policy so that:

- Embodied carbon is reduced only where feasible and viable to do so; and,
- Fixed targets for limiting embodied carbon are removed.

### **Monitoring**

3.49. The plan says that the main mechanism for reporting monitoring will be via the Authority Monitoring Report (AMR) published annually. We agree that the principal mechanism should be the AMRs. However, we do urge these to be updated in a timely and consistent format each year to allow effective monitoring and the ability to notice trends in certain areas, such as housing delivery.

3.50. As noted under our comments to Policy DS4, there must be a policy commitment within the Local Plan to undertake this monitoring in light of the fact that it is no longer a legal requirement to do this.

3.51. The plans also says that the monitoring framework will play an integral role in providing an understanding of whether a review of the Local Plan is needed. However, there is a notable omission of any trigger points within the monitoring framework that would prompt the requirement for a Local Plan review. As such, we do consider that the monitoring framework will be ineffective. To address this, the monitoring framework needs to include trigger points for a review of the Local Plan, for example, if housing delivery falls below a certain level.

## 4. Conclusions

4.1. Our conclusions on the soundness of the Publication Plan are summarised as follows.

Local Plan	Sound	Actions Required for Soundness
Policy DS4: Development Needs	The policy is unsound on the basis that it has not been demonstrated that it is positively prepared, justified, or effective, and thereby complies with paragraph 35(a), 35(b), and 35(c) the NPPF in terms of soundness.	Increase housing requirement to align with economic growth and make a higher contribution towards the unmet needs on the GBBCHMA and include monitoring within the policy.
Omission of Safeguarded Land	The omission of safeguarded land is unsound on the basis that it has not been demonstrated that this approach is consistent with national policy (para 148(c) of the NPPF), and thereby complies with paragraph 35(d) of the NPPF in terms of soundness.	Consider longer-term development needs beyond the plan period and, if necessary, identify areas of safeguarded land.
Policy SA3: Housing Allocations	The policy lists the housing allocations proposed in the Publication Plan including Site 536a. We fully support the identification of this site as a housing allocation. However, we ask that the proforma at Appendix C is amended so that it is consistent with national policy (para 16(d) and 16(f) of the NPPF) and thereby complies with paragraph 35(d) of the NPPF in terms of soundness.	Minor amendments to wording of proforma at Appendix C.  If the housing requirement at Policy DS4 is increased for soundness (as we consider it should be) then more housing allocations would need to be identified.
Policy HC1: Housing Mix	Parts of the policy are unsound on the basis that it has not been demonstrated that they are justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Amend policy to allow for a flexible approach to housing mix.
Policy HC3: Affordable Housing	Parts of the policy are unsound on the basis that it has not been demonstrated that they are justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Amend policy to allow for a flexible approach to affordable housing tenure (social rent and shared ownership).
Policy HC4: Homes for Older People and Others with Special Housing Requirements	The policy is unsound on the basis that it has not been demonstrated that it is justified and thereby complies with paragraph 35(b) of the NPPF in terms of soundness.	Amend policy to allow for a flexible approach to Part M4(2).
Policy HC8: Self-build and Custom Housebuilding	Parts of the policy are unsound on the basis that they have not been demonstrated to be justified and thereby comply with paragraph 35(b) of the NPPF in terms of soundness.	Remove part of the policy which says that major developments will be required 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.



Policy HC10: Design Requirements	The policy is unsound on the basis that it has not been demonstrated that it is consistent with national policy (para 136 and 16(f) of the NPPF) and thereby complies with paragraph 35(d) of the NPPF in terms of soundness.	Amend policy to be consistent with national policy.
Policy HC12: Space about Dwellings and Internal Space Standards	The policy is unsound on the basis that it has not been demonstrated that it is justified and thereby complies with paragraph 35(b) of the NPPF in terms of soundness.	Amend policy to allow for a flexible approach to NDSS.
Policy HC18: Sports Facilities and Playing Pitches	The policy is unsound on the basis that it has not been demonstrated that it is consistent with national policy (para 57) and thereby complies with paragraph 35(d) of the NPPF.	Amend policy to be consistent with national policy.
Policy NB2: Biodiversity	The policy is unsound on the basis that it has not been demonstrated that it is consistent with the with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, and the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.	Amend policy to be consistent with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, and the Environment Act 2021 as inserted into the Town and Country Planning Act 1990.
Policy NB6A: Net Zero New Build Residential Development (Operational Energy)	The policy is unsound on the basis that it has not been demonstrated that it is justified and consistent with statement of national policy and thereby complies with paragraph 35(b) and 35(d) of the NPPF.	Amend policy as suggested (see <b>Appendix 3</b> ).
Policy NB6C: Embodied Carbon and Waste	The policy is unsound on the basis that it has not been demonstrated that it is justified and consistent with statement of national policy and thereby complies with paragraph 35(b) and 35(d) of the NPPF.	Amend policy as suggested (see <b>Appendix 3</b> ).
Monitoring	Will not be effective.	Including trigger points for a review of the Local Plan, for example, if housing delivery falls below a certain level.



# Appendix 1 – Representations on the first Publication Plan





## **Appendix 2 – Representations on First Homes Local Eligibility Criteria**



## **Appendix 3 – Turley Representations on Policies NB6A and NB6C**

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

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