

Save the Lower Penn Green Belt (action group)

Langley Hall
Langley Road
Lower Penn
WV4 4XU
(Registered group address)

Representations to South Staffordshire District Council's emerging Local Plan Review: Publication Plan (Regulation 19) (April 2024) public consultation.

The Save the Lower Penn Green Belt Group (SLPG) consists of 895 members. The group members include residents both within the Parish of Lower Penn and the surrounding area. This document is our response to object to the South Staffordshire District Council's Local Plan Review: Publication Plan (Regulation 19 Consultation) (April 2024). This representation from The Save the Lower Penn Green Belt Group (SLPG) should be considered alongside our representation submitted to South Staffordshire District Council in response to emerging Local Plan Review: Draft Publication Stage Report (Regulation 19) (November 2022) public consultation.

Representations to the South Staffordshire District Council's Local Plan Review –Publication Plan (Regulation 19) (April 2024) public consultation - Comment Form

Part A – Personal Details

South Staffordshire District Council's emerging Local Plan Review – Publication Plan Stage Public Consultation Report (Regulation 19) (April 2024)		
	1 Personal details	2. Agent's details (if applicable)
Title	MR	Not Applicable
First name	Nigel	As above
Last name	McDonald	-
Job Title <i>(where relevant)</i>	Chairman	-
Organisation <i>(where relevant)</i>	Save The Lower Penn Green Belt group	-

House No./Street/ Town	Langley Hall Langley Road Lower Penn	-
Post code	WV4 4XU	-
Telephone number	██████████	-
E-mail address	██████████	-

Please indicate which of these best describes you / your role in responding to this consultation

Resident or Individual	
Planning Agent or Consultant	
Developer or Investor	
Landowner	
Local Business	
Land and Property Agent or Surveyor	
Local Authority	
Public service provider. e.g. education establishment, health, etc	
Public agency / organisation	
Community or other Organisation	X
Local Resident	
Statutory Consultee	
Charity	
Other (please specify in space below):	

Type of Representation: Is this Representation supporting or objecting to South Staffordshire District Council’s emerging Local Plan Review Publication Plan Stage “Public Consultation” Report (Regulation 19) (April 2024)?

Supporting		Objecting	X
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Date	29 th May 2024
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Part B – Please use a separate sheet for each representation

Name of organisation submitting representation	Save the Lower Penn Green Belt Group
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3. To which part of the Local Plan relate?	
Paragraph	
Policy	
Policies Map	

4. Do you consider the Plan is:					
(1) Legally compliant		Yes		No	X
(2) Sound		Yes		No	X
(3) Complies with the duty to co-operate		Yes		No	X

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.

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See our Representation below.

(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.

See our Representation below.

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

The Save the Lower Penn Green Belt has considerable concerns that the Council's Publication Plan (Regulation 19) (April 2024) public consultation report is an unsound plan, is insufficiently robust and is failing the various tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents a to d) of the Revised NPPF (December 2023).

As a key stakeholder, we object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation.

We have concerns that South Staffordshire District Council's Planning Policy Team is forcing through and proposing huge levels of unsustainable and environmentally damaging patterns of new housing, employment land and gypsy and traveller pitches development across the South Staffordshire District, and is therefore not promoting the most environmentally sustainable patterns of development across the district, in direct conflict with the 'Sustainability' test of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indent d) of the Revised NPPF (December 2023).

In summary we have concerns that the Local Plan has not been Positively Prepared, the housing numbers and release of the Green Belt is Not Justified, and is inconsistent with National Policy, these issues are covered in further detail within this wider Representations Statement.

The Local Plan was reviewed in conjunction with the Revised NPPF publication in December 2023 which updated national policy relating to the Green Belt. As South Staffs predominantly consists of Green Belt land it was important to reflect this policy change in the plan and we welcome SSDC's amendment to the Local Plan in an attempt to reflect this change of policy.

We welcome South Staffordshire District Council's removal of several Green Belt site allocations from the plan that had previously been allocated against the housing need of the wider Black Country authorities from the April 2024 Local Plan.

We also agree with the capacity led approach as defined in Spatial Option I, focusing growth on sustainable non-Green Belt sites and limited Green Belt development in Tier 1 settlements well served by public transport (paragraph 5.14).

Whilst we welcome the reduction in housing numbers too much Green Belt land still risks being lost to development within the South Staffordshire and the proposed Publication Stage Report (April 2024) is failing the 'Sustainability' test of Soundness as set out in paragraph 35 (indent d) of the Revised NPPF (December 2023), due to SSDC's continued failure to promote the most sustainable patterns of new housing

development across the district.

Housing Target

Whilst we consider that South Staffordshire's own housing need of 4086 dwellings over the 2023-2041 period (paragraph 5.21) may be justified based on the work we've carried out prior to our previous November 2022 Regulation 19 submission, we do not consider that the 'Exceptional Circumstances' required to justify development in the Green Belt as defined by the updated NPPF have been met to build a further 640 dwellings towards the unmet needs of the GBBCHMA. These additional 640 dwellings under the 'duty to cooperate' haven't been fully justified either by SSDC or the GBBCHMA. The Local Planning Authority is therefore taking forward an insufficiently robust and unsound Local Plan Review forward, in direct conflict with the tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – the plan is not based on proportionate evidence)

Green Belt

The NPPF gives fundamental protection of the Green Belt and its updated guidelines states at paragraph 145 'Once established there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated.'

The land around Lower Penn prevents the unrestricted sprawl of the Wolverhampton conurbation and assists in forcing the regeneration of Wolverhampton 'by encouraging the recycling of derelict and other urban land', preventing 'neighbouring towns merging' and it assists in 'safeguarding the countryside from encroachment', all of which serve the NPPF defined purpose of the Green Belt. The Green Belt in Lower Penn therefore holds significant value in fulfilling the fundamental aim of the Green Belt, it should be retained as such and we support SSDC removing Lower Penn from the Local Plan site allocations.

Lower Penn

Lower Penn has been classified as a tier 5 village in the SSDC key evidence document The Rural Services and Facilities Audit 2021. Tier 5 villages are classified as such due to their poorer sustainability credentials, poorer public transport links and lack of services and facilities relative to other settlements within the district. Our group agrees with this strategy and finds it sound as it aligns with NPPF guidelines however there's been a lack of clarity regarding what land constitutes being within the curtilage of Lower Penn. For the purpose of this submission we expect Lower Penn to be classified as being within the postcode boundary of Lower Penn and our group supports the Local Plans removal of Tier 5 villages from the plan (paragraph 2.8)

Neighbourhood Planning

South Staffordshire currently only has one adopted Neighbourhood Plan however there are several other neighbourhood plans being advanced within South

Staffordshire. South Staffordshire should encourage and support Parishes, both technically and financially, to create and adopt their own neighbourhood plan whereby local people can have a stronger say relating to planning policy within their local community thereby promoting a stronger community identity and shared vision within their local area.

Duty to Co-operate

We do not consider that having to accommodate neighbouring authorities' unmet housing need, due to a 'Duty to Cooperate', amounts to the 'Exceptional Circumstances' required to justify development within the Green Belt. The NPPF now supports this stating there is no need for Green Belt boundaries to be reviewed or changed when plans are being prepared. The inclusion of these 640 houses on the basis of a Duty to Cooperate is in direct conflict with the tests of 'Soundness' for Local Plan preparation as reinforced within paragraph 35 (indents b – the plan is not based on proportionate evidence) and paragraph 35 (indent d – the plan's continued failure to promote the most sustainable patterns of development) of the Revised NPPF (December 2023).

Gypsy and Travellers Sites

The Local plan intends to deliver a huge number of 162 new gypsy and traveller pitches during the term of the Plan up until the year 2042, as a key stakeholder we believe that this number of additional pitch numbers is excessive and unsustainable for a rural county. The potential implication for small rural village settlements which lack the range of services, facilities and highway infrastructure necessary to accommodate this proposed scale of growth in pitch numbers is concerning. The residential amenity impacts on the existing settled population will be considerable and these additional pitches would be better cited within an urban environment. We agree that future Gypsy and Traveller sites within this district should be met wherever possible by extensions or site layout changes to existing gypsy and traveller sites (paragraph 6.40).

Despite SSDC having researched all potential options on both public and private land that could be made available for gypsy and traveller sites (paragraph 6.41), we do not consider that the 'Exceptional Circumstances' required to justify development in the Green Belt, as defined by the updated NPPF, have been met to justify any new traveller sites. Any new green field traveller sites would have a negative impact upon the openness of the Green Belt.

Consultation Community Engagement

We have concerns that the communication of the Local Plan is failing the residents of South Staffordshire. In a District which has a predominantly aging population too much reliance has been placed on using social media and the council's own website to promote the Local Plan. We have concerns in relation to the use of the Consultation Portal (Opus Consult) Local Plan consultation system which is being used by the Council's Planning Policy Team to support Local Plan preparation. As a

key stakeholder we maintain our view that the Local Plans Consultation Portal (Opus Consult) is unclear and highly confusing for members of the public. The Consultation Portal is not fit-for-purpose and fails to deliver an “effective” public consultation approach. There was no direct consultation to each householder by way of written communication and as such public consultation and engagement has been poor and has placed the public and stakeholders at a disadvantage when trying to understand and engage with the Local Plan. SSDC have failed in their approach in that documents have been difficult to find and many members of the community have not been adequately engaged. The approach that SSDC has taken does not comply with the NPPF guidelines reinforced within paragraph 16 (indent c) of the Revised National Planning Policy Framework (NPPF) (December 2023) "...Plans should (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

West Midlands Freight Interchange (paragraph 2.3)

As stakeholders we have concerns about the size and location of the West Midlands Freight Interchange (WMI). We have concerns relating to the adverse environmental impact of this major transport infrastructure scheme within our rural county. We have concerns relating to the impact this proposed development will have on the landscape, wildlife habitat and air quality given the huge number of heavy goods vehicle traffic that this scheme will generate. We also have concerns about the increased congestion on local roads and the damage that the increase in heavy goods traffic will do to our already poor quality road surfaces. The West Midlands Freight Interchange proposals conflict with South Staffordshire District Council's Climate Change Strategy (2020) and the proposal demonstrates a lack of joined up thinking on behalf South Staffordshire District Council's Planning Policy Team as they promote inappropriate, highly damaging and unsustainable patterns of major new development across the district, contrary to paragraphs 7, 8, 10, 11, 16 (indent a), 35 (indent d), 38, and 157 - 159 of the Revised NPPF (December 2023).

Battery storage facilities (BES)

Although the proliferation of planning applications for lithium battery storage facilities within Green Belt land is neither for housing nor employment, consideration of the location of these facilities should be included within the Local Plan, as reinforced by Paragraph 38 of the Revised NPPF (December 2023) which expects LPA's to: "...use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area..."